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Introduction

A. ABOUT THE GBHA ACOP AND THE PUBLIC HOUSING LEASE

GBHA policy must be consistent with the public housing lease and any policy documents provided to tenants, and the lease and policy documents must comply with federal and state law.

The GBHA ACOP contains policies that reflect the terms of the public housing lease. Policies on a particular topic may be included in the public housing lease, or may be a separate document incorporated in the lease by reference, such as the pet policy or transfer policy.

Because of variations in state and local landlord-tenant law, and because HUD affords the GBHA discretion in some areas, a broad range of policies are acceptable.

B. REFERENCES CITED IN THE MODEL ACOP

Authority for GBHA policies is derived from many sources. Primary among these sources are regulation s and guidance issued by HUD. State law also directs GBHA policy. State law must be followed where such law exists and does not conflict with federal regulations. In the absence of legal requirements or HUD guidance, industry practice may lead to GBHA policy. Finally, the public housing lease will affect GBHA policy and therefore must be consistent with federal and state laws and regulations.

HUD

HUD provides the primary source of GBHA policy through federal regulations, HUD notices and handbooks. Compliance with federal regulations, current HUD notices and HUD handbooks is mandatory.

HUD provide non-mandatory guidance to the GBHA through HUD published guidebooks. Expired HUD notices and handbooks also provide guidance for GBHA policy. Following HUD guidance is optional, as long as the GBHA policies comply with federal law, federal regulations and mandatory policy. Because HUD has already determined that the guidance it provides is consistent with mandatory policies, GBHA reliance on HUD guidance provides the GBHA with a “safe harbor.”

Content contained on the HUD website can provide further clarification of HUD policies. For example, FAQs on the HUD website can provide direction on the application of federal regulations to a specific pattern.

State Law

Where there is no mandatory federal guidance, the GBHA must comply with state law, if it exists. Where state law is more restrictive than federal law, but does not conflict with it, the GBHA should follow the state law.

Industry Practice

Where no law or HUD authority exists on a particular subject, industry practice may support GBHA policy. An industry practice is a way of doing things that is followed by most housing authorities.

C.RESOURCES CITED IN THE GBHA ACOP

The GBHA ACOP cites several documents. Where a document or resource is cited frequently, it may be abbreviated. Where it is cited only once or twice, the ACOP may contain the entire name of the document or resource. Following is a key to abbreviations used for various sources that are frequently cited in the ACOP and a list of references and document locations that are referenced in the GBHA ACOP.

Abbreviations
Throughout the ACOP, abbreviations are used to designate certain documents in citations. The following is a table of abbreviations of documents cited by the GBHA ACOP.

Abbreviation	Document
CFR	Code of Federal Regulations
HCV GB	Housing Choice Voucher Program Guidebook (7420.10G), April 2001
HUD-50058 IB	HUD-50058 Instruction Booklet
PH OCC GB	Public Housing Occupancy Guidebook, June 2003
RHIIP FAQs	Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions
VG	Verification Guidance, March 2004 (attachment to PIH Notice 2004-1)

Resources and Where to Find Them
Following is a list of resources helpful to the GBHA or referenced in the ACOP, and the online location of each.

Document and Location
Code of Federal Regulations http://www.ecfr.gov
Earned Income Disregard FAQs http://www.hud.gov/offices/pih/phr/about/ao_faq_eid.cfm
Enterprise Income Verification (EIV) System PHA Security Procedures, Version 1.2, issued January 2005 http://www.hud.gov/offices/pih/programs/ph/rhiip/docs/eivsecguidepha.pdf
Executive Order 11063 http://www.hud.gov/offices/fheo/FHLaws/EXO11063.cfm
Federal Register http://www.gpo.gov/fdsys/search/getfrtoc.action
General Income and Rent Determination FAQs http://www.hud.gov/offices/pih/programs/ph/rhiip/faq_gird.cfm
Housing Choice Voucher Program Guidebook (7420.10G), April 2001 http://www.hud.gov/offices/pih/programs/hcv/forms/guidebook.cfm
HUD-50058 Instruction Booklet http://portal.hud.gov/hudportal/documents/huddoc?id=50058i.pdf
Joint Statement of the Department of Housing and Urban Development and the Development of Justice, issued May 17, 2004 http://www.hud.gov/offices/fheo/library/huddojstatement.pdf
Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007 http://www.hud.gov/offices/fheo/promoting fh/FederalRegistepublishedguidance.pdf
Notice PIH 2007-27 (HA), Disallowed Costs and Sanctions Resulting from On-Site Monitoring Reviews http://www.hud.gov/offices/pih/publications/notices/07/pih2007-27.pdf
Notice PIH 2012-10, Verification of Social Security Numbers (SSNs) and Supplemental Security Income (SSI) Benefits; and Effective Use of the Enterprise Income Verification (EIV) System's Identity Verification Report http://portal.hud.gov/huddoc/pih2012-10.pdf
Notice PIH 2010-19, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System http://www.hud.gov/offices/pih/publications/notices/10/pih2010-19.pdf
Notice PIH 2010-26 (HA), Nondiscrimination and Accessibility Notice

http://www.hud.gov/offices/pih/publications/notices/10/pih2010-26.pdf
OMB Circular A-133 http://www.whitehouse.gov/omg/circulars/a133_compliance_supplement_2010
Public Housing Occupancy Guidebook, June 2003 http://www.hud.gov/offices/pih/programs/ph/rhiip/phguidebook.cfm
Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions http://www.hud.gov/offices/pih/programs/ph/rhiip/faq.cfm
VAWA Reauthorization Act of 2013 http://www.gpo.gov/fdsys/pkg/FR-2013-08-06/pdf/2-13-18920.pdf
Verification FAQs https://www.hud.gov/offices/pih/prgorams/ph/rhiip/faq_verif.cfm
Verification Guidance, March 2004 (attachment to Notice PIH 2004-1) http://www.hud.gov/offices/pih/publications/notices/04/verifguidance.pdf

The HUD website is http://portal.hud.gov/hudportal/HUD

Guidebooks, handbooks, and other HUD resources may be found at the HUDClips website:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips

Chapter 1
OVERVIEW OF THE PROGRAM AND PLAN

INTRODUCTION

The Housing Authority of the City of Green Bay (GBHA) receives its operating subsidy for the public housing program from the Department of Housing and Urban Development (HUD). The GBHA is not a federal department or agency. A public housing agency (PHA), such as the GBHA, is a governmental or public body, created and authorized by state law to develop and operate housing and housing programs for low-income families. The terms "GBHA" and "PHA", from this point throughout the entirety of the ACOP, will be used interchangeably. The GBHA enters into an Annual Contributions Contract with HUD to administer the public housing program. The GBHA must ensure compliance with federal laws, regulations, and notices and must establish policies and procedures to clarify federal requirements and to ensure consistency in program operations.

This chapter contains information about the GBHA and its programs with emphasis on the public housing program. It also contains information about the purpose, intent and use of the plan.

There are three parts to this chapter:

> Part I: The Public Housing Agency (PHA). This part includes a description of the GBHA, its jurisdiction, its programs, and its mission and intent.
>
> Part II: The Public Housing Program. This part contains information about public housing operation, roles and responsibilities, and partnerships.
>
> Part III: The Admissions and Continued Occupancy (ACOP). This part discusses the purpose and organization of the plan and its revision requirements.

PART I: THE PHA

1-I.A. OVERVIEW

This part describes the GBHA's creation and authorization, the general structure of the organization, and the relationship between the GBHA board and staff.

1-I.B. ORGANIZATION AND STRUCTURE OF THE PHA

Public housing is funded by the federal government and administered by the Housing Authority of the City of Green Bay for the jurisdiction of the City of Green Bay, Wisconsin.

PHAs are governed by a board of officials that are generally called "commissioners". Although some PHAs may use a different title for their officials, this document will hitherto refer to the "board of commissioners" or the "board" when discussing the board of governing officials.

Commissioners are appointed in accordance with state housing law and generally serve in the same capacity as the directors of a corporation. The board of commissioners establishes policies under which the GBHA conducts business, and ensures that those policies are followed by the GBHA staff. The board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability and success.

Formal actions of the GBHA are taken through verbal motions and/or written resolutions, adopted by the board and entered into the official records of the GBHA.

The principal staff of the GBHA includes the executive director (ED) and the housing administrator (HA). The HA oversees the day to day operations of the GBHA and is directly responsible for carrying out the policies established by the commissioners. The HA's duties include hiring, training, and supervising the PHA's staff, as well as budgeting and financial planning for the agency. Additionally, the HA is charged with ensuring compliance with federal and state laws, and program mandates. The ED supervises and oversees the actions of the HA.

1-I.C. PHA MISSION

The purpose of a mission statement is to communicate the purpose of the agency to people inside and outside of the agency. It provides the basis for strategy development, identification of critical success factors, resource allocation decisions, as well as ensuring client and stakeholder satisfaction.

GBHA Policy

The GBHA's mission is to provide affordable housing to income eligible households through the administration of public housing resources in the City of Green Bay and through partnerships with private and not-for-profit developers.

1-I.D. THE PHA'S COMMITMENT TO ETHICS AND SERVICE

As a public service agency, the GBHA is committed to providing excellent service to all public housing applicants, residents, and the public. In order to provide superior service, the GBHA resolves to:

- Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.
- Provide decent, safe, and sanitary housing in good repair- in compliance with program uniform physical condition standards (UPCS)- for very low- and low-income families.
- Achieve a healthy mix of incomes in its public housing developments by attracting and retaining higher income families and by working toward de-concentration of poverty goals.
- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational, and other human services needs.
- Promote fair housing and the opportunity for very low- and low-income families of all races, ethnicities, national origins, religions, ethnic backgrounds, and with all types of disabilities, to participate in the public housing program and its services.
- Create positive public awareness and expand the level of family and community support in accomplishing the GBHA's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
- Administer an efficient, high-performing agency through continuous improvement of the GBHA's support systems and commitment to our employees and their development.

The GBHA will make every effort to keep residents informed of program rules and regulations, and to advise participants of how the program rules affect them.

PART II: THE PUBLIC HOUSING PROGRAM

1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM

The intent of this section is to provide the public and staff an overview of the history and operation of public housing.

The United States Housing Act of 1937 is responsible for the birth of federal housing program initiatives, known as public housing. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing for low-income residents. There have been many changes to the program since its inception in 1937.

The Housing Act of 1965 established the availability of federal assistance, administered through local public agencies, to provide rehabilitation grants for home repairs and rehabilitation. This act also created the federal Department of Housing and Urban Development (HUD).

The Housing Act of 1969 created an operating subsidy for the public housing program for the first time. Until that time, public housing was a self-sustaining program.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA)- also known as the Public Housing Reform Act or Housing Act of 1998- was signed into law. Its purpose was to provide more private sector management guidelines to the public housing program and provide residents with greater choices. It also allowed PHAs more remedies to replace or revitalize severely distressed public housing developments. Highlights of the Reform Act include: the establishment of flat rents; the requirement for PHAs to develop five-year and annual plans; income targeting, a requirement that 40% of all new admissions in public housing during any given fiscal year be reserved for extremely low-income families; and resident self-sufficiency incentives.

1-II.B. PUBLIC HOUSING PROGRAM BASICS

HUD writes and publishes regulations in order to implement public housing laws enacted by Congress. HUD contracts with the GBHA to administer programs in accordance with HUD regulations and provides an operating subsidy to the GBHA. The GBHA must create written policies that are consistent with HUD regulations. Among these policies is the GBHA's Admissions and Continued Occupancy Policy (ACOP). The ACOP must be approved by the board of commissioners of the GBHA.

The job of the GBHA pursuant to HUD regulations is to provide decent, safe, and sanitary housing, in good repair, to low-income families at an affordable rent. The GBHA screens applicants for public housing and, if they are determined to be eligible for the program, the GBHA makes an offer of a housing unit. If the applicant accepts the offer, the GBHA and the applicant will enter into a written lease agreement. At this point, the applicant becomes a tenant in the public housing program.

In the context of the public housing program, a tenant is defined as the adult person(s) who (1) executed the lease with the GBHA as lessee of the dwelling unit, or, if no such person now resides in the unit, (2) who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit [24 CFR 966.53]. The Public Housing Occupancy Guidebook refers to tenants as "residents". The terms "tenant" and "resident" are used interchangeably in this policy. Additionally, this policy uses the term "family" or "families" for residents or applicants, depending on context.

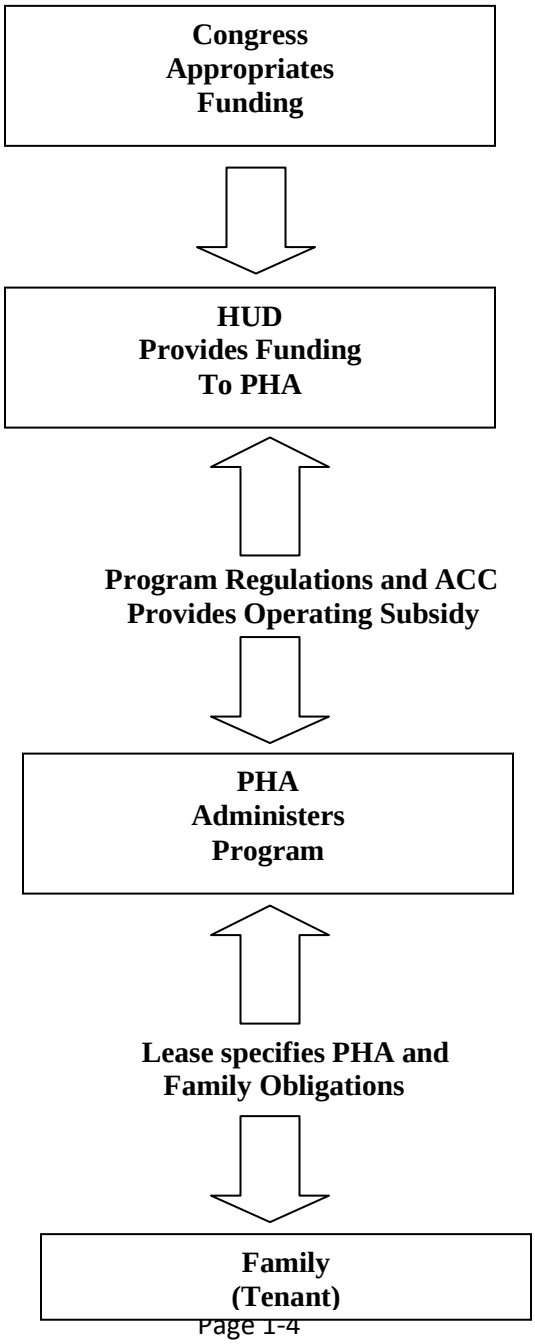
Since the GBHA owns the public housing development, the GBHA is the landlord. The GBHA must comply with all of the legal and management responsibilities of a landlord in addition to administering the program in accordance with HUD regulations and PHA policy.

1-II.C. PUBLIC HOUSING PARTNERSHIPS

To administer the public housing program, the GBHA must enter into an Annual Contributions Contract (ACC) with HUD. The GBHA also enters into a contractual relationship with the tenant through the public housing lease. These contracts define and describe the roles and responsibilities of each party.

In addition to the ACC, the GBHA and family must also comply with federal regulations and other HUD publications and directives. For the program to work and be successful all parties involved- HUD, the GBHA, and the tenant- play an important role.

The Public Housing Relationships



What does HUD do?
Federal law is the source of HUD responsibilities. HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices, and other guidance to implement housing legislation passed by Congress
- Allocate operating subsidies to PHAs
- Allocate capital funding to PHAs
- Provide technical assistance to PHAs on interpreting and applying program requirements
- Monitor PHA compliance with program requirements and PHA performance in program administration

What does the PHA do?
The GBHA's responsibilities originate in federal regulations and the ACC. The GBHA owns and manages public housing developments, administers the program under contract with HUD and has the following major responsibilities:

- Ensure compliance with all non-discrimination, equal opportunity, and fair housing laws, and ensure that the program is accessible to persons with disabilities
- Establish local policies and procedures for operating the program
- Accept applications from interested applicant families and determine whether they are income eligible for the program
- Maintain waiting list and select families for admission
- Screen applicant families for suitability as renters
- Maintain housing units by making any necessary repairs in a timely manner
- Make unit offers to families (minimize vacancies without overcrowding)
- Maintain properties to the standard of decent, safe, sanitary, and in good repair (including assuring compliance with uniform physical conditions standards)
- Make sure adequate financial resources are maintained for housing stock
- Perform regular reexaminations of family income and composition in accordance with HUD requirements
- Collect rent due from the assisted family and comply with and enforce provisions of the lease
- Ensure that families comply with program rules
- Provide families with prompt and professional service
- Comply with HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, the GBHA's ACOP, and other applicable federal, state, and local laws.

What does the Tenant do?
The tenant's responsibilities are articulated in the public housing lease. The tenant has the following broad responsibilities:

- Comply with the terms of the lease and GBHA house rules, as applicable
- Provide the GBHA with complete and accurate information, determined by the GBHA to be necessary for administration of the program
- Cooperate in attending all appointments scheduled by the GBHA
- Allow the GBHA to inspect the unit at reasonable times and after reasonable notice
- Take responsibility for care of the housing unit, including any violations of uniform physical condition standards (UPCS) caused by the family
- Not engage in drug-related or violent criminal activity
- Notify the GBHA before moving or termination of the lease

- Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit or assign the lease
- Promptly notify the GBHA of any changes in family composition
- Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs.
- Take care of the housing unit and report maintenance problems to the GBHA promptly

If all parties fulfill their obligations in a professional and timely manner, the program responsibilities will be fulfilled in an effective manner.

1-II.D. APPLICABLE REGULATIONS

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 902: Public Housing Assessment System
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 945: Designated Housing
- 24 CFR Part 960: Admission and Occupancy Policies
- 24 CFR Part 965: PHA-Owned or Lease Projects- General Provisions
- 24 CFR Part 966: Lease and Grievance Procedures

PART III: THE ADMISSIONS AND CONTINUED OCCUPANCY POLICIES

1-III.A. OVERVIEW AND PURPOSE OF THE POLICY

The ACOP is the GBHA's written statement of policies used to carry out the housing program in accordance with federal law and regulations, and HUD requirements. The ACOP is required by HUD and it must be available for public review [CFR 24 Part 903]. The ACOP also contains policies that support the objectives contained in the GBHA's Agency Plan.

All issues related to public housing not addressed in this ACOP are governed by federal regulations, HUD handbooks and guidebooks, notices and applicable state and local laws. The policies in this ACOP have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding. The GBHA is responsible for complying with all changes in HUD regulations pertaining to public housing. If such changes conflict with this plan, HUD regulations will have precedence.

1-III.B. CONTENTS OF THE POLICY

Unlike the housing choice voucher program, HUD regulations for public housing do not contain a list of what must be included in the ACOP. However, individual regulations contain requirements of inclusion in the GBHA's written policy. At a minimum, the ACOP plan covers GBHA policies on these subjects:

- The organization of the waiting list and how families are selected and offered available units, including any PHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the PHA waiting list (Chapters 4)
- Transfer policies and the circumstances under which a transfer would take precedence over an admission (Chapter 12)
- Standards for determining eligibility, suitability for tenancy, and the size and type of the unit needed (Chapter 3)
- Procedures for verifying the information the family has provided (Chapter 7)

- The method for achieving de-concentration of poverty and income-mixing of public housing developments (Chapter 12)
- Grievance procedures (Chapter 14)
- Policies concerning payment by a family to the PHA of amounts the family owes the PHA (Chapter 15)
- Interim redeterminations of family income and composition (Chapter 9)
- Policies regarding community service requirements (Chapter 11)
- Policies and rules about safety and ownership of pets in public housing (Chapter 10)

New Approach to Policy Development
HUD has developed an approach to monitoring the GBHA that emphasizes the important of consistency in operation and decision-making. The ACOP supports that goal by clearly setting forth the GBHA's operating policies.

A primary focus of HUD's Rental Integrity Monitoring (RIM) program has been consistency in how PHAs conduct their business and in how HUD monitors PHA activities. Referring and following the ACOP is essential to maintaining consistency in applying PHA policy.

HUD makes a distinction between mandatory policies and non-mandatory policies:

- Mandatory policies: those driven by legislation, regulations, current handbooks, current PIH notices, and legal opinions from the Office of General Counsel Optional, non-binding guidance: includes guidebooks, FAQs, PIH notices that have expired, and recommendations from individual HUD staff.

HUD expects the GBHA to develop policies and procedures that are consistent with mandatory policies and make clear the optional policies the GBHA has adopted. The ACOP is comprised of mandatory policies and optional GBHA policy. HUD's new direction emphasizes the need for a clearly written and comprehensive ACOP to guide staff in the clear and consistent application of policy.
HUD suggestions, recommendations, written issuances, and guidance are consistent with mandatory federal policy. Therefore, using HUD guidance in the preparation of GBHA policy, even though it is not mandatory, provides the GBHA with a "safe harbor". If the GBHA adopts its own optional policy, it makes its own determination that such policy is consistent with legislation, regulations, and other mandatory requirements.

1-III.C. UPDATING AND REVISING THE POLICY

The GBHA will revise this ACOP as needed to comply with changes in HUD regulations. The original policy and any changes must be approved by the board of commissioners of the GBHA, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

GBHA Policy
The GBHA will review and update the ACOP as needed to reflect changes in regulations, GBHA operations, or when needed to ensure staff consistency in operation.

Chapter 2
FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

This chapter explains the laws and HUD regulations requiring the GBHA to affirmatively further civil rights and fair housing in all federally-assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and procedures. The responsibility to further nondiscrimination pertains to all areas of the GBHA's public housing operations.

This chapter describes HUD regulations and GBHA policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of the GBHA regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the public housing program related to reasonable accommodation for persons with disabilities.

Part III: Prohibition of Discrimination Again Limited English Proficiency Persons (LEP's). This part details the obligations of the GBHA to ensure meaningful access to the public housing program and its activities by persons with limited English proficiency (LEP). This part incorporates the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons published January 22, 2007, in the *Federal Register*.

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

Federal laws require the GBHA to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, gender identity, marital status, perceived sexual orientation, and disability. It is the policy of the Housing Authority of the City of Green Bay to fully comply with all federal, state, and local nondiscrimination laws, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act
- Violence Against Women Reauthorization Act of 2013 (VAWA)
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted

When more than one civil rights law applies to a situation, the laws will be read and applied together.

2-I.B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes. The GBHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin, gender identity, marital status, or perceived sexual orientation. Familial status includes children under the age of

18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

The GBHA will not use any of these factors to:

- Deny any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the public housing program.
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission.
- Steer an applicant or tenant toward or away from a particular area based on any of these factors.
- Deny anyone access to the same level of services.
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.
- Discriminate in the provision of residential real estate transactions.
- Discriminate against someone because they are related to or associated with a member of a protected class.
- Publish or cause to be published an advertisement or notice indicating that availability of housing that prefers or excludes persons who are members of a protected class.

Providing Information to Families
The GBHA will take steps to ensure that families are fully aware of all applicable civil rights laws. As part of the public housing orientation process, the GBHA will provide information to public housing applicant families about civil rights requirements.

Discrimination Complaints
If an applicant or tenant family believes that any family member has been discriminated against by the GBHA, the family should advise the GBHA. HUD requires the GBHA to make every reasonable attempt to determine whether the applicant's or tenant family's assertions have merit and take any warranted corrective action.

GBHA Policy
Applicants or tenant families who believe that they have been subject to unlawful discrimination may notify the GBHA either orally or in writing.

The GBHA will attempt to remedy discrimination complaints made against the GBHA.

The Housing Authority of the City of Green Bay will refer any family to the appropriate housing agency when the family is seeking to file a complaint on the basis of discrimination.

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW
One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

The GBHA ensures that persons with disabilities have full access to the public housing programs and services. This responsibility begins with the first inquiry of an interested family or individual and continues through every area of the public housing program [24 CFR 8].

The GBHA will provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the tenant can meet lease requirements or other requirements of tenancy [24 CFR 966.76(b)].

GBHA Policy

The GBHA will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, re-examination documents, and notices of adverse action by the GBHA, by including the following language:

> "If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the [appropriate management]."

A specific position and phone number will be provided as the contact person for requests for accommodation for persons with disabilities.

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

A "reasonable accommodation" is a change, exception, or adjustment to a policy, practice or service that may be necessary to for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the GBHA, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

Types of Reasonable Accommodations

When it is reasonable (see definition above and Section 2-II.E), the GBHA shall accommodate the needs of a person with disabilities. Examples include but are not limited to:

- Permitting applications and re-examinations to be completed by mail
- Providing "large-print" forms
- Conducting home visits
- Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability
- Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability
- Installing a ramp into a dwelling or building
- Installing grab bars in a bathroom
- Installing visual fire alarms for hearing impaired persons

- Allowing a GBHA-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the support of the person with disabilities, and would not be otherwise living in the unit
- Providing a designated handicapped-accessible parking space
- Allowing an assistance animal
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with GBHA staff

2-II.C. REQUEST FOR AN ACCOMMODATION

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the GBHA treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to the GBHA's programs and services.

If the need for the accommodation is not readily apparent or known to the GBHA, the family must explain the relationship between the requested accommodation and the disability.

> GBHA Policy
> The GBHA will encourage the family to make its request in writing. However, the GBHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

2-II.D. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. The definition of a person with a disability, for the purpose of obtaining a reasonable accommodation, is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

Before providing an accommodation, the GBHA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the GBHA's programs and services.

If a person's disability is obvious or otherwise known to the GBHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the GBHA, the GBHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, the GBHA will follow verification policies located in Chapter____. All information related to a person's disability will be treated in accordance with the confidentiality policies. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability.

- Third part verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical profession, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].
- The GBHA must request only information that is necessary to evaluate the disability-related need for the accommodation. The GBHA may not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION *[Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26]*

The GBHA will approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability
- There is a disability-related need for the accommodation
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the GBHA, or fundamentally alter the nature of the GBHA's operations.

Requests for accommodations must be assessed on a case-by-case basis. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the GBHA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the GBHA may enter into discussion and negotiation with the family or individual, request more information from the family, or may require the family or individual to sign a consent form so that they GBHA may verify the need for the requested accommodation.

<u>GBHA Policy</u>

After a request for an accommodation is presented, the GBHA will respond, in writing, within 10 business days.

If the GBHA denies a request for an accommodation because there is no relationship found between the disability and the requested accommodation, the notice will inform the family of the right to appeal the GBHA's decision through an informal hearing or the grievance process.

If the GBHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the GBHA's operations), the GBHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden.

If the GBHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the GBHA will notify the family, in writing, of its determination within 10 business days from the date of the most recent discussion or communication with the family or individual. The notice will inform the family of the right to appeal the GBHA's decision through an informal hearing or the grievance process.

2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require the GBHA to take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to the GBHA's programs and services [24 CFR 8.6].

At the initial point of contact with each applicant, the GBHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

> GBHA Policy
>
> To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display/teletype) communication will be available.
>
> To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with GBHA staff, one-on-one assistance will be provided upon request.
>
> Additional examples of alternative forms of communication are sign language interpretation, having material explained orally by staff, or having a third party representative to receive, interpret, and explain housing materials and be present at all meetings.

2-II. G. PHYSICAL ACCESSIBILITY

The GBHA must comply with a variety of regulations pertaining to physical accessibility, including the following:

- PIH 2002-01, Accessibility Notice
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

The GBHA's policies concerning physical accessibility must be readily available to applicants and resident families. They can be found in three key documents:

- This policy, the Admissions and Continued Occupancy Policy, describes the key policies that govern the GBHA's responsibilities with regard to physical accessibility.
- Notice PIH 2002-01 Accessibility Notice (which must be posted in the public housing office in a conspicuous place) summarizes information about pertinent laws and implementing regulations related to non-discrimination and accessibility in federally-funded housing programs.
- The GBHA Plan provides information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of GBHA facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible.

2-II.H. DENIAL OR TERMINATION OF ASSISTANCE

The GBHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 966.7].

When applicants with disabilities are denied assistance, the notice of denial must inform them of their right to request an informal hearing [24 CFR 960.208(a)].

When a family's lease is terminated, the notice of termination must inform the family of their right to request a hearing in accordance with the GBHA's grievance policy [24 CFR 966.4(1)(3)(ii)].

When reviewing reasonable accommodation requests, the GBHA must consider whether reasonable accommodation will allow the family to overcome the problem that led to the GBHA's decision to deny or terminate the assistance. If a reasonable accommodation will allow the family to meet the requirements, the GBHA must make the accommodation [24 CFR 966.7].

In addition, the GBHA must provide reasonable accommodation for persons with disabilities to participate in the hearing process [24 CFR 966.56(h)].

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

2-III.A. OVERVIEW

Under Title IV of the Civil Rights Act, recipients of federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by persons with limited English proficiency (LEP).

Executive order 13166 requires implementation of this provision of Title VI of the Civil Rights Act. On January 22, 2007, in the Federal Register, HUD published a notice explaining the responsibilities of recipients of federal financial assistance to ensure meaningful access to their programs and activities by persons with limited English proficiency (LEP).

The GBHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

LEP persons are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. For the purposes of this Admissions and Continued Occupancy Policy, LEP persons are public housing applications and resident families, and parents and family members of applicants and resident families.

In order to determine the level of access needed by LEP persons, the GBHA will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the public housing program; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and important of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the GBHA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the GBHA.

<u>GBHA Policy</u>

The Housing Authority of the City of Green Bay will attempt to have bilingual staff or access to individuals who are fluent in languages other than English in order to assist limited English

proficient families. The GBHA will network with other agencies and residents to assist in providing translation services in other languages. It is the resident's responsibility to arrange for translation of correspondence, at arranged appointments, and at court proceedings.

2-III.B. ORAL INTERPRETATION

The GBHA will offer, competent interpretation services free of charge, upon request, to the LEP person.

GBHA Policy

The GBHA will utilize a language line for telephone interpreter services.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the GBHA. The interpreter may be a family member or friend.

The GBHA will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. "Reasonable steps" may not be reasonable where the costs imposed substantially exceed the benefits.

Where feasible and possible, according to its language assistance plan (LAP), the GBHA will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other PHAs, and will standardize documents.

2-III.C. WRITTEN TRANSLATION

Translation is the replacement of a written text from one language into an equivalent written text in another language.

GBHA Policy

In order to comply with written-translation obligations, the GBHA will take the following steps:

The GBHA will provide written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

If there are fewer than 50 persons win a language group that reaches the five percent trigger, the GBHA may not translate vital written materials, but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment

The phrase "physical or mental impairment" includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but it's not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction, and alcoholism.

"Major life activities" include, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

"Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major live activities.

"Is regarded as having an impairment" is defined as having physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the GBHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Person who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the public housing program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this definition of disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the $400 elderly/disabled household deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the public housing program, yet an accommodation is needed to provide equal opportunity.

Chapter 3
ELIGIBILITY

INTRODUCTION
The GBHA is responsible for ensuring that every individual and family admitted to the public housing program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by the GBHA to confirm eligibility and determine the level of the family's assistance.

To be eligible for the public housing program:

- The applicant/family must:
  - Qualify as a family as defined by HUD and the GBHA
  - Have income at or below HUD-specified income limits
  - Qualify on the basis of citizenship or the eligible immigrant status of family members
  - Provide social security number information for household members as required
  - Consent to the GBHA's collection and use of family information as provided for in GBHA-provided consent forms
- The GBHA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or the GBHA.

This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and GBHA definitions of family and household members and explains initial and ongoing eligibility issues related to these members.
Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.
Part III: Denial of Admission. This part covers factors related to an applicant's past or current conduct that can cause the GBHA to deny admission.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMEBRS

3-1.A. OVERVIEW
Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the public housing unit. This part provides information that is needed to correctly identify family and household members, and explains HUD's eligibility rules.

3-1.B. FAMILY AND HOUSEHOLD [24 CFR 5.403 and HUD-50058 IB, p. 13]
The term family and household have different meanings in the public housing program.

Family
To be eligible for admission, an applicant must qualify as a family. Family, as defined by HUD, includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such group includes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled

family, a displaced family, or the remaining member of a tenant family. The GBHA has the discretion to determine if any other group of persons qualifies as a family.

Gender Identity means actual or perceived gender characteristics.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

GBHA Policy

A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law, but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family.

Each family must identify the individuals to be included in the family at the time of application, and must update this information if the family's composition changes.

A determination of eligibility for housing that is assisted by HUD or subject to a mortgage insured by the Federal Housing Administration shall continue to be made in accordance with eligibility requirements provided for such program by HUD, and such housing shall be made available without regard to actual or perceived sexual orientation, gender identity, or marital status, and

No owner or administrator of HUD-assisted or HUD-insured housing may inquire about the sexual orientation or gender identity of an applicant for, or occupant of, HUD-assisted or HUD-insured housing for purposes of determining eligibility or otherwise making such housing available.

Household

Household is a broader term that includes additional people who, with the GBHA's permission, live in a public housing unit, such as live-in aides, foster children, and foster adults.

3-1.C. FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY

Family Break-Up

GBHA Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will retain occupancy of the unit.

If a court determines the disposition of property between members of an applicant or resident family as part of a divorce or separation decree, the GBHA will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, the GBHA will determine which family will retain their placement on the waiting list or continue in occupancy. In making its determination, the GBHA will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements; (2) the interest of

any ill, elderly, or disabled family members; (3) the interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and provides documentation in accordance with section 16-VII.D of this ACP; (4) any possible risks to family members as a result of domestic violence or criminal activity; and (5) the recommendations of social service professionals.

Remaining Member of a Tenant Family [24 CFR 5.403]
The HUD definition of family includes the remaining member of a tenant family, which is a member of a resident family who remains in the unit when other members of the family have left the unit. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only "remaining members of a tenant family" and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B. for the policy on "Caretakers for a Child".

3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]
Head of household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse

GBHA Policy
The family may designate any qualified adult family member as the head of household.

The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

3-I.E. SPOUSE, CO-HEAD, AND OTHER ADULT
A family may have a spouse or co-head, but not both [HUD-50058 IB, p.13]

Spouse means the marriage partner of the head of household.

GBHA Policy
The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.

A co-head is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

GBHA Policy
Minors who are emancipated under state law may be designated as a co-head.

Other adult means a family member, other than the head, spouse, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults [HUD-50058 IB, p.14].

3-I.F. DEPENDENT [24 CFR 5.603]
A dependent is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, co-head, foster children/adults, and live-in aides. Identifying each dependent in the

family is important because each dependent qualifies the family for a deduction from annual income, as described in Chapter 6.

Joint Custody of Dependents

GBHA Policy
Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 50 percent or more of the time.

When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or re-examination will be able to claim the dependents. If there is a dispute about which family should claim them, the GBHA will make the determination based on available documents such as court orders, school records, or other credible documentation.

3-I.G. FULL-TIME STUDENT [24 CFR 5.603]

A full-time student is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to determine if attendance is full-time is defined by the educational institution.

Identifying each full-time student is important because (1) each family member that is a full-time student, other than the head, spouse, or co-head, qualifies the family for a dependent deduction, and (2) the income of such full-time students is treated differently from the income of other family members.

3-1.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY

Elderly Persons
An elderly person is a person who is at least 62 years of age [24 CFR 5.100].

Near-Elderly Persons
A near-elderly person is a person who is at least 50 years of age but below the age of 62 [24 CFR 945.105].

Elderly Family
An elderly family can consist of a family whose head, spouse, or sole member 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.

Identifying elderly families is important because these families qualify for the elderly family allowance and the medical allowance as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4.

3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403, FR Notice 02/03/12]

Persons with Disabilities
Under the public housing program, special rules apply to persons with disabilities and to any family whose head, spouse, or co-head is a person with disabilities. The technical definitions of individual handicaps and persons with disabilities are provided in Exhibit 3-1 at the end of this chapter. These

definitions are used for a number of purposes, including ensuring that persons with disabilities are not discriminated against based on disability.

As discussed in Chapter 2, the GBHA must make all aspects of the public housing program accessible to persons with disabilities and consider requests for reasonable accommodations when a person's disability limits their full access to the unit, the program, or the GBHA's services.

Disabled Family
A disabled family is one in which the head, spouse, or co-head is a person with disabilities. Identifying disabled families is important because these families qualify for the disabled family allowance and the medical allowance as described in Chapter 6, and may qualify for a particular type of development as noted in Chapter 4.

Even though persons with drug or alcohol dependencies are considered persons with disabilities for the purpose of non-discrimination, this does not prevent the GBHA from denying admission or taking action under the lease for reasons related to alcohol and drug abuse in accordance with the policies found in Part III of this chapter and in Chapter 13.

3-I.J. GUESTS [24 CFR 5.100]
A guest is defined as a person temporarily staying in the unit with the consent of the tenant or other member of the household who has express or implied authority to so consent. The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near GBHA premises.

> GBHA Policy
> A resident family must notify the GBHA when overnight guests will be staying in the unit for more than 3 days. A guest can remain in the unit no longer than 14 consecutive days or a total of 30 cumulative calendar days during any 12-month period.
>
> A family may request an exception to this policy for valid reasons (i.e. care of a relative recovering from a medical procedure expected to last 20 consecutive days). Exceptions will not be authorized unless GBHA gives prior approval and the family can identify and provide documentation of the residence to which the guests will return.
>
> Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above.
>
> Former residents who have been terminated or evicted are not permitted as overnight guests.
>
> Guests who represent the public housing unit address as their residence address or address of record for receipt of benefits or any other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered to be unauthorized occupants, and their presence constitutes violation of the lease.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS

Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609(c)(2)].

The term foster child is not specifically defined by the regulations.

Foster children and foster adults that are living with an applicant or resident family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603 and HUD-50058 IB, pp. 13-14].

> GBHA Policy
> A foster child is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is care for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

3-I.L. ABSENT FAMILY MEMBERS

Individuals may be temporarily or permanently absent from the unit for a variety of reasons including educational activities, placement in foster care, employment, and illness.

Definitions of Temporarily and Permanently Absent

> GBHA Policy
> Generally, an individual who is absent or is expected to be- absent from the public housing unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from the public housing unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

> GBHA Policy
> When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the GBHA indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care [24 CFR 5.403]

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

> GBHA Policy
> If a child has been placed in foster care, the GBHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted a family member.

Absent Head, Spouse, or Co-Head

> GBHA Policy

An employed head, spouse, or co-head absent from the unit for more than 180 consecutive days due to employment will continue to be considered a family member.

Individuals Confined for Medical Reasons

GBHA Policy
An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

If there is a question about the status of a family member, the GBHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Return of Permanently Absent Family Members

GBHA Policy
The family must request GBHA approval for the return of any adult family members that the GBHA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed in this chapter.

3-I.M. LIVE-IN AIDE

Live-in aide means a person who resides with one or more elderly person(s), or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the person(s), (2) is not obligated for support of the person(s), and (3) would not be living in the unit except to provide necessary supportive services [24 CFR 5.403].

The GBHA must approve a live-in aide if needed as a reasonable accommodation for a person with disabilities in accordance with 24 CFR 8,

A live-in aide is considered a household member but not a family member. The income of the live-in aide is not counted in determining the annual income of the family [24 CFR 5.609(c)(5)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

GBHA Policy
A family's request for a live-in aide must be made in writing. From the request, the GBHA will verify the need for a live-in aide with a reliable, knowledgeable professional as provided by the family, such as a doctor, social worker, or case worker. For continued approval, the family must submit a new, written request, subject to GBHA verification, at each annual reexamination.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services.

The GBHA will not approve a particular person as a live-in aide, and may withdraw such approval if [24 CFR 966.4(d)(3)(i)]:

The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

The person has a history of drug-related criminal activity or violent criminal activity; or

The person currently owes rent or other amounts to the GBHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

Within 10 business days of receiving a request for a live-in aide, including all required documentation related to the request, the GBHA will notify the family of its decision in writing.

PARTII: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

Income Limits
HUD is required by law to establish income limits that determine the income eligibility of applicants for HUD's assisted housing program, including the public housing program. The income limits are published annually and are based on HUD estimates of the median incomes for families of different sizes in a particular area or county.

Types of Low-Income Families [24 CFR 5.603(b)]
Low-Income Family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

Very Low-Income Family. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely Low-Income Family. A family whose annual income does not exceed 30 percent of the median income for the area, adjusted for family size. (Used for income targeting only, not program eligibility.)

HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Using Income Limits for Eligibility [24 CFR 960.201]
Income limits are used for eligibility only at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income eligible, the annual income of an applicant must be within the low-income limit.

Using Income Limits for Targeting [24 CFR 960.202(b)]
At least 40 percent of the families admitted from the GBHA waiting list to the public housing program during a GBHA fiscal year must be extremely low-income families. This is called the "basic targeting requirement."

The GBHA does not maintain a Housing Choice Voucher program.

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, subpart E]

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals, or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or a noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, an in accordance with the GBHA's Limited English Proficiency plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

Declaration [24 CFR 5.508]
HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals, and eligible noncitizens, the declaration must be signed personally by the head, spouse, co-head, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status. No declaration is required for live-in aides.

U.S. Citizens and Nationals
In general, citizens and nationals are required to submit only a signed declaration that claims their status. However, HUD regulations permit the GBHA to request additional documentation of their status, such as a passport.

> GBHA Policy
> Family members who declare citizenship or national status will not be required to provide additional documentation unless the GBHA receives information indicating that an individual's declaration may not be accurate.

Eligible Noncitizens
In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with GBHA efforts to verify their immigration status. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

Ineligible Noncitizens
Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a non-contending family members listing, signed by the head, spouse, or co-head (regardless of citizenship status), indicating their ineligible immigration status. The GBHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a

noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families
A family is eligible for admission as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered mixed families. Such families will be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination.

Ineligible Families [24 CFR 5.514(d), (e), and (f)]
The GBHA may elect to provide assistance to a family before the verification of the eligibility of the individual or one family member [24 CFR 5.512(b)]. Otherwise, no individual or family may be assisted prior to the affirmative establishment by the GBHA that the individual or at least one family member is eligible [24 CFR 5.512(a)].

> GBHA Policy
> The GBHA will not provide assistance to a family before the verification of at least one family member as a citizen, national, or eligible noncitizen.
>
> When the GBHA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 10 business days of the determination.
>
> The notice will explain the reasons for the denial of assistance and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services, or to request an informal hearing with the GBHA. The informal hearing with the GBHA may be request in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process.

Timeframe for Determination of Citizenship Status
For new occupants joining the resident family, the GBHA must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first.

If an individual qualifies for a time extension for the submission of required documents, the GBHA must grant such an extension for no more than 30 days [24 CFR 5.508(h)].

Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

> GBHA Policy
> The GBHA will verify the status of applicants at the time other eligibility factors are determined.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH 2010-3]

Social Security Number Disclosure
In accordance with 24 CFR 5.216, applicants (including each member of the household) are required to disclose his/her assigned SSN, with the exception of the following individuals:

a. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.

    1. A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is not eligible for housing assistance and cannot e housed.

    2. A family that consists of two or more household members and at least one household member that has eligible immigration status, is classified as a mixed family, and is eligible for prorated assistance in accordance with 24 CFR 5.520. The GBHA may not deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.

b. Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. The GBHA may confirm HUD's validation of the participant's SSN by viewing the household's Summary Report or the Identity Verification Report on the EIV system.

c. Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.

Social Security Number Documentation
Assistance cannot be provided to a family until all SSN documentation requirements are met.

The GBHA must request the applicant (including each member of the household), who are not exempt under the list above, to provide documentation of each disclosed SSN. Acceptable evidence of the SSN consists of:

- An original SSN card issued by SSA;
- An original SSA-issued document, which contains the name and SSN of the individual; or
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

It should be noted that most (if not all) individuals who are lawfully present in the U.S. have been assigned a SSN. Many existing laws required the disclosure of the SSN for various purposes. All applicants are required to disclose his/her assigned SSN.

The SSA issues three types of Social Security cards depending on an individual's citizen or noncitizen status and whether or not a noncitizen is authorized by the Department of Homeland Security (DHS) to work in the United States. They include:

- The first type of card shows the individual's name and SSN only. This is the card most people have and reflects the fact that the holder can work in the U.S. without restriction. SSA issues this card to:

    - U.S. citizens; or

- Noncitizens lawfully admitted to the United States for permanent residence and noncitizens with DHS permission to work permanently in the United States (i.e. refugees and asylees).

- The second type of card bears, in addition the individual's name and SSN, the legend: "NOT VALID FOR EMPLOYMENT". SSA issues this card to lawful noncitizens who do not have DHS permission to work, but are required by law to provide a SSN to obtain general assistance benefits that they already have qualified for.
- The third type of card bears, in addition to the individual's name and SSN, the legend "VALID FOR WORK ONLY WITH DHS AUTHORIZATION". SSA issues this card to people with DHS permission to work temporarily in the United States.

SSA verifies all noncitizens' documents with DHS before a SSN card is issued to a noncitizen.

If a new member is added to the family, the new member's SSN documentation must be submitted at the family's next interim or regulation re-examination, whichever comes first. If any member of the family obtains a previously undisclosed SSN, or has been assigned a new SSN, the documentation must be submitted at the family's next regularly scheduled re-examination.

The GBHA must deny admission to an applicant family if they do not meet the SSN disclosure, documentation and verification, and certification requirements contained in 24 CFR 5.216.

Applicants Without an Assigned Social Security Number
It is not uncommon for certain individuals to not have a SSA-assigned SSN. Below is a listing of such individuals, which is not all-inclusive:

- Newborn children (these individuals will be issued a SSN upon SSA confirmation of birth)
- Noncitizens lawfully present in the U.S. (these individuals will be issued a SSN upon SSA confirmation of the individual's DHS documentation or confirmation that the individual is required by law to provide a Social Security number to receive general assistance benefits that they already have qualified for)
- Noncitizens unlawfully present in the U.S. (these individuals cannot be assigned a SSN)

Citizens and lawfully present noncitizens, who state that they have not been assigned a SSN by the SSA, should make such declaration in writing and under penalties of perjury to the GBHA. The GBHA should maintain the declaration in the tenant file.

The GBHA may use the Alternate ID (ALTD ID) generator within the Public and Indian Housing information Center (PIC) to generate a unique identifier for those individuals who do not have or unable to disclose a SSN.

Penalties for Failure to Disclose and/or Provide Documentation of the SSN
In accordance with 24 CFR 5.218, the following penalties apply for noncompliance with the SSN disclosure and documentation requirements:

Applicants
The GBHA must deny the eligibility of an assistance applicant if s/he (including each member of the household required to disclose his/her SSN) does not disclose a SSN and/or provide documentation of

such SSN. However, if the family is otherwise eligible to participate in the program, the family may maintain his/her position on the waiting list for a period of time as determined by the GBHA. If all household members have not disclosed their SSN at the time a unit becomes available, the GBHA must offer the available unit to the next eligible applicant family on the waiting list.

3-II.D. FAMILY CONSENT TO THE RELEASE OF INFORMATION [24 CFR 5.230]

HUD requires each adult family member, and the head of household, spouse, or co-head, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

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

- A provision authorizing HUD or the GBHA to obtain from State Wage Information Collection Agencies any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
- A provision authorizing HUD or the GBHA to verify with previous or current employers, income information pertinent to the family's eligibility for or level of assistance;
- A provision authorizing HUD to request income information from the IRS and the Social Security Administration for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
- 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.

The GBHA must deny admission to the program if any member of the applicant family fails to sign and submit these consent forms which allow the GBHA to obtain information that the GBHA has determined is necessary in administration of the public housing program [24 CFR 960.259(a) and (b)].

PART III: DENIAL OF ADMISSION

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria set forth in Parts I and II must be denied admission.

In addition, HUD permits the GBHA to deny admission based on certain types of current or past behaviors of family members as discussed in this part. The GBHA's authority in this area is limited by the Violence again Women Reauthorization Act of 2013 (VAWA), which expressly prohibits the denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, sexual assault or stalking [24 CFR 5.2005].

This part covers the following topics:

- Required denial of admission
- Other permitted reasons for denial of admission
- Screening
- Criteria for deciding to deny admission
- Prohibition against denial of admission to victims of domestic violence, dating violence, sexual assault or stalking
- Notice of eligibility or denial

3-III.B. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]

The GBHA is required to establish standards that prohibit admission of an applicant to the public housing program if they have engaged in certain criminal activity or if the GBHA has reasonable cause to believe

that a household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

Where the statute requires that the GBHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, the GBHA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c)(3)(ii)].

HUD requires the GBHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity. HUD permits but does not require the GBHA to admit an otherwise-eligible family if the household member has completed a GBHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g. the person involved n the criminal activity no longer lives in the household).

  GBHA Policy
  The GBHA will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past five (5) years for drug-related criminal activity, if the GBHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by the GBHA, or the person who committed the crime is no longer living in the household.

- The GBHA determines that any household member is currently engaged in the use of illegal drugs. *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. *Currently engaged in the illegal use of a drug* means a person has engaged in the behavior recently enough to justify a reasonable belief that there is a continuing illegal drug use by a household member [24 CFR 960.205(b)(1)].

  GBHA Policy
  Currently engaged in is defined as any use of illegal drugs during the previous six months.

- The GBHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

  GBHA Policy
  In determining reasonable cause, the GBHA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. The GBHA will also consider evidence from treatment providers or community-based organizations providing services to household members.

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.

- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION

HUD permits, but does not require the GBHA to deny admission for the reasons discussed in this section.

Criminal Activity [24 CFR 960.203(c)]
Under the Public Housing Assessment System (PHAS), PHAs that have adopted policies, implemented procedures, and can document successful screen out and deny admission to certain applicants with unfavorable criminal histories receive points.

The GBHA is responsible for screening family behavior and suitability for tenancy. In doing so, the GBHA may consider an applicant's history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the healthy, safety, or welfare of other tenants.

> GBHA Policy
> If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five (5) years, the family will be denied admission. The time period of denial starts from the date of the offense or the date of release from incarceration (the later of the two dates).
>
> *Drug-related criminal activity*, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].
>
> *Violent criminal activity*, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].
>
> Criminal activity that may threaten the health, safety, or welfare of other tenants [24 CFR 960.203(c)(3)].
>
> Criminal activity that may threaten the health or safety of GBHA staff, contractors, subcontractors, or agents.
>
> Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.
>
> Evidence of such criminal activity includes, but is not limited to any record of convictions, arrests, or evictions for suspected drug-related or violent criminal activity of household members within the past five (5) years. A conviction for such activity will be given more weight than an arrest or an eviction.
>
> In making its decision to deny assistance, the GBHA will consider the factors discussed in Section 3-III.E and 3-III.F. Upon consideration of such factors, the GBHA may, on a case-by-case basis, decide not to deny assistance.

Previous Behavior [960.203 (c) and (d) and PH Occ GB, p.48]
HUD authorizes the GBHA to deny admission based on relevant information pertaining to the family's previous behavior and suitability for tenancy.

In the event of the receipt of unfavorable information with respect to an applicant, the GBHA must consider the time, nature, and extent of the applicant's conduct (including the seriousness of the offense).

As discussed in Section 3-III.F, the GBHA may also need to consider whether the cause of the unfavorable information may be that the applicant is the victim of domestic violence, dating violence, sexual assault or stalking.

GBHA Policy

The GBHA will deny admission to an applicant family if the GBHA determines that the family:

Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past five years, unless the applicant family can show documentation that they are/were current in an arranged repayment agreement and/or satisfied any debt owed.

Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past five years which may adversely affect the health, safety, or welfare of other tenants.

Has a pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances).

Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program.

Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent.

Fails to pay, at a minimum, half of the required security deposit due for the unit prior to moving in.

Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

Has engaged in or threatened violent or abusive behavior toward GBHA personnel

Abusive or violent behavior towards GBHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicated intent to abuse or commit violence.

In making its decision to deny admission, the GBHA will consider the factors discussed in Section 3-III.E and 3-III.F. Upon consideration of such factors, the GBHA may, on a case-by-case basis, decide not to deny admission.

The GBHA will consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial obligations.

3-III.D. SCREENING

Screening for Eligibility
PHAs are authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the public housing program. This authority assists the GBHA in complying with HUD requirements and GBHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records, the GBHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903]. The GBHA may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(D)].

> GBHA Policy
> The GBHA will perform criminal background checks through a GBHA contracted private investigation agency for all adult household members.

PHAs are required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].

> GBHA Policy
> The GBHA requires that the contracted private investigation agency will use the National Sex Offender database to screen applicants for admission.

Additionally, the GBHA must ask whether the applicant, or any member of the applicant's household, is subject to a lifetime registered sex offender registration requirement in any state [Notice PIH 2012-28].

If the GBHA proposes to deny admission based on a criminal record or on lifetime sex offender registration information, the GBHA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)].

Obtaining Information from Drug Treatment Facilities [24 CFR 960.205]
HUD authorizes PHAs to request and obtain information from drug abuse treatment facilities concerning applicants. Specifically, the GBHA may require each applicant to submit for all household members who are at least 18 years of age, and for each family head, spouse, or co-head regardless of age, one or more consent forms signed by such household members that requests any drug abuse treatment facility to inform the GBHA whether the drug abuse treatment facility has reasonable cause to believe that the household member is currently engaging in illegal drug use.

Drug Abuse Treatment Facility means any entity that holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal drug use, and is either an identified unit within a general care facility, or an entity other than a general medical care facility.

Currently engaging in illegal use of a drug means illegal use of a drug that occurred recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member.

Any consent form used for the purpose of obtaining information from a drug abuse treatment facility to determine whether a household member is currently engaging in illegal drug use must expire automatically after the GBHA has made a final decision to either approve or deny the admission of such person.

Any charges incurred by the GBHA for information provided from a drug abuse treatment facility may not be passed on to the applicant or tenant.

If the GBHA chooses to obtain such information from drug abuse treatment facilities, it must adopt and implement one of the two following policies:

> **Policy A:** The GBHA must submit a request for information to drug abuse treatment facility for all families before they are admitted. The request must be submitted for each proposed household member who is at least 18 years of age, and for each family head, spouse, or co-head regardless of age.
>
> **Policy B:** The GBHA must submit a request for information only for certain household members, whose criminal record indicates prior arrests or conviction for any criminal activity that may be a basis for denial of admission or whose prior tenancy records indicate that the proposed household member engaged in destruction of property or violent activity against another person, or they interfered with the right of peaceful enjoyment of the premises of other residents.
>
> If the GBHA chooses to obtain such information, it must abide by the HUD requirements for records management and confidentiality as described in 24 CFR 960.205(f).
>
> GBHA Policy
> The GBHA chooses to adopt and subsequently implement *Policy B*, and therefore must submit a request for information only for certain household members, whose criminal record indicates prior arrests or conviction for any criminal activity that may be a basis for denial of admission or whose prior tenancy records indicate that the proposed household member engaged in destruction of property or violent activity against another person, or they interfered with the right of peaceful enjoyment of the premises of other residents.

Screening for Suitability as a Tenant [24 CFR 960.203(c)]
The GBHA is responsible for the screening and selection of families to occupy public housing units. The GBHA may consider all relevant information. Screening is important to public housing communities and program integrity, and to ensure that assisted housing is provided to those families that will adhere to lease obligations.

> GBHA Policy
> The GBHA will consider the family's history with respect to the following factors:
>
> > Payment of rent and utilities or overpayments associated with a repayment agreement
> >
> > Caring for a unit and premises
> >
> > Respecting the rights of other residents and staff to the peaceful enjoyment of their housing
> >
> > Criminal activity that is a threat to the health, safety, or property or others
> >
> > Behavior of all household members as related to the grounds for denial as detailed in Section 3-III.B and C

Compliance with any other essential conditions of tenancy

Resources Used to Check Applicant Suitability [PH Occ GB, pp. 47-56]
PHAs have a variety of resources available to them for determination of the suitability of applicants. Generally, PHAs should reject applicants who have recent behavior that would warrant lease termination for a public housing resident.

GBHA Policy
In order to determine the suitability of applicants, the GBHA will examine applicant history for the past five years. Such background checks will include:

Past Performance in Meeting Financial Obligations, Especially Rent

GBHA and landlord references for the past five years, gathering information about past performance meeting rental obligations such as rent payment record, late payment record, whether the GBHA/landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. The PHAs and landlords will be asked if they would rent to the applicant family again.

If an applicant has no rental payment history, the GBHA will check court records of eviction actions and other financial judgments, and credit reports. A lack of credit history will not disqualify someone from becoming a public housing resident, but a poor credit rating may.

Applicants with no rental payment history will also be asked to provide the GBHA with personal references. The references will be requested to complete a verification of the applicant's ability to pay rent if no other documentation of ability to meet financial obligations is available. The applicant will also be required to complete a checklist documenting their ability to meet financial obligations.

If previous landlords or personal references do not respond to requests from the GBHA, the applicant may provide other documentation that demonstrates their ability to meet financial obligations (e.g. rent receipts, cancelled checks, etc.).

Disturbances of Neighbors, Destruction of Property or Living or Housekeeping Habits at Prior Residences that May Adversely Affect Health, Safety, or Welfare of Other Tenants, or Cause Damage to the Unit or the Development

PHA and landlord references for the past five years, gathering information on whether the applicant kept a unit clean, safe, and sanitary; whether they violated health or safety codes; whether any damage was done by the applicant to a current or previous unit or the development, and, if so, how much the repair of the damage cost; whether the applicant's housekeeping caused insect or rodent infestation; and whether the neighbors complained about the applicant or whether the police were ever called because of disturbances.

Police and court records within the past five years will be used to check for any evidence of disturbance of neighbors or destruction of property that might have resulted in arrest or conviction.

3-III.E. CRITERIA FOR DECIDING TO DENY ADMISSION

Evidence

GBHA Policy
The GBHA will use the preponderance of the evidence as the standard for making all admission decisions.

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probably than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 960.203(c)(3) and (d)]

HUD authorizes the GBHA to consider all relevant circumstances when deciding whether to deny admission based on a family's past history except in the situations for which denial of admission is mandated (see Section 3-III.B).

In the event the GBHA receives unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent with its policies, the GBHA may give consideration to factors which might indicate a reasonable probability of favorable future conduct.

GBHA Policy
The GBHA will consider the following factors prior to making its decision:

The seriousness of the case, especially with respect to how it would affect other residents

The effects that denial of admission may have on other members of the family who were not involved in the action or failure

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or a victim of domestic violence, dating violence, sexual assault or stalking

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future

Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs

In the case of drug or alcohol abuse, whether the culpable household member is successfully participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

The GBHA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

Removal of a Family Member's Name from the Application [24 CFR 960.203(c)(3)(i)]
Should the GBHA's screening process reveal that an applicant's household includes an individual subject to state lifetime registered sex offender registration, the GBHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the GBHA must deny admission to the family [Notice PIH 2012-28]. For other criminal activity, the GBHA may permit the family to exclude the culpable family members as a condition of eligibility. [24 CFR 960.203(c)(3)(i)].

GBHA Policy
As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the public housing unit.

After admission to the program, the family must present evidence of the former family member's current address upon GBHA request.

Reasonable Accommodation (PH Occ GB, pp. 58-60)
If the family includes a person with disabilities, the GBHA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

GBHA Policy
If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, the GBHA will determine whether the behavior is related to the disability. If so, upon the family's request, the GBHA will determine whether alternative measures are appropriate as a reasonable accommodation. The GBHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission. See Chapter 2 for a discussion of reasonable accommodation.

3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING
The Violence against Women Reauthorization Act of 2013 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault or stalking [24 CFR 5.2005(b)]. This section describes how the GBHA will comply with this prohibition.

Definitions [24 CFR 5.2003]
As used in VAWA:

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

Domestic Violence. Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated 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.

Dating Violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

-The length of the relationship
-The type of relationship
-The frequency of interaction between the persons involved in the relationship

Stalking. To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate or to place under surveillance with the intent to kill, injure harass or intimidate another person, and 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 emotion harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse of intimate partner of that person.

The term immediate family member means, with respect to a person a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent, or any other person living in the household of that person and related to that person by blood and marriage.

Notification

VAWA 2013 expanded notification requirements to include the obligation for PHAs to provide applicants who are denied assistance with a notice of rights and the form HUD-50066 at the time the applicant is denied.

GBHA Policy

The GBHA acknowledges that a victim of domestic violence, dating violence, sexual assault or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under the GBHA's policies. Therefore, if the GBHA makes a determination to deny admission to an applicant family on the basis of an unfavorable history, the GBHA will include in its notice of denial information about the protection against denial provided by VAWA in accordance with section 16-VII.C of this ACOP as well as including a copy of the form HUD-50066. and the GBHA will request that an applicant wishing to claim this protection notify the GBHA within 10 business days.

D**ocumentation**

Victim Documentation

GBHA Policy

If an applicant claims the protection against denial of admission that VAWA provides to victims of domestic violence, dating violence sexual assault or stalking, the GBHA will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-VII.D of this ACOP.

Perpetrator Documentation

GBHA Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the public housing unit

Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

3-III.G. NOTICE OF ELIGIBILITY OR DENIAL

The GBHA will notify an applicant family of its final determination of eligibility in accordance with the policies in Section 4-III.E.

If the GBHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the GBHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)].

GBHA Policy

If, based on a criminal record or sex offender registration information an applicant family appears to be ineligible, the GBHA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact the GBHA to dispute the information within that 10 day period, the GBHA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process.

Notice requirements related to denying admission to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, sexual assault or stalking are contained in Section 3-III.F.

EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES

Person with Disabilities [24 CFR 5.403]
The term *person with disabilities* means a person who has any of the following types of conditions.

- Has a disability, as defined in 42 U.S.C. Section 423(d)(1)(A), which reads:

  > Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.
  >
  > In the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness" as defined in section 416(i)(1) of this title), inability 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.

- Has a developmental disability as defined n the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6001(8)], which defines developmental disability in functional terms as:

  (A) IN GENERAL—The term *developmental disability* means a severe, chronic disability of an individual that-

  (i) Is attributable to a mental or physical impairment or combination of mental and physical impairments

  (ii) Is manifested before the person attains age twenty-two

  (iii) Is likely to continue indefinitely

  (iv) Results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and responsive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency

  (v) Reflects the person's need for a combination and sequence of special interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated, except that such term, when applied to infants and young children, means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

  (B) INFANTS AND YOUNG CHILDREN—An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without

meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

- Has a physical, mental, or emotional impairment that is expected to be of a long-continued and indefinite duration; substantially impedes his or her ability to live independently, and is of such a nature that ability to live independently could be improved by more suitable housing conditions.

People with acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition.

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term person with disabilities refers to an individual with handicaps.

Individual with Handicaps [24 CFR 8.3]
Individual with handicaps means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(1) Physical or mental impairment includes:

(a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine
(b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction, and alcoholism.

(2) Major life activities means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) Is regarded as having an impairment means:

(a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation

(b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment
(c) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment

Chapter 4
APPLICATIONS, WAITING LISTS AND TENANT SELECTION

INTRODUCTION

When a family wishes to reside in public housing, the family must submit an application that provides the GBHA with the information needed to determine the family's eligibility. HUD requires the GBHA to place all eligible families that apply for public housing on a waiting list. When a unit becomes available, the GBHA must select families from the waiting lists in accordance with HUD requirements and GBHA policies as stated in this Admissions and Continued Occupancy Policy (ACOP) and its annual plan.

The GBHA is required to adopt a clear approach to accepting applications, placing families on the waiting lists, and selecting families from the waiting lists, and must follow this approach consistently. The actual order in which families are selected from the waiting lists can be affected if a family has certain characteristics designated by HUD or the GBHA to receive preferential treatment.

HUD regulations require that the GBHA comply with all equal opportunity requirements it must affirmatively further fair housing goals in the administration of the program. Adherence to the selection policies described in this chapter ensures that the GBHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and GBHA policies for accepting applications, managing the waiting lists, and selecting families from the waiting lists. The GBHAs policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise the PHA's Tenant Selection and Assignment Plan (TSAP).

-The policies outlined in this chapter are organized into three sections, as follows:

> Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how the GBHA will handle the applications it receives.
>
> Part II: Managing the Waiting lists. This part presents the policies that govern how the GBHA's waiting lists is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process the GBHA will use to keep the waiting lists current.
>
> Part III: Tenant Selection. This part describes the policies that guide the GBHA in selecting families from the waiting lists as units become available. It also specifies how in-person interviews will be used to ensure that the GBHA has the information needed to make a final eligibility determination.

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes the policies that guide the GBHA's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes the GBHA's obligation to ensure the accessibility of the application process.

4-I.B. APPLYING FOR ASSISTANCE

Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b)(2)(ii), 24 CFR 960.202(a)(2)(iv), and PH Occ GB, p. 68]. HUD permits the GBHA to determine the format and content of its applications, as well as how such applications will be made available to interested families and how applications will be accepted by the GBHA. However, the GBHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the GBHA's application [Notice PIH 2009-36].

GBHA Policy

Depending upon the length of time between the date of application and the availability of housing, the GBHA may use a one- or two-step process.

A one-step process will be used when it is expected that a family will be selected from the waiting lists within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.

A two-step process will be used when it is expected that a family will not be selected from the waiting lists for at least 60 days from the date of application. Under the two-step application process, the GBHA initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting lists. The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting lists.

Families may obtain application forms from the GBHA's office during normal business hours. Families may also request- by telephone or mail- that an application form be sent to the family via first class mail. Applications are also available on the Housing Authority's website, which is conveniently linked to the City of Green Bay's website.

Completed applications must be returned to the GBHA by mail, by fax, or submitted in person during normal business hours. Applications must be filled out completely in order to be accepted by the GBHA for processing. If an application is incomplete, the GBHA will notify the family of the additional information required.

4-1.C. ACCESSIBLITY OF THE APPLICATION PROCESS

The GBHA will take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the standard GBHA application process.

Disabled Populations [24 CFR 8; PH Occ GB, p. 68]

The GBHA must provide reasonable accommodation as needed for persons with disabilities to make the application process fully accessible. The facility where applications are accepted and the application process must be fully accessible, or the GBHA must provide an alternate approach that provides equal access to the program. Chapter 2 provides a full discussion of the GBHA's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

The GBHA is required to take reasonable steps to ensure meaningful access to its programs and activities for persons with limited English proficiency [24 CR 1]. Chapter 2 provides a full discussion on the GBHA's policies related to ensuring access to people with limited English proficiency (LEP).

4-1.D. PLACEMENT ON THE WAITING LISTS

The GBHA will review each completed application received and make a preliminary assessment of the family's eligibility. Applicants for whom the waiting list is open must be placed on the waiting list unless the GBHA determines the family to be ineligible. Where the family is determined to be ineligible, the GBHA will notify the family in writing [24 CFR 960.208(a); PH Occ GB, p.41].

No applicant has a right or entitlement to be listed on the waiting lists, or to any particular position on the waiting lists.

Ineligible for Placement on the Waiting lists

GBHA Policy
If the GBHA determines from the information provided during the initial application period that the family is ineligible, the family will not be placed on the waiting lists. When a family is determined to be ineligible, the GBHA will send written notification of the ineligibility determination within 10 business days of receipt of the completed application. The notice will specify the reason for ineligibility, and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 14).

Eligible for Placement on the Waiting lists

GBHA Policy
The GBHA will send written notification of the preliminary eligibility determination within 10 business days of receiving a completed application. If applicable, the notice will also indicate the waiting lists preference(s) for which the family appears to qualify.

Applicants will be placed on the waiting list according to GBHA preference(s) and the date and time their complete application is received by the GBHA.

The GBHA will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to GBHA standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

Placement on the waiting lists does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, the GBHA will verify any preference(s) claimed and determine eligibility and suitability for admission to the program.

PART II: MANAGING THE WAITING LISTS

4-11.A. OVERVIEW

The GBHA must have policies regarding the type of waiting lists it will utilize as well as how the waiting list will be organized and managed. This includes policies on notifying the public on the opening and closing of the waiting list to new applicants, updating family information, purging the list of families that are no longer interested or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how the GBHA may structure its waiting lists and how families must be treated if they apply for public housing at a PHA that administers more than one assisted housing program.

4-11.B. ORGANIZATION OF THE WAITING LISTS

The GBHA's public housing waiting lists must be organized in such a manner to allow the GBHA to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

GBHA Policy

The waiting lists will contain the following information for each applicant listed:

Name and Social Security number of head of household

Unit size required ~~and~~ (number of family members)

Amount and source of annual income

Accessibility requirement, if any

Date and time of application or application number

Household type (family, elderly, disabled)

Admission preference, if any

Race and ethnicity of the head of household

The specific site(s) selected (only if PHA offers site-based waiting lists)

The GBHA may adopt one community-wide waiting lists or site-based waiting lists. The GBHA must obtain approval from HUD through submission of its Annual Plan before it may offer site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].

GBHA Policy

The GBHA has adopted site-based waiting lists.

HUD requires that public housing applicants must be offered the opportunity to be placed on the waiting lists for any tenant-based or project-based voucher or moderate rehabilitation program that the GBHA operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

HUD permits, but does not require, that the GBHA maintain a single merged waiting lists for public housing, Section 8, and other subsidized housing programs [24 CFR 982.205(a)(1)].

GBHA Policy
The GBHA will not merge the public housing waiting lists with the waiting lists for any other program the GBHA operates.

4-II.C. OPENING AND CLOSING THE WAITING LISTS

Closing the Waiting lists
The GBHA is permitted to close the waiting lists, in whole or in part, if it has an adequate pool of families to fully lease units in all of its developments. The GBHA may close the waiting lists completely, or restrict intake by preference, type of project, or by size and type of dwelling unit [PH Occ GB, p.31].

GBHA Policy
The GBHA will close the waiting lists when the estimated waiting period for housing applicants on the list reaches 24 months for the most current applicants. Where the GBHA has particular preferences or other criteria that require a specific category of family, the GBHA may elect to continue to accept applications from these applicants while closing the waiting lists to others.

Reopening the Waiting lists
If the waiting lists have been closed, they may be reopened at any time. The GBHA will publish a notice announcing the opening of the waiting list in local newspapers of general circulation, minority media, and other suitable media outlets. Such notice must comply with HUD fair housing requirements. The GBHA should specify who may apply, and where and when applications will be received.

GBHA Policy
The GBHA will announce the reopening of the waiting lists at least 10 business days prior to the date applications will first be accepted. If the lists are only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received.

The GBHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

The Green Bay Press Gazette

4-II.D. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]
The GBHA should conduct outreach as necessary to ensure that the GBHA has a sufficient number of applicants on the waiting lists to fill anticipated vacancies and to assure that the GBHA is affirmatively furthering fair housing and complying with the Fair Housing Act.

Because HUD requires the GBHA to admit a specified percentage of extremely low income families, the GBHA may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

GBHA outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being serviced to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

GBHA outreach efforts must be designed to inform qualified families about the availability of units under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that service similar populations, including agencies that provide services for persons with disabilities

GBHA Policy

The GBHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the GBHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

GBHA Policy

While the family is on the waiting lists, the family must inform the GBHA, within 10 business days of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

Changes in an applicant's circumstances while on the waiting lists may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting lists, the waiting lists will be updated accordingly.

4-II.F. UPDATING THE WAITING LISTS

HUD recognizes the GBHA's authority to establish policies that describe the circumstances under which applicants will be removed from the waiting lists [24 CFR 960.202(a)(2)(iv)].

Purging the Waiting lists

The decision to remove an applicant family that includes a person with disabilities from the waiting lists is subject to reasonable accommodation. If the applicant did not respond to the GBHA's request for information or updates because of the family member's disability, the GBHA must, upon the family's request, reinstate the applicant family to their former position on the waiting lists as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p.39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

GBHA Policy

The waiting lists will be updated as needed to ensure that all applicant information is current and timely.

To update the waiting lists, the GBHA will send an update request via first class mail to each family on the waiting lists to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that the GBHA has on record for the family. The update request will provide a deadline by which the family must

respond and will state that failure to respond will result in the applicant's name being removed from the waiting lists.

The family's response must be in writing and may be delivered in person, by mail, or by fax. Responses should be postmarked or received by the GBHA not later than 15 business days from the date of the GBHA letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting lists without further notice.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting lists without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting lists without further notice.

When a family is removed from the waiting lists during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the GBHA from making an eligibility determination; therefore, no informal hearing is required.

If a family is removed from the waiting lists for failure to respond, the GBHA may reinstate the family if the lack of response was due to GBHA error, or to circumstances beyond the family's control.

Removal from the Waiting lists

GBHA Policy
The GBHA will remove an applicant from the waiting lists upon request by the applicant family. In such cases, no informal hearing is required.

If the GBHA determines that the family is not eligible for admission (see Chapter 3) at any time while the family is on the waiting lists, the family will be removed from the waiting lists.

If a family is removed from the waiting lists because the GBHA has determined the family is not eligible for admission, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application.. The notice will state the reasons the family was removed from the waiting lists and will inform the family to how request an informal hearing regarding the decision (see Chapter 14) [24 CFR 960.208(a)].

PART III: TENANT SELECTION

4-III.A. OVERVIEW

The GBHA must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. The GBHA must not require any specific income or racial quotas for any developments {24 CFR 903.2(d)]. The GBHA must not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status, or national origin for purposes of segregating populations [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].

The order in which families will be selected from the waiting lists depends on the selection method chosen by the GBHA and is impacted in part by any selection preferences that the family qualifies for. The availability of units also may affect the order in which families are selected from the waiting lists.

The GBHA must maintain a clear record of all information required to verify that the family is selected from the waiting lists according to the GBHA's selection policies [24 CFR 960.206(e)(2)]. The GBHA's policies must be posted any place where the GBHA receives applications. The GBHA must provide a copy of its tenant selection policies upon request to any applicant or tenant. The GBHA may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c)(2)].

GBHA Policy
When an applicant or resident family requests a copy of the GBHA's tenant selection policies, the GBHA will provide copies to them free of charge.

4-III.B. SELECTION METHOD
PHAs must describe the method for selecting applicant families from the waiting lists, including the system of admission preferences that the PHA will use.

Local Preferences [24 CFR 960.206]
The GBHA is permitted to establish local preferences and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the GBHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the GBHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

GBHA Policy
The GBHA defines Brown County residency as any family who lives, works, or is hired to work in Brown County. In order to verify the applicant qualifies for a residency preference, the GBHA will require a minimum of 1 of the following documents: Driver's license/state ID, employer or agency record, check stub from a local employer, school records, or voter registration record.

The GBHA will use the following local preferences:

1st Preference: Brown County Resident Families who have been Involuntarily Displaced:
Families who claim they have been displaced due either to disaster or government action must provide written verification from the displacing agency of government or by a service agency such as the Red Cross.

A disaster is defined as a fire, flood, earthquake, etc. that has caused the unit to be uninhabitable. Government action is defined as federal, state, or local government action related to public improvement or development. In order to meet the displacement preference, applicants who have been displaced must not be living in standard replacement housing. Standard replacement housing is defined as housing that is decent, safe, and sanitary according to HQS standards and is adequate for the family size according to HQS standards, and that the family is occupying pursuant to a written or oral lease or occupancy agreement. Standard replacement housing does not include transient facilities, hotels, motels, temporary shelters, and (in the case of domestic violence) housing occupied by the individual who engages in such violence.

It does not include any individual imprisoned or detained pursuant to State Law or an Act of Congress. Shared housing with family or friends is considered temporary and is not considered standard replacement housing. An applicant who lives in a violent neighborhood or is fearful of violence outside the household is not considered involuntarily displaced.

2nd Preference: Brown County Resident domestic violence victims and homeless families or individuals:

The HUD definition of homelessness is the following two categories:

Category 1: an individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

a. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; or
b. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
c. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

Category 2: Any individual or family who:

a. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence: and
b. Has no other residence; and
c. Lacks the resources or support networks, e.g. family, friends, and faith-based or other social networks, to obtain other permanent housing

The GBHA has adopted the above language both for purposes of a waiting list preference as well as for purposes of reporting homeless at new admissions on the Form HUD 50058. To be eligible for the homeless waiting list preference, at least one adult member of the household must meet one of the above criteria and submit to the GBHA a signed form from an approved agency in the area certifying the applicant or family is homeless and is working with a case manager or social worker. The approved agency also certifies that the applicant or family is a Brown County resident. This letter can take the place of the other documentation that verifies Brown County residency.

Families who claim they are domestic violence victims must provide written verification from either the law enforcement agency that reported the incident(s), a medical professional, or a social service case worker.

3rd Preference: Brown County Resident elderly, disabled, veteran families, or working families:

An elderly family includes a family whose head, spouse or sole member is at least 62 years of age, two or more persons at least 62 years of age living together or one or more persons at least 62 years of age living with one or more live-in aides. Proof of age is required.

A disabled family includes 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 in receipt of SSI or SS disability payments under Section 223 of the Social Security Act or 102(7) of the Development Disabilities Assistance and Bill of Rights Act (42 U.S.C. 5001(7)) or verified by appropriate diagnosticians such as a physician, psychiatrist, psychologist, therapist, rehab, specialist, or licensed social worker using the HUD language as the verification format.

A veteran family includes a family who has at least one member who is a veteran. Families claiming this preference must document service participation through service discharge papers or a statement from the veteran service officer.

In order to bring higher income families into public housing, the GBHA will establish a preference for working families, where the head, spouse, or co-head, or sole member is employed at least 20 hours per week. As required by HUD, families where the head and spouse or sole member is a person age 62 or older, or is a person with disabilities, will also be given the benefit of the working preference [24 CFR 960.20(b)(2)].

4th Preference: Brown County residents who have completed or are active in educational or training programs:
Families whose head of household or other adult have completed educational and training programs in the past 12 months or are active participants in educational and training programs designed to prepare persons for the job market. These training and educational programs must be approved by the Housing Authority.

5th Preference: Non-Brown County resident

Income Targeting Requirement [24 CFR 960.202(b)]
HUD requires that extremely low-income (ELI) families make up at least 40 percent of the families admitted to public housing during the GBHA's fiscal year. ELI ~~Extremely low-income~~ families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher [*Federal Register* notice 06/2~~4~~5/14]. To ensure this requirement is met, the GBHA may skip non- ELI ~~extremely low-income~~ families on the waiting lists in order to select an ELI ~~extremely low-income~~ family.

If the GBHA also operates a housing choice voucher (HCV) program, admissions of extremely low-income families to the GBHA's HCV program during the GBHA fiscal year that exceed the 75 percent minimum target requirement for the voucher program, shall be credited against the GBHA's basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of: (1) ten percent of public housing waiting lists admissions during the GBHA fiscal year; (2) ten percent of waiting lists admissions to the GBHA's housing choice voucher program during the GBHA fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of GBHA public
housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

GBHA Policy

The GBHA will monitor progress in meeting the extremely low-income requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

Mixed Population Developments [24 CFR 960.407]

A mixed population development is a public housing development or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character) or the GBHA at some point after its inception obtained HUD approval to give preference in tenant selection for all units in the development (or portion of a development) to elderly and disabled families [24 CFR 960.102]. Elderly family means a family whose head, spouse, co-head, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, co-head, or sole member is a person with disabilities [24 CFR 5.403]. The GBHA must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. The GBHA may not establish limit on the number of elderly or disabled families that may occupy a mixed population development. In selecting elderly and disabled families to fill these units, the GBHA must first offer the units that have accessibility features for families that include a person with a disability and require the accessibility features of such units. The GBHA may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

Units Designated for Elderly or Disabled Families [924 CFR 945]

The GBHA may designate projects or portions of a public housing project specifically for elderly or disabled families. The GBHA must have a HUD-approved allocation plan before the designation may take place.

Among the designated developments, the GBHA must also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, the GBHA may allow near-elderly families to occupy the units [24 CFR 945.303(c)(1)]. Near-elderly family means a family whose head, spouse, or co-head is at least 50 years old, but is less than 62 years of age [24 CFR 5.403].

If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, the GBHA must make available to all other families any unit that is read for re-rental and has been vacant for more than 60 consecutive days [24 CFR 945.303(c)(2)].

The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse affect on their admission or continued occupancy in public housing or their position on or placement on the waiting lists. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

This protection does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project [24 CFR 945.202(d)(3)].

GBHA Policy

The GBHA currently manages and maintains Mason Manor Retirement Community, which is housing designated for elderly or disabled individuals.

De-concentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]
The GBHA's admission policy must be designed to provide for de-concentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of the GBHA's de-concentration policies must be included in its annual plan [24 CFR 903.7(b)].

The GBHA's de-concentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)].

Developments subject to the de-concentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to de-concentration and income mixing requirements: developments operated by a PHA with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a PHA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

~~GBHA Policy~~
~~The GBHA will comply with any and all statutory requirements to de-concentrate poverty and provide for income mixing in Mason Manor and Scattered Sites.~~

Steps for Implementation [24 CFR 903.2(c)(1)]
To implement the statutory requirement to de-concentrate poverty and provide for income mixing in covered developments, the GBHA must comply with the following steps:

Step 1. The GBHA must determine the average income of all families residing in all the GBHA's covered developments. The GBHA may use the median income, instead of average income, provided that the GBHA includes a written explanation in its annual plan justifying the use of median income.

GBHA Policy
When applicable, the GBHA will determine the average income of all families in all covered developments on an annual basis.

Step 2. The GBHA must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, the GBHA has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

GBHA Policy
When applicable, the GBHA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

Step 3. The GBHA must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85 percent to 115 percent of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a

family would be defined as an extremely low income family (federal poverty level or 30 percent of median income, whichever number is higher).

Step 4. The GBHA with covered developments having average incomes outside the ~~established income range~~ERI must then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, the GBHA must include in its admission policy its specific policy to provide for de-concentration of poverty and income mixing.

Depending on local circumstances, the GBHA's de-concentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities
- Targeting investment and capital improvements toward developments with an average income below the established income range to encourage families with incomes above the ~~established income range~~ERI to accept units in those developments
- Establishing a preference for admission of working families in developments below the ~~established income range~~ERI
- Skipping a family on the waiting lists to reach another family in an effort to further the goals of de-concentration
- Providing other strategies permitted by statute and determined by the GBHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and GBHA strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under the GBHA's de-concentration policy. The GBHA must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the GBHA's de-concentration policy [24 CFR 903.2(c)(4)].

If, an annual review, the average incomes at all general occupancy developments are within the ~~established income range~~ERI, the GBHA will be considered to be in compliance with the de-concentration requirement and no further action is required.

GBHA Policy

For developments outside the EIR the PHA will take the following actions to provide for deconcentration of poverty and income mixing:

[Insert PHA policy here]***

Order of Selection [24 CFR 960.206(e)]
The GBHA system of preferences may select families either according to the date and time of application or by a random selection process.

GBHA Policy

Families will be selected from the waiting lists based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by the GBHA.

When selecting applicants from the waiting lists, the GBHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. The GBHA will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and GBHA policy.

4-III.C. NOTIFICATION OF SELECTION

When the family has been selected from the waiting lists, the GBHA will notify the family [24 CFR 960.208].

GBHA Policy

The GBHA will notify the family by first class mail when they are selected from the waiting lists.

The notice will inform the family of the following:

- Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview
- Who is required to attend the interview
- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation
- Documents that must be provided at the interview to document eligibility for a preference, if applicable
- Other documents and information that should be brought to the interview
-

If a notification letter is returned to the GBHA with no forwarding address, the family will be removed from the waiting lists without further notice. Such failure to act on the part of the applicant prevents the GBHA from making an eligibility determination; therefore, no informal hearing will be offered.

4-III.D. THE APPLICATION INTERVIEW

HUD recommends that the GBHA obtain the information and documentation needed to make an eligibility determination through a private interview. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the

family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH 2012-10].

Reasonable accommodation will be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

GBHA Policy

Families selected from the waiting lists are required to participate in an eligibility interview.

The head of household and the spouse/cohead will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the GBHA.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

Pending disclosure and documentation of Social Security Numbers (SSN), the GBHA will allow the family to retain its place on the waiting list for 14 days. If not all household members have disclosed their SSNs at the next time a unit becomes available, the GBHA will offer a unit to the next eligible applicant family on the waiting list.

If the family is claiming a waiting lists preference, the family must provide documentation to verify their eligibility for the preference (see Chapter 7). If the family is verified as eligible for the preference, the GBHA will proceed with the interview. If the GBHA determines the family is not eligible for the preference, the interview will not proceed and the family will be placed back on the waiting lists according to the date and time of their application.

The family must provide the information necessary to establish the family's eligibility, including suitability, and the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the GBHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time, the family may request an extension. If the required documents and information are not provided within the required time plus extensions, the family will be sent a notice of denial (see Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, the GBHA will provide translation services in accordance with the ~~GBHA's limited English proficiency~~LEP plan (refer to Chapter 2).

If the family is unable to attend a scheduled interview, the family should contact the GBHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the GBHA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews with GBHA approval will have their applications made inactive based on the family's failure to supply information needed to determine eligibility. The second letter will state that failure to appear for the appointment without request to reschedule will be interpreted to mean that the family is no longer interest and their application will be made inactive. Such failure to act on the part of the applicant prevents the GBHA from making an eligibility determination; therefore the GBHA will not offer an informal hearing.

4-III.E. FINAL ELIGIBILITY DETERMINATION

The GBHA must verify all information provided by the family (see Chapter 7). Based on verified information related to the eligibility requirements, including GBHA suitability standards, the GBHA must make a final determination of eligibility (see Chapter 3).

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined [24 CFR 960.208(b)].

GBHA Policy

The GBHA will notify the family in writing of their eligibility within 10 business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

The GBHA must promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination [24 CFR 960.208(a)].

GBHA Policy

If the GBHA determines that the family is ineligible, the GBHA will send written notification of the ineligibility determination within 10 business day of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing (see Chapter 14).

If the GBHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the GBHA can move to deny the application. See Section3-III.G for the GBHA's policy regarding such circumstances.

Upon making an eligibility determination, the PHA must provide the family a notice of VAWA rights as well as the HUD VAWA self-certification form (form HUD-50066) in accordance with the Violence against Women Act of 2013, and as outlined in 16-VII.C. The notice and self-certification form must

accompany the written notification of eligibility determination. This notice must be provided in both of the following instances: (1) when a family is notified of its eligibility; or (2) when a family is notified of its ineligibility.

Chapter 5
OCCUPANCY STANDARDS AND UNIT OFFERS

INTRODUCTION
The GBHA must establish policies governing occupancy of dwelling units and offering dwelling units to qualified families.

This chapter contains policies for assigning unit size and making unit offers. The GBHA's waiting lists and selection policies are contained in Chapter 4. Together, Chapters 4 and 5 of the ACOP comprise the GBHA's Tenant Selection and Assignment Plan (TSAP).

Policies in this chapter are organized into two parts:

> Part I: Occupancy Standards. This part contains the GBHA's standards for determining the appropriate unit size for families of different sizes, compositions, and types.
>
> Part II: Unit Offers. This part contains the GBHA's policies for making unit offers, and describes actions to be taken when unit offers are refused.

PART I: OCCUPANCY STANDARDS

5-I.A. OVERVIEW
Occupancy standards are established by the GBHA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from underutilization or from excessive wear and tear due to overcrowding. Part I of this chapter explains the occupancy standards. These standards describe the methodology and factors the GBHA will use to determine the size unit for which a family qualifies, and includes the identification of the minimum and maximum number of household members for each unit size. This part also identifies circumstances under which an exception to the occupancy standard may be approved.

5-I.B. DETERMINING UNIT SIZE
In selecting a family to occupy a particular unit, the GBHA may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)].

HUD does not specify the number of persons who may live in public housing units of various sizes. The GBHA is permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occ GB, p.62].

Although the GBHA does determine the size of unit the family qualifies for under the occupancy standards, the GBHA does not determine who shares a bedroom/sleeping room.

The GBHA's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

> GBHA Policy
> The GBHA will use the same occupancy standards for each of its developments.
>
> The GBHA's occupancy standards are as follows:

The GBHA will assign one bedroom for each two persons within the household, except in the following circumstances:

- Persons of the opposite sex (other than adults with a spousal relationship and children under age 7) will not be required to share a bedroom
- Persons of different generations will not be required to share a bedroom
- Live-in aides will be allocated a separate bedroom
- Foster children will be included in determining unit size only if they will be in the household for more than 6 months
- In cases where the family contains a pregnant woman, if the pregnancy can be verified by a medical professional, the GBHA will determine the unit size based on the anticipated family size when the child is born

The GBHA will reference the following standards in determining the appropriate unit bedroom size for a family:

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

In determining bedroom size, the GBHA will include the presence of children to be born, 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.

5-I.C. EXCEPTIONS TO OCCUPANCY STANDARDS

Types of Exceptions

GBHA Policy

The GBHA will consider granting exceptions to the occupancy standards at the family's request if the GBHA determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances.

For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities. An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides (according to the chart in Section5-I.B.) and the family does not want to transfer to a larger size unit.

When evaluating exception requests, the GBHA will consider the size and configuration of the unit. In no case will the GBHA grant an exception that is in violation of local housing or occupancy codes, regulations or laws.

Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will be approved as long as the unit is not overcrowded according to local code, and the family agrees not to request a transfer for a period of two years from the date of admission, unless they have a subsequent change in family size or composition.

To prevent vacancies, the GBHA may provide an applicant family with a larger unit that the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer to.

Processing of Exceptions

GBHA Policy
All requests for exceptions to the occupancy standards must be submitted in writing.

In the case of a request for exception as a reasonable accommodation, the GBHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the GBHA will consider the exception request any time the resident indicates that an accommodation is needed, whether or not a formal written request is submitted.

Requests for a larger size unit must explain the need or justification for the larger size unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

The GBHA will notify the family of its decision within 10 business days of receiving the family's request.

PART II: UNIT OFFERS [24 CFR 1.4(b)(2)(ii); 24 CFR 960.208]

5-II.A. OVERVIEW

The GBHA must assign eligible applicants to dwelling units in accordance with a plan that is consistent with civil rights and nondiscrimination laws.

In filling an actual or expected vacancy, the GBHA must offer the dwelling unit to an applicant the appropriate offer sequence. The GBHA will offer the unit until it is accepted. This section describes the GBHA's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list. This section also describes the GBHA's policies for offering units with accessibility features.

GBHA Policy
The GBHA will maintain a record of units offered, including location, date, and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

5-II.B. NUMBER OF OFFERS

GBHA Policy
The GBHA has adopted a "two-to-three offer plan" for offering units to applicants. Under this plan, the GBHA will determine how many locations within its jurisdiction have available units of

suitable size and type in the appropriate type of project. The number of unit offers will be based on the distribution of vacancies. If a suitable unit is available in:

Three (3) or more locations: The applicant will be offered a unit in the location with the highest number of vacancies. If the offer is rejected, the applicant will be offered a suitable unit in the location with the second highest number of vacancies. If that unit is rejected, a final offer will be made in the location with the third highest number of vacancies. The offers will be made in sequence and the applicant must refuse an offer before another is made.

Two (2) locations: The applicant will be offered a suitable unit in the location with the higher number of vacancies. If the offer is rejected, a final offer will be made at the other location. The offers will be made in sequence and the applicant must refuse the first offer before a second offer is made.

One (1) location: The applicant will be offered a suitable unit in that location. If the offer is rejected, the applicant will be offered the next suitable unit that becomes available, whether it is at the same location as the first offer or at another location. The second unit offer will be the final offer, unless there is good cause for refusing the offer.

If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL

GBHA Policy
Applicants must accept or refuse a unit offer within 3 business days of the date of the unit offer.

5-II.D. REFUSALS OF UNIT OFFERS

An elderly or disabled family may decline an offer for designated housing. Such a refusal must not adversely affect the family's position on or placement on the public housing waiting list [24 CFR 945.303(d)].

GBHA Policy
Applicants may refuse to accept a unit offer for "good cause". Good cause includes situations in which an applicant family is willing to move but is unable to do so at the time of the unit offer, or the applicant family demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. Examples of good cause for refusal of a unit offer include:

- The family demonstrates to the GBHA's satisfaction that accepting the unit offer will require an adult household member to quit a job, drop out of an education institution or job training program, or take a child out of day care or an educational program;
- The family demonstrates to the GBHA's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, sexual assault or stalking in

accordance with section 16-VII.D of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption;

- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members, or line-in aide necessary to the care of the principal household member;
- The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to the 30-day notice to move;
- The unit has lead-based paint and the family includes children under the age of six.

In the case of a unit refusal for good cause, the applicant family will not be removed from the waiting list as described previously. The applicant will remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse.

The GBHA will require documentation of good cause for unit refusals.

Unit Refusal Without Good Cause

GBHA Policy
When an applicant rejects the final unit offer without good cause, the GBHA will remove the applicant's name from the waiting list and send notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so (see Chapter 14).

The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply until the GBHA opens the waiting list.

5-II.E. ACCESSIBLE UNITS [24 CFR 8.27]
The GBHA must adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities, and take reasonable nondiscriminatory steps to maximize the utilization of such units by eligible individuals whose disability requires the accessibility features of a particular unit.

When an accessible unit becomes vacant, before offering such units to a non-disabled applicant the GBHA must offer such units:

- First, to a current resident of another unit of the same development, or other public housing development under the GBHA's control, who has a disability that requires the special features of the vacant unit and is occupying a unit not having such features, or if no such occupancy exists, then
- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible unit to an applicant not having a disability requiring the accessibility features of the unit, the GBHA may require the applicant to agree (and may incorporate this agreement in the lease) to move to a non-accessible unit when available.

GBHA Policy

Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.

When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, the GBHA will offer the unit to a non-disabled applicant.

When offering an accessible unit to a non-disabled applicant, the GBHA will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled family. This requirement will be a provision of the lease agreement.

5-II.F. DESIGNATED HOUSING

GBHA Policy
The GBHA does not currently have a Designated Housing Plan.

Chapter 6
INCOME AND RENT DETERMINATIONS
[24 CFR Part 5, Subparts E and F; 24 CFR 960, Subpart C]

INTRODUCTION

A family's annual income is used to determine their income eligibility for the public housing program and is also used to calculate the amount of the family's rent payment. The GBHA will use the policies and methods described in this chapter to ensure that only income-eligible families receive assistance and that no family pays more or less rent that is required under the regulations. This chapter describes HUD regulations and GBHA policies related to these topics in three parts as follows:

Part I: Annual Income. HUD regulations specify the sources of income to include and exclude to arrive at a family's annual income. These requirements and GBHA policies for calculating annual income are found in this part.

Part II: Adjusted Income. Once annual income has been established, HUD regulations required the GBHA to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and GBHA policies for calculating adjusted income are found in this part.

Part III: Calculating Rent. This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining family rent payment. Also included here are flat rents and the family's choice in rents.

PART I: ANNUAL INCOME

6-I.A. OVERVIEW

The general regulatory definition of annual income shown below is from 24 CFR 5.609:

> 24 C*FR 5.609 Annual Income.*
> *(a) Annual income means all amounts, monetary or not, which:*
> *(1) Go to, or on behalf of, the family head or spouse or to any other family member, or;*
> *(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual re-examination effective date; and*
> *(3) Which are not specifically excluded in paragraph [5.609(c)]*
> *(4) Annual income also means amounts derived from assets to which any member of the family has access.*

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

- Annual Income Inclusions (Exhibit 6-1)
- Annual Income Exclusions (Exhibit 6-2)
- Treatment of Family Assets (Exhibit 6-3)
- Earned Income Disallowance (Exhibit 6-4)
- The Effect of Welfare Benefit Reduction (Exhibit 6-5)

Sections 6-I.B. and 6-I.C discuss general requirements and methods for calculating annual income. The rest of this section describes how each source of income is treated for the purposes of determining annual income. HUD regulations present income inclusions and exclusions separately [24 CFR 5.609(b) and 24 CFR 5.609(c)]. In this ACOP, however, the discussions of income inclusions and exclusions are integrated by topic (e.g. all policies affecting earned income are discussed together in section 6-I.D). Verification requirements for annual income are discussed in Chapter 7.

6-I.B. HOUSEHOLD COMPOSITION AND INCOME

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

Summary of Income Included and Excluded by Person	
Live-In Aides	Income from all sources excluded [24 CFR 5.609(c)(5)].
Foster Child or Foster Adult	Income from all sources excluded [24 CFR 5.609(a)(1)].
Head, Spouse, or Co-Head Other Adult Family Members	All sources of income not specifically excluded by the regulations are included
Children Under 18 Years of Age (this does not include head, spouse, or co-head)	Employment income is excluded [24 CFR 5.609 (c)(1)]. All other sources of income, except those specifically excluded by the regulations, are included
Full-Time Students 18 Years of Age or Older (never head, spouse, or co-head)	Employment income above $480/year is excluded [24 CFR 5.609(c)(11)]. All other sources of income, except those specifically excluded by the regulations, are included

Temporarily Absent Family Members

The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit [HCV GB, p.5-18]..

GBHA Policy

Generally, an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. There are exceptions to this general policy.

Absent Students

GBHA Policy

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the GBHA indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absent Due to Placement in Foster Care

Children temporarily absent from the home as a result of placement in foster care are considered members of the family [24 CFR 5.403].

GBHA Policy
If the child has been placed in foster care, the GBHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or Co-Head

GBHA Policy
An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

Individuals Confined for Medical Reasons

GBHA Policy
An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

If there is a question about the status of a family member, the GBHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent.

Joint Custody of Children

GBHA Policy
Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 50 percent or more of the time.

When more than one applicant or assisted family (regardless of the program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or re-examination will be able to claim the dependents. If there is a dispute about which family should claim them, the GBHA will make the determination based on available documents such as court orders, an IRS income tax return showing which family has claimed the child for income tax purposes, school records, or other credible documentation.

Caretakers for a Child

GBHA Policy
The approval of a caretaker is at the GBHA's discretion and subject to the GBHA's screening criteria. If neither a parent nor a designated guardian remains in a household, the GBHA will take the following actions.

> If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.

If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After the 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases, the GBHA will extend the caretaker's status as an eligible visitor.

At any time that custody or guardianship legally has been awarded to a caretaker, the lease will be transferred to the caretaker, as head of household.

During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

6-I.C. ANTICIPATING ANNUAL INCOME

The GBHA is required to count all income "anticipated to be received from a source outside the family during the 12-month period following admission or annual re-examination effective date" [24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

Basis of Annual Income Projection

The GBHA generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes the GBHA to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected [HCV GB, p.5-17]
- It is not feasible to anticipate a level of income over a 12-month period (e.g. seasons or cyclic income) [24 CFR 5.609(d)]
- The GBHA believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

The GBHA is required to use HUD's Enterprise Income Verification (EIV) system in its entirety as a third party source to verify employment and income information, and to reduce administrative subsidy payment errors in accordance with HUD administrative guidance [24 CFR 5.233(a)(2)].

HUD allows the GBHA to use tenant-provided documents to project income once EIV data has been received in such cases where the family does not dispute the EIV employer data and where the GBHA does not determine it is necessary to obtain additional third-party data.

<u>GBHA Policy</u>

When EIV is obtained and the family does not dispute the EIV employer data, the GBHA will use current tenant-provided documents to project annual income. When the tenant-provided documents are pay stubs, the GBHA will make every effort to obtain current and consecutive pay stubs dated within the last 60 days.

The GBHA will obtain written and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:

If EIV or other UIV data is not available,

If the family disputes the accuracy of the EIV employer data, and/or
If the GBHA determines additional information is needed.

In such cases, the GBHA will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how the GBHA annualized projected income.

When the GBHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the GBHA will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.

Any time current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the GBHA to show why the historic pattern does not represent the family's anticipated income.

Known Changes in Income
If the GBHA verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

Example: An employer reports that a full-time employee who has been receiving $8/hour will begin to receive $8.25/hour in the eighth week after the effective date of the re-examination. In such a case the GBHA would calculate annual income as follow: ($8/hour x 40 hours x 7 weeks) + ($8.25 x 40 hours x 45 weeks).

The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases, the GBHA will calculate annual income using current circumstances and then require an interim re-examination when the change actually occurs. This requirement will be imposed even if the GBHA's policy on re-examinations does not require interim re-examinations for other types of changes.

When tenant-provided third-party documents are used to anticipate annual income, they will be dated within the last 60 days of the re-examination interview date.

6-I.D. EARNED INCOME [24 CFR 5.609(b) and (c)]

Types of Earned Income Included in Annual Income

Wages and Related Compensation [24 CFR 5.609(b)(1)]
The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income.

GBHA Policy
For persons who regularly receive bonuses or commissions, the GBHA will verify and then average amounts received for the two years preceding admission or re-examination. If only a one-year history is available, the GBHA will use the prior year amounts. In either case the family may provide, and the GBHA will consider, a credible justification for not using this history to

anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, the GBHA will count only the amount estimated by the employer.

Some Types of Military Pay
All regular pay, special pay, and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

Types of Earned Income Not Counted in Annual Income

Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(c)(9)]
This type of income (including gifts) is not included in annual income.

GBHA Policy
Sporadic income is income that is received periodically and cannot be reliably predicted. The GBHA defines periodically as three occurrences or less per year or less than $2,000 earned annually. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed.

Children's Earnings [24 CFR 5.609(c)(1)]
Employment income earned by children (including foster children) under the age of 18 years is not included in annual income. (See eligibility chapter for a definition of foster children.)

Certain Earned Income of Full-Time Students
Earnings in excess of $480 for each full-time student 18 years old or older (except for the head, spouse, or co-head) are not counted [24 CFR 5.609(c)(11)]. To be considered "full-time", a student must be considered "full-time" by an educational institution with a degree or certificate program [HCV GB, p.5-29].

Income of a Live-In Aide
Income earned by a live-in aide, as defined in [24 CFR 5.403], is not included in annual income [24 CFR 5.609(c)(5)]. (See eligibility chapter for a full discussion of live-in aides.)

Income Earned Under Certain Federal Programs [24 CFR 5.609(c)(17)]
Income from some federal programs is specifically excluded from consideration as income, including:

- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- Awards under the federal work-study program (20 U.S.C. 1087 uu)
- Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

Resident Service Stipend [24 CFR 5.600(c)(8)(iv)]

Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed $200 per individual per month) received by a resident for performing a service for the GBHA, 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, resident initiatives coordination, and serving as a member of the GBHA's governing board. No resident may receive more than one such stipend during the same period of time.

State and Local Employment Training Program
Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives are excluded only for the period during which the family member participates in the training program [24 CFR 5.609(c)(8)(v)].

> GBHA Policy
> The GBHA defines training program as "a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual's ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education" [expired Notice PIH 98-2, p.3].
>
> The GBHA defines incremental earnings and benefits as the difference between (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp.3-4].
>
> In calculating the incremental difference, the GBHA will use as the pre-enrollment income the total annualized amount of the family member's welfare assistance and earnings reported on the family's most recently completed HUD-50058.
>
> End of participation in a training program must be reported in accordance with the GBHA's interim reporting requirements (see chapter on re-examinations).

HUD-Funded Training Programs
Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

> GBHA Policy
> To qualify as a training program, the program must meet the definition of training program provided above for state and local employment training programs.

Earned Income Tax Credit. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee's payroll check.

Earned Income Disallowance. The earned income disallowance is discussed in section 6-I.E below.

6-I.E. EARNED INCOME DISALLOWANCE [24 CFR 960.255]

The earned income disallowance (EID) encourages people to enter the work force by not including the full value of increases in earned income for a period of time. The full text of 24 CFR 960.255 is included as Exhibit 6-4 at the end of this chapter. Eligibility criteria and limitations on the disallowance are summarized below.

Eligibility

This disallowance applies only to individuals in families already participating in the public housing program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who was previously unemployed for one or more years prior to employment. Previously employed includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.
- Increased earnings by a family member whose earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].
- New employment or increased earnings by a family member who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least $500.

Calculation of the Disallowance

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "prior income."

> GBHA Policy
> The GBHA defines prior income, or prequalifying income, as the family member's last certified income prior to qualifying for the EID.

The family member's prior, or prequalifying, income remains constant (as a baseline) throughout the period that he or she is participating in the EID.

Initial 12-Month Exclusion

During the initial 12-month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The 12 months are cumulative and need not be consecutive.

> GBHA Policy
> The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

Second 12-Month Exclusion and Phase-In
During the second 12-month exclusion period, the exclusion is reduced to half (50 percent) of any increase in income attributable to employment or increased earnings. The 12 months are cumulative and need not be consecutive.

Lifetime Limitation
The EID has a four-year (48-month) lifetime maximum. The four-year eligibility period begins at the same time that the initial exclusion period begins and ends 48 months later. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from another housing agency, if the individual moves between public housing and Section 8 assistance, or if there are breaks in assistance.

> GBHA Policy
> During the 48-month eligibility period, the GBHA will conduct an interim re-examination each time there is a change in the family member's annual income that affects or is affected by the EID (e.g. when the family member's income falls to a level at or below his/her prequalifying income, when one of the exclusion periods ends, and at the end of the lifetime maximum eligibility period).

Individual Savings Accounts [24 CFR 960.255(d)]

> GBHA Policy
> The GBHA chooses not to establish a system of individual savings accounts (ISAs) for families who qualify for the EID.

6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]
Annual income includes "the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in IRS regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation of the family" [24 CFR 5.609(b)(2)].

Business Expenses
Net income is "gross income less business expense" [HCV GB, p. 5-19].

> GBHA Policy
> To determine business expenses that may be deducted from gross income, the GBHA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

Business Expansion
HUD regulations do not permit the GBHA to deduct from gross income expenses for business expansion.

> GBHA Policy
> Business expansion is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the

services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

Capital Indebtedness
HUD regulations do not permit the GBHA to deduct from gross income the amortization of capital indebtedness.

GBHA Policy
Capital indebtedness is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means the GBHA will allow as a business expense interest, but not principal, paid on capital indebtedness.

Negative Business Income
If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

Withdrawal of Cash or Assets from a Business
HUD regulations require the GBHA to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

GBHA Policy
Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of a tenant family provided an up-front loan of $2,000 to help a business get started, the GBHA will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation.

Co-Owned Businesses

GBHA Policy
If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

Overview
There is no asset limitation for participation in the public housing program. However, HUD requires that the GBHA include as annual income the anticipated "interest, dividends, and other net income of any kind from real or personal property". This section discusses how the income from various types of assets is determined. For most types of assets, the GBHA must determine the value of the asset in order to computer income from the asset. Therefore, for each asset type, this section discusses:

- How the value of the asset will be determined
- How income from the asset will be calculated.

Exhibit 6-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b)(3)], and Exhibit 6-3 provides the regulatory definition of net family assets. This section begins with a discussion of general policies related to assets and then provides HUD rules and GBHA policies related to each type of asset.

General Policies

Income from Assets
The GBHA generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes the GBHA to use other than current circumstances to anticipate income when (1) an imminent change in circumstances is expected, (2) it is not feasible to anticipate a level of income over 12 months, or (3) the GBHA believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income but the property is currently vacant, the GBHA can take into consideration past rental income along with the prospects of obtaining a new tenant.

> GBHA Policy
> Anytime current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases, the family may present information and documentation to the GBHA to show why the asset income determination does not represent the family's anticipated asset income.

Valuing Assets
The calculation of asset income sometimes requires the GBHA to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth in the market (e.g. the amount a buyer would pay for real estate or the total value of an investment account).
- The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash.

> GBHA Policy
> Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions [HCV GB, P. 5-28 and PH Occ GB, p.121].

Lump-Sum Receipts
Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g. deposited in a savings or checking account) [RHIIP FAQS]. (For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.)

Imputing Income from Assets[24 CFR 5.609(b)(3), Notice PIH 2012-29]
When net family assets are $5,000 or less, the GBHA will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of $5,000, the GBHA will include in annual income the greater of the actual income derived from the assets or the

imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by an average passbook savings rate as determined by the GBHA.

- Note: The HUD field office no longer provides an interest rate for imputed asset income. The "safe harbor" is now the GBHA to establish a passbook rate within 0.75 percent of a national average.
- The GBHA must review its passbook rate annually to ensure that it remains within 0.75 percent of the national average.

GBHA Policy
The GBHA will set the imputed asset passbook rate at zero percent.

Determining Actual Anticipated Income from Assets
It may or may not be necessary for the GBHA to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

Withdrawal of Cash or Liquidation of Investments
Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement investment plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement investment plan.

Jointly Owned Assets
The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes "amounts derived (during the 12-month period) from assets to which any member of the family has access."

GBHA Policy
If an asset is owned by more than one person and any family member as unrestricted access to the asset, the GBHA will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, the GBHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, the GBHA will prorate the asset evenly among all owners.

Assets Disposed of for Less than Fair Market Value [24 CFR 5.603(b)]
HUD regulations require the GBHA to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination or re-examination, except as noted below.

Minimum Threshold

The GBHA may set a threshold [below] which assets disposed of for less than fair market value will not be counted [HCV GB, p.5-27].

GBHA Policy
The GBHA will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than $1,000.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual re-certifications, the family may request an interim re-certification to eliminate consideration of the asset(s).

Assets placed by the family in nonrevocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trusts were received through settlements for judgments.

Separation or Divorce
The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

GBHA Policy
All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Foreclosure or Bankruptcy
Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

Family Declaration

GBHA Policy
Families must sign a declaration form at initial certification and each annual re-certification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. The GBHA may verify the value of the assets disposed of if other information available to the GBHA does not appear to agree with the information reported by the family.

Types of Assets

Checking and Savings Accounts
For regular checking accounts and savings accounts, cash value has the same meaning as market value. If a checking account does not bear interest, the anticipated income from the account is zero.

GBHA Policy
In determining the value of a checking account, the GBHA will use the monthly balance for the current or most recent month available. The first $500 in a checking account or a savings account, but not a combination of the two, will be disregarded in calculating an asset.

In determining the value of a savings account, the GBHA will use the current balance.

In determining the anticipated income from an interest-bearing checking or savings account, the GBHA will multiply the value of the account by the current rate of interest paid on the account.

Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds
Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

GBHA Policy
In determining the market value of an investment account, the GBHA will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g. savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g. stocks), the GBHA will calculate asset income based on the earnings for the most recent reporting period.

Equity in Real Property or Other Capital Investments
Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs that would be incurred in selling the asset [HCV GB, p.5-25 and PH, p.121].

Equity in real property and other capital investments is considered in the calculation of asset income except for the following types of assets:

- Equity accounts in HUD homeownership programs [24 CFR 5.603(b)]
- Equity in real property when a family member's main occupation is real estate [HCV GB, p. 5-25]. This real estate is considered a business asset, and income related to this asset will be calculated as described in section 6-I.F.
- Interests in Indian Trust lands [24 CFR 5.603(b)]
- Real property and capital assets that are part of an active business or farming operation [HCV GB, p.5-25]

A family may have real property as an asset in two ways: (1) owning the property itself, and (2) holding a mortgage or deed of trust on the property. In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

GBHA Policy

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless the GBHA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

Trusts
A trust is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

Revocable Trusts
If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset [HCV GB, p.5-25]. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

Nonrevocable Trusts
In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate [24 CFR 5.603(b)]. (Periodic payments are covered in section 6-I.H. Lump-sum receipts are discussed earlier in this section.)

Retirement Accounts

Company Retirement/Pension Accounts
In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, the GBHA must know whether the money is accessible before retirement [HCV GB, p.5-26].

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset [HCV GB, p. 5-26].

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate [HCV GB, p.5-26], except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

IRA, Keogh, and Similar Retirement Savings Accounts
IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty [HCV GB, p.5-25].

Personal Property
Person property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset [HCV GB, p.5-25].

<u>GBHA Policy</u>
In determining the value of personal property held as an investment, the GBHA will use the family's estimate of the value. However, the GBHA also may obtain an appraisal if appropriate to confirm the value of the asset. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal.

Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated, the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary personal property are not considered assets [24 CFR 5.603(b)].

GBHA Policy
Necessary personal property consists of items such as clothing, furniture, household furnishings, jewelry that is not held as an investment, and vehicles, including those specially equipped for persons with disabilities.

Life Insurance
The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy is included in the calculation of the value of the family's assets [HCV GB 5-25]. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

6-I.H. PERIODIC PAYMENTS
Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in income.

Periodic Payments Included in Annual Income

- Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)].
- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4) and HCV , p.5-14].

Lump-Sum Payments for the Delayed Start of a Periodic Payment
Most lump sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income payments are not counted as income [24 CFR 5.609(b)(4)]. Additionally, any deferred disability benefits that are received in a lump sum or in prospective monthly amounts from the Department of Veterans Affairs are to be excluded from annual income [FR Notice 11/24/08].

GBHA Policy
When a delayed-start payment is received and reported during the period in which the GBHA is processing an annual re-examination, the GBHA will adjust the tenant rent retroactively for the period the payment was intended to cover. The family may pay in full any amount due or request to enter into a repayment agreement with the GBHA.

See the chapter on re-examinations for information about a family's obligation to report lump-sum receipts between annual re-examinations.

Periodic Payments Excluded from Annual Income

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone) [24 CFR 5.609(c)(2)]. Kinship care payments are considered equivalent to foster care payments and are also excluded from annual income [Notice PIH 2008-40].
  GBHA Policy
  The GBHA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency [HCV GB, p. 5-18]

- 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 [24 CFR 5.609(c)(16)]

- Amounts received under the low-income home energy assistance program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)]

- Amounts received under the Child Care and Developmental Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609 (c)(17)]

- Earned income tax credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)]. *Note*: EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.

- Lump sums received as a result of delays in processing social security and SSI payments (see section 6-I.J.) [24 CFR 5.609(b)(4)].

6-I.I. PAYMENTS IN LIEU OF EARNINGS

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in Section 6-I.G.)

6-I.J. WELFARE ASSISTANCE

Overview

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

The GBHA must make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided as Exhibit 6-5. The requirements are summarized below. This rule applies only if a family was a public housing resident at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those "who received welfare assistance or other public assistance benefits ('welfare benefits') from a state or other public agency ('welfare agency') under a

program for which federal, state, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance" [24 CFR 5.615(b)].

Imputed Income
When a welfare agency imposes a sanction that reduces a family's welfare income because the family commits fraud or fails to comply with the agency's economic self-sufficiency program or work activities requirement, the GBHA must include in annual income "imputed" welfare income. The GBHA must request that the welfare agency provide the reason for the reduction of benefits and the amount of the reduction of benefits. The imputed welfare income is the amount that the benefits were reduced as a result of the sanction.

This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements [24 CFR 5.615(b)(2)].

For special procedures related to grievance hearings based upon the GBHA's denial of a family's request to lower rent when the family experiences a welfare benefit reduction, see Chapter 14, Grievances and Appeals.

Offsets
The amount of the imputed welfare income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero.

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(B)(7)]
Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with a tenant family.

Alimony and Child Support
The GBHA will count alimony or child support amounts awarded as part of a divorce or separation agreement.

> GBHA Policy
> The GBHA will count court-awarded amounts for alimony and child support received for the preceding 12 month period.
>
> Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

Regular Contributions or Gifts
The GBHA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with a tenant family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

> GBHA Policy

Examples of regular contributions include regular payment of a family's bill, cash or other liquid assets provided to any family member on a regular basis, and "in-kind" contributions such as groceries and clothing provided a family on a regular basis.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by the GBHA. For contributions that may vary from month to month, the GBHA will include an average amount based upon past history.

6-I.L. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

Other exclusions contained in 24 CFR 5.609(c) and updated by FR Notice 05/20/14 that have not been discussed earlier in this chapter include the following:

- Reimbursement of medical expenses [24 CFR 5.609(c)(4)]

- The full amount of student financial assistance paid directly to the student or to the education institution [24 CFR 5.609(c)(6)], except that in accordance with Section 224 of the FY 2005 Appropriations Act, the portion of any athletic scholarship assistance available for housing costs must be included in annual income [PIH Notice 2005-16].

  GBHA Policy

  Regular financial support from parents or guardians to students for food, clothing, personal items, and entertainment is not considered student financial assistance and is included in annual income.

- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)].

- 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) [24 CFR 5.609(c)(8)(ii)].

- 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 [24 CFR 5.609(c)(10)].

- Adoption assistance payments in excess of $480 per adopted child 24 CFR 5.609(c)(12)].

- Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c)(15)].

- 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 [24 CFR 5.609(c)(16)].

- Amounts specifically excluded by any other federal statute [24 CFR 5.609(c)(17), FR Notice 05/20/14]. HUD publishes an updated list of these exclusions periodically. It includes:

  (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b))
  (b) Benefits under Section 1780 of the School Lunch Act and Child Nutrition Act of 1966, including WIC

(c) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
(d) Payments received under the Alaska native Claims Settlement Act (43 U.S.C. 1626(c))
(e) Income derived from certain sub-marginal land of the US that is held in trust for certain Indian tribes (25 U.S.C. 459e)
(f) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8625(f))
(g) Payments received under programs funded in whole or in part under the Workforce Investment Act of 1998 (29 U.S.C. 2931)
(h) Deferred disability benefits from the Department of Veterans Affairs, whether received as a lump sum or in monthly prospective amounts
(i) Income derived from the disposition of funds to the Grant River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04)
(j) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b))
(k) A lump sum or periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled Elouise Cobell et al. v. Ken Salazar et al, for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010.
(l) The first $2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the US Claims Court, the interests of individual Indians in trust or restricted lands, including the first $2,000 per year of income received by individual Indians from funds derived from interest held in such trust or restricted lands (25 U.S.C. 1407-1408)
(m) Benefits under the Indian Veterans Housing Opportunity Act of 2010 (only applies to Native American housing programs)
(n) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
(o) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent Orange-product liability litigation, M.D.L. No. 381 (E.D.N.Y.)
(p) Payments received under 38 U.S.C. 1833(c) to children of Vietnam veterans born with spinal bifida, children of women Vietnam veterans born with certain birth defects, and children of certain Korean service veterans born with spinal bifida.
(q) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)
(r) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)
(s) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32 (j))
(t) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)
(u) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu).
(v) Allowances, earnings, and payments to AmeriCorps participants under the National and Community Services Act of 1990 (42 U.S.C. 12637(d))
(w) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)

(x) Any amounts in an "individual development account" as provided by the assets for Independence Act, as amended in 2002
(y) Payments made from the proceeds of Indian tribal trust cases as described in Notice PIH 2013-30, "Exclusion from Income of Payments under Recent Tribal Trust Settlements" (25 U.S.C. 117b(a)
(z) Major disaster and emergency assistance received under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and comparable disaster assistance provided by states, local governments, and disaster assistance organizations

PART II: ADJUSTED INCOME

6-1.A. INTRODUCTION

Overview
HUD regulations require the GBHA to deduct from annual income any of five mandatory deductions for which a family qualifies. The resulting amount is the family's adjusted income. Mandatory deductions are found in 24 CFR 5.611. This part covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 7, Verifications.

5.611(a) Mandatory deductions. In determining adjusted income, the responsible entity (PHA) must deduct the following amounts from annual income:

(1) $480 for each dependent;
(2) $400 for any elderly family or disabled family;
(3) The sum of the following, to the extent the sum exceeds three percent of annual income;
(i)Unreimbursed medical expenses of any elderly family or disabled family;
(ii)Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by the family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
(4) Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

Anticipating Expenses

GBHA Policy
Generally, the GBHA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g. child care during school and nonschool periods and cyclical medical expenses), the GBHA will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, the GBHA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. The GBHA may require the family to provide documentation of payments made in the preceding year.

6-II.B. DEPENDENT DEDUCTION

An allowance of $480 is deducted from annual income for each dependent [24 CFR 5.611(a)(1)]. Dependent is defined as any family member other than the head, spouse, or co-head who is under the age of 18, or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].

6-II.C. ELDERLY OR DISABLED FAMILY DEDUCTION

A single deduction of $400 is taken for any elderly or disabled family [24 CFR 5.611(a)(2)]. An elderly family is a family whose head, spouse, co-head, or sole member is 62 years of age or older, and a disabled family is a family whose head, spouse, co-head, or sole member is a person with disabilities [24 CFR 5.403].

6-II.D. MEDICAL EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i)]

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent (3%) of annual income.

The medical expense deduction is permitted only for families in which the head, spouse, or co-head is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted [VG, p.28].

Definition of Medical Expenses

HUD regulations define medical expenses at 24 CFR 5.603(b) to mean "medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance."

GBHA Policy

The most current IRS Publication 502, Medical and Dental Expenses, will be used as a reference to determine the costs that qualify as medical expenses, with the following exceptions:

- The GBHA will allow for nonprescription medicines or other over-the-counter item if they are recommended by a doctor.

Summary of Allowable Medical Expenses from IRS Publication 502	
Services of medical professionals	Substance abuse treatment programs
Surgery and medical procedures that are necessary, legal, and noncosmetic	Psychiatric treatment
Services of medical facilities	Ambulance services and some costs of transportation related to medical expenses
Hospitalization, long-term care, and in-home nursing services	The cost and care of necessary equipment relate to medical condition (e.g. eyeglasses/lenses, hearing aids, crutches, and artificial teeth)
Prescription medicines and insulin, but not nonprescription medicines even if recommended by a doctor (*see GBHA Policy above*)	Cost and continuing care of necessary service animals
Improvements to housing directly related to medical needs	Medical insurance premiums or the cost of a health maintenance organization (HMO)

***Note**: This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.*

Families That Qualify for Both Medical and Disability Assistance Expenses

GBHA Policy
This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the GBHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent (3%) of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

Earned Income Limit on the Disability Assistance Expense Deduction
A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)].

The disability expense deduction is capped by the amount of "earned income received by family members who are 18 years of age or older and who are able to work" because of the expense [24 CFR 5.611(a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

GBHA Policy
The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family's request, the GBHA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When the GBHA determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members' incomes [PH Occ GB, p.124].

Eligible Disability Expenses
Examples of auxiliary apparatus are provided in the PH Occupancy Guidebook as follows: "Auxiliary apparatus: Including wheelchairs, walkers, scooters, reading devices for persons with visual disabilities, equipment added to cars and vans to permit their use by the family member with a disability, or service animals" [PH Occ GB, p.124], but only if these items are directly related to permitting the disabled person or other family member to work [HCV GB, p.5-30].

Eligible Auxiliary Apparatus

GBHA Policy
Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g. a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

Eligible Attendant Care
The family determines the type of attendant care that is appropriate for the person with disabilities.

GBHA Policy
Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enable to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, the GBHA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Payments to Family Members
No disability expenses may be deducted for payments to a member of a tenant family [23 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the tenant family may be deducted if they are reimbursed by an outside source.

Necessary and Reasonable Expenses
The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

GBHA Policy
The GBHA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the GBHA will collect information from organizations that provide services and support to persons with disabilities. A family may present, and the GBHA will consider, the family's justification for costs that exceed typical costs in the area.

Families That Qualify for Both Medical and Disability Assistance Expenses

GBHA Policy
This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the GBHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.F. CHILD CARE EXPENSE DEDUCTION

HUD defines child care expenses at 24 CFR 5.603(b) as "amounts anticipated to be paid by the family for the care of children under 13 years of age, including foster children, during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment in come that is included in annual income."

Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family's household [VG, p.26]. However, child care expenses for foster children that are living in the assisted family's household are included when determining the family's child care expenses.

Qualifying for the Deduction

Determining Who is Enabled to Pursue an Eligible Activity

GBHA Policy
The family must identify the family member(s) enabled to pursue an eligible activity. The term eligible activity in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family's request, the GBHA will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

GBHA Policy
If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each re-examination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the child care expense being allowed by the GBHA.

Furthering Education

GBHA Policy
If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a

formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

Being Gainfully Employed

GBHA Policy
If the child care expense being claimed is to enable a family member to be gainfully employed, the GBHA reserves the right to require the family to provide evidence of the family member's employment during the time that child care is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

Earned Income Limit on Child Care Expense Deduction
When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for child care- although the care must still be necessary and reasonable. However, when child care enables a family member to work, the deduction is capped by "the amount of employment income that is included in annual income" [24 CFR 5.603(b)].

The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person who receives the earned income disallowance (EID) or a full-time student whose earned income above $480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes $15,000 but because of the EID only $5,000 is included in annual income, child care expenses are limited to $5,000.

The GBHA must not limit the deduction to the least expensive type of child care. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working [HCV GB, p.5-30].

GBHA Policy
When the child care expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, the GBHA generally will limit allowance child care expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

Eligible Child Care Expenses
The type of care to be provided is determined by the tenant family. The GBHA may not refuse to give a family the child care expense deduction because there is an adult family member in the household that may be available to provide child care [VG, p.26].

Allowable Child Care Activities

GBHA Policy
For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g. summer day camp, after-school sports league) are allowable forms of child care.

The costs of general housekeeping and personal services are not eligible. Likewise, child care expenses paid to a family member who lives in the family's unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible.

If a child care provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, the GBHA will prorate the costs and allow only that portion of the expense that is attributable to child care for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the child care provider, the calculation will be based upon the number of hours spend in each activity and/or the number of persons under care.

Necessary and Reasonable Costs

Child care expenses will be considered necessary if: (1) a family adequately explains how the care enables a family member to work, actively seek employment, or further his or her education, and (2) the family certifies, and the child care provider verifies, that the expenses are not paid or reimbursed by any other source.

GBHA Policy

Child care expenses will be considered for the time required for the eligible activity plus reasonable transportation time. For child care that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

Families may present, and the GBHA will consider, justification for costs that exceed typical costs in the area.

6-II.G. PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)]

Permissive deductions are additional, optional deductions that may be applied to annual income. As with mandatory deductions, permissive deductions must be based on need or family circumstance and deductions must be designed to encourage self-sufficiency or other economic purpose. If the GBHA offers permissive deductions, they must be granted to all families that qualify for them and should complement existing income exclusions and deductions [PH Occ GB, p.128].

The Form HUD-50058 Instruction Booklet states that the maximum allowable amount for total permissive deductions is less than $90,000 per year.

GBHA Policy

The GBHA utilizes the following as permissive deductions:

- Self Sufficiency Incentives: Wages earned by GBHA-paid Casual Workers

PART III: CALCULATING RENT

6-III.A. OVERVIEW OF INCOME-BASED RENT CALCULATIONS

The first step in calculating income-based rent is to determine each family's total tenant payment (TTP). Then, if the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than

the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement, which may be paid to the family or directly to the utility company by the GBHA.

TTP Formula [24 CFR 5.628]
HUD regulations specify the formula for calculating the total tenant payment (TTP) for a tenant family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income (adjusted income is defined in Part II)
- 10 percent of the family's monthly gross income (annual income, as defined in Part I, divided by 12)
- The welfare rent (in as-paid states only)
- A minimum rent between $0 and $50 that is established by the GBHA

The GBHA has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-III.B.

Welfare Rent [24 CFR 5.628]

GBHA Policy
Welfare rent does not apply to this locality.

Minimum Rent [24 CFR 5.630]

GBHA Policy
The minimum rent for this locality is $50.

Optional Changes to Income-Based Rents [24 CFR 960.253(c)(2) and PH Occ GB, pp.131-134]
The GBHA has been given very broad flexibility to establish its own, unique rent calculation system as long as the rent produced is not higher than that calculated using the TTP and mandatory deductions. At the discretion of the GBHA, rent policies may structure a system that uses combinations of permissive deductions, escrow accounts, income-based rents, and the required flat and minimum rents.

The GBHA's minimum rent and rent choice policies still apply to affected families. Utility allowances are applied to GBHA designed income-based rents in the same manner as they are applied to the regulatory income-based rents.

The choices are limited only by the requirement that the method used not produce a TTP or tenant rent greater than the TTP or tenant rent produced under the regulatory formula.

GBHA Policy
The GBHA chooses not to adopt optional changes to income-based rents.

Ceiling Rents [24 CFR 960.253(c)(2) and (d)]
Ceiling rents are used to cap income-based rents. They are part of the income-based formula. If the calculated TTP exceeds the ceiling rent for the unit, the ceiling rent is used to calculate tenant rent (ceiling rent/TTP minus utility allowance). Increases in income do not affect the family since the rent is capped. The use of ceiling rents fosters upward mobility and income mixing.

Because of the mandatory use of flat rents, the primary function of ceiling rents now is to assist families who cannot switch back to flat rent between annual re-examinations and would otherwise be paying an income-based tenant rent that is higher than the flat rent.

Ceiling rents must be set to the level required for flat rents (which will require the addition of the utility allowance to the flat rent for properties with tenant-paid utilities) [PH Occ GB, p.135].

GBHA Policy
The GBHA chooses not to use ceiling rents.

Utility Reimbursements [24 CFR 960.253(c)(3)]
Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits the GBHA to pay the reimbursement to the family or directly to the utility provider.

GBHA Policy
The GBHA will make utility reimbursements directly to the utility provider.

6-III.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]

GBHA Policy
The GBHA has established a minimum rent of $50.

Overview
If the PHA establishes a minimum rent greater than zero, the PHA must grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship.

The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If the PHA determines that a hardship exists, the TTP is the highest of the remaining components of the family's calculated TTP.

HUD-Defined Financial Hardship
Financial hardship includes the following situations:

(1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.

GBHA Policy
A hardship will be considered to exist only if the loss of eligibility has an impact on the families ability to pay the minimum rent.

For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following (1) implementation of assistance, if approved, or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

(2) The family would be evicted because it is unable to pay the minimum rent.

GBHA Policy
For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent or tenant-paid utilities.

(3) Family income has decreased because of changed family circumstances, including the loss of employment.

(4) A death has occurred in the family.

GBHA Policy
In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g. because of funeral-related expenses or the loss of the family member's income).

(5) The family has experienced other circumstances determined by the PHA.

GBHA Policy
The GBHA has not established any additional hardship criteria.

Implementation of Hardship Exemption

Determination of Hardship
When a family requests a financial hardship exemption, the GBHA must suspend the minimum rent requirement beginning the first of the month following the family's request.

The GBHA then determines whether the financial hardship exists and whether the hardship is temporary or long-term.

GBHA Policy
The GBHA defines temporary hardship as a hardship expected to last 90 days or less. Long term hardship is defined as a hardship expected to last more than 90 days.

The GBHA may not evict the family for nonpayment of minimum rent during the 90-day period beginning the month following the family's request for a hardship exemption.

When the minimum rent is suspended, the TTP reverts to the highest of the remaining components of the calculated TTP. The example below demonstrates the effect of the minimum rent exemption.

Example: Impact of Minimum Rent Exemption Assume the PHA has established a minimum rent of $35.	
TTP—No Hardship	**TTP—With Hardship**
$0 30% of monthly adjusted income $15 10% of monthly gross income N/A Welfare rent $35 Minimum rent	$0 30% of monthly adjusted income $15 10% of monthly gross income N/A Welfare rent $35 Minimum rent
Minimum rent applies. TTP = $35	Hardship exemption granted. TTP = $15

GBHA Policy
To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

The GBHA will make the determination of hardship within 30 calendar days.

No Financial Hardship
If the GBHA determines there is no financial hardship, the GBHA will reinstate the minimum rent and require the family to repay the amounts suspended.

For procedures pertaining to grievance hearing requests based upon the GBHA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

GBHA Policy
The GBHA will require the family to repay the suspended amount within 30 calendar days of the GBHA's notice that hardship exemption has not been granted.

Temporary Hardship
If the GBHA determines that a qualifying financial hardship is temporary, the GBHA must reinstate the minimum rent from the beginning of the first of the month following the date of the family's request for a hardship exemption.

The family must resume payment of the minimum rent and must repay the GBHA the amounts suspended. HUD requires the GBHA to offer a reasonable repayment agreement, on terms and conditions established by the GBHA. The GBHA also may determine that circumstances have changed and the hardship is now a long-term hardship.

For procedures pertaining to grievance hearing requests based upon the GBHA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

GBHA Policy
The GBHA will enter into a repayment agreement in accordance with the GBHA's repayment agreement policy (see Chapter 16).

Long-Term Hardship
If the GBHA determines that the financial hardship is long-term, the GBHA must exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

GBHA Policy
The hardship period ends when any of the following circumstances apply:

(1) At an interim or annual re-examination, the family's calculated TTP is greater than the minimum rent.
(2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost.

For example, if a hardship is approved because a family no longer receives a $60/month child support payment, the hardship will continue to exist until the family receives at least $60/month in income from another source or once again begins to receive the child support.

(3) For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

6-III.C. UTILITY ALLOWANCES [24 CFR 965, Subpart E]

Overview

Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent. When determining a family's income-based rent, the GBHA must use the utility allowance applicable to the type of dwelling unit leased by the family.

For policies on establishing an updating utility allowances, see Chapter 16.

Reasonable Accommodation [24 CFR 8]

On request from a family, the GBHA must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability [PH Occ GB, p.172].

Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p.172].

See Chapter 2 for policies related to reasonable accommodations.

Utility Allowance Revisions [24 CFR 965.507]

The GBHA must review its schedule of utility allowances each year. Between annual revisions, the GBHA must revise the utility allowance schedule if there is a rate change that by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which such allowances were based. Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective [PH Occ GB, p.171].

The tenant rent calculations must reflect any changes in the GBHA's utility allowance schedule [24 CFR 960.253(c)(3)].

> <u>GBHA Policy</u>
> Unless the GBHA is required to revise the utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual re-examinations after the allowance is adopted.

6-III.D. PRORATED RENT FOR MIXED FAMILIES [24 CFR 5.520]

HUD regulations prohibit assistance to ineligible family members. A mixed family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. The GBHA must prorate the assistance provided to a mixed family. The GBHA will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, the GBHA must:

(1) Subtract the TTP from a maximum rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible.
(2) Divide the family maximum subsidy by the number of persons in the family to determine the maximum subsidy per each family member who is eligible (member maximum subsidy).
(3) Multiply the member maximum subsidy by the number of eligible family members.
(4) Subtract the subsidy calculated in the last step from the maximum rent. This is the prorated TTP.
(5) Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family.

GBHA Policy
Revised public housing maximum rents will be applied to a family's rent calculation at the first annual re-examination after the revision is adopted.

For policies related to the establishment of the public housing maximum rent see Chapter 16.

6-III.E. FLAT RENTS AND FAMILY CHOICE IN RENTS [24 CFR 960.2530

Flat Rents [24 CFR 960.253(b)]

The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

Changes in family income, expenses, or composition will not affect the flat rent amount because it is outside the income-based formula.

Policies related to the re-examination of families paying flat rent are contained in Chapter 9, and policies related to the establishment and reviews of flat rents are contained in Chapter 16.

Family Choice in rents [24 CFR 960.253(a) and (c)]

Once each year, the GBHA must offer families the choice between a flat rent and an income-based rent. The family may not be offered this choice more than once a year. The GBHA must document that flat rents were offered to families under the methods used to determine flat rents for the GBHA.

GBHA Policy
The annual GBHA offer to a family of the choice between flat and income-based rent will be conducted upon admission and upon each subsequent annual re-examination.

The GBHA will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual re-examination process.

The GBHA must provide sufficient information for families to make an informed choice. This information must include the GBHA's policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year, the GBHA is required to provide an income-based rent amount only in the year that a re-examination of income is conducted or if the family specifically requests it and submits updated income information.

Switching from Flat Rent to Income-Based Rent Due to Hardship [24 CFR 960.253(f)]

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. If the GBHA determines that a financial hardship exists, the GBHA must immediately allow the family to switch from flat rent to the income-based rent.

GBHA Policy
Upon determination by the GBHA that a financial hardship exists, the GBHA will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request.

Reasons for financial hardship include:

- The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance
- The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items
- Such other situations determined by the GBHA to be appropriate

GBHA Policy
The GBHA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent [PH Occ GB, p.137]

Phasing In Flat Rents [Notice PIH 2014-12]
For current residents whose rent would increase as a result of new flat rent requirements, the GBHA must restrict the increases to no more than 35 percent of the current tenant rent per year. This would necessitate a phase-in of the rent increase.

Flat Rent Impact Analysis Calculation
In order to conduct a flat rent impact analysis, the GBHA must multiply the family's current rent amount by 1.35 and compare the result to the flat rent under the GBHA's policies.

Example: A family was paying a flat rent of $500 per month. At their annual recertification, the GBHA has increased the flat rent for their unit size to $700. The gBHA would conduct a flat rent impact analysis as follows:

$500 x 1.35 = $675

Since the GBHA's increased flat rent of $700 would result in a rent increase of more than 35 percent, the GBHA would offer the family the choice to pay either $675 per month or an income-based rent. The flat rent increase would need to be phased-in.

GBHA Policy
The GBHA will conduct a flat rent impact analysis to determine the percentage increase in the family's rent amount. If the increase is greater than 35 percent, the GBHA will phase in the rent increase at the maximum amount annually over a three-year period so that it does not exceed 35 percent in any year until the flat rent is fully phased in. If the increase is 35 percent or less, there will be no phase-in. [Notice PIH 2014-12]

Flat Rents and Earned Income Disallowance [A&O FAQS]

Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred.

A family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their 48 month period would have the 12 cumulative months of full (100 percent) and phase-in (50 percent) exclusion continue while paying flat rent as long as the employment that is the subject of the exclusion continues, and the 48-month lifetime limit would continue uninterrupted. A family paying flat rent could therefore see a family member's 48-month lifetime limit expire while the family is paying flat rent.

Flat Rents and Mixed Families [A&O FAQS]
Mixed families electing to pay flat rent must first have a flat rent worksheet completed to see if the flat rent must be prorated. The worksheet is located in Appendix III of the Form HUD-50058 Instruction Booklet.

If the flat rent is greater than or equal to the public housing maximum rent, there is no proration of flat rent and the family pays the flat rent for the unit.

If the flat rent is less than the maximum rent, the worksheet will calculate a prorated flat rent. The mixed family will pay the prorated flat rent.

EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS

24 FR 5.609

(a) Annual income means all amounts, monetary or not, which:

(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member, or

(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual re-examination effected date; and

(3) Which are not specifically excluded in paragraph (c) of this section.

(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) *Annual income includes, but is not limited to:*

(1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

(2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;

(3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of $5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

(4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirements 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 9except as provided in paragraph (c)(14) of this section);

(5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);

(6) Welfare assistance payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(A) Qualify as assistance under the TANF program definition at 45 CFR 260.31; and

(B) Are not otherwise excluded under paragraph (c) of this section.

(ii) 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 shall consist of:

(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or form persons not residing in the dwelling;

(8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section)

(9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

HHS DEFINITION OF "ASSISTANCE"

45 CFR: GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

260.31 What does the term "assistance" mean?

(a)(1) The term "assistance" includes 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)

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(ii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).

(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

(b) [The definition of "assistance"] excludes: (1) Nonrecurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;
(ii) Are not intended to meet recurrent or ongoing needs; and

(iii) Will not extend beyond four months.

(2) Work subsidies (i.e. payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);

(3) Supportive services such as child care and transportation provided to families who are employed;

(4) Refundable earned income tax credits;

(5) Contributions to, and distributions from, Individual Development Accounts;

(6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and

(7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance

EXHIBIT 6-2: ANNUAL INCOME EX

24 CFR 5.609

(c) Annual income does not include the following:

(1) Income from employment of children (including foster children) under the age of 18 years;

(2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);

(3) 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 person or property losses (except as provided in paragraph (b)(5) of this section);

(4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

(5) Income of a live-in aide, as defined in Sec. 5.403;

(6) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;

(7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

(8)(i) Amounts received under training programs funded by HUD;

(ii) 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);

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

(iv) 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 GBHA 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, law maintenance, resident initiatives coordination, and serving as a member of the GBHA's governing board. No resident may receive more than one such stipend during the same period of time;

(v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

(9) Temporary, nonrecurring or sporadic income (including gifts);

(10) 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;

(11) Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household and spouse);

(12) Adoption assistance payments in excess of $480 per adopted child;

(13) [Reserved]

(14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

(15) 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;

(16) 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

(17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary [See following chart for a list of benefits that qualify for this exclusion.]

EXHIBIT 6-3: TREATMENT OF FAMILY ASSETS

24 CFR 5.603(b) Net Family Assets

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

(2) 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 under Sec. 5.609.

(3) In determining net family assets, PHAs 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 re-examination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

(4) For purposes of determining annual income under Sec. 5.609, the term “net family assets” does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.

EXHIBIT 6-4: EARNED INCOME DISALLOWANCE

24 CFR 960.255 Self-Sufficiency Incentive- Disallowance of increase in annual income.

(a) *Definitions*. The following definitions apply for purposes of this section.

Disallowance. Exclusion from annual income.

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

Qualified family. A family residing in public housing:

(i) Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment;

(ii) Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or

(iii) Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance—provided that the total amount over a six-month period is at least $500.

(b) *Disallowance of increase in annual income*.

(1) *Initial twelve month exclusion*. During the cumulative twelve month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income (as defined in 5.609 of this title) of a qualified family any increase in income of the family member as a result of employment over prior income of that family member.

(2) *Second twelve month exclusion and phase-in*.
During the second cumulative twelve month period after the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

(3) *Maximum four year disallowance*. The disallowance of increased income of an individual family member as provided in paragraph (b)(1) or (b)(2) of this section is limited to a lifetime 48 month period. It only applies for a maximum of twelve months for disallowance under paragraph (b)(1) and a maximum of twelve months for disallowance under paragraph (b)(2), during the 48 month period starting from the initial exclusion under paragraph (b)(1) of this section.

(c) *Inapplicability to admission*. The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).

(d) Individual Savings Accounts. As an alternative to the disallowance of increases in income as a result of employment described in paragraph (b) of this section, a PHA may choose to provide for individual savings accounts for public housing residents who pay an income-based rent, in accordance with a written policy, which must include the following provisions:

(1) The PHA must advise the family that the savings account option is available:

(2) At the option of the family, the PHA must deposit in the savings account the total amount that would have been included in tenant rent payable to the PHA as a result of increased income that is disallowed in accordance with paragraph (b) of this section;

(3) Amounts deposited in a savings account may be withdrawn only for the purpose of:

(i) Purchasing a home;

(ii) Paying education costs of family members;

(iii) Moving out of public or assisted housing; or

(iv) Paying any other expense authorized by the PHA for the purpose of promoting the economic self-sufficiency of residents of public housing;

(4) The PHA must maintain the account in an interest bearing investment and must credit the family with the net interest income, and the PHA may not charge a fee for maintaining the account;

(5) At least annually, the PHA must provide the family with a report on the status of the account; and

(6) If the family moves out of public housing, the PHA shall pay the tenant any balance in the account, minus any amounts owed to the PHA

EXHIBIT 6-5: THE EFFECT OF WELFARE BENEFIT REDUCTION

24 CFR 5.615

Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.

(a) *Applicability*. This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant-based assistance (part 982 of this title).

(b) *Definitions*. The following definitions apply for purposes of this section:

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

Economic self-sufficiency program. See definition at Sec. 5.603.

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

Specified welfare benefit reduction.

(1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

(2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

(i) at expiration of a lifetime or other time limit on the payment of welfare benefits;

(ii) because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or

(iii) because a family member has not complied with other welfare agency requirements.

(c) *Imputed welfare income*.

(1) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the PHA by the welfare agency), plus the total amount of other annual income as determined in accordance with Sec. 5.609.

(2) At the request of the PHA, the welfare agency will inform the PHA in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the PHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA will use this information to determine the amount of imputed welfare income for a family.

(3) A family's annual income includes imputed welfare income in family annual income, as determined at the PHA's interim or regular re-examination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the PHA by the welfare agency).

(4) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed.

(5) The PHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

(d) *Review of PHA decision.*

(1) Public housing. If a public housing tenant claims that the PHA has not correctly calculated the amount of imputed welfare income in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the tenant written notice of such denial, with a brief

explanation o the basis for the PHA determination of the amount of imputed welfare income. The PHA notice shall also state that if the tenant does not agree with the PHA determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The tenant is not required to pay an escrow deposit pursuant to Sec. 966.55(e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the PHA determination.

(2) Section 8 participant. A participant in the Section 8 tenant-based assistance program may request an informal hearing, in accordance with Sec. 982.555 of this title, to review the PHA determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated n accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the family written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. Such notice shall also state that if the family does not agree with the PHA determination, the family may request an informal hearing on the determination under the PHA hearing procedure.

(e) *PHA relation with welfare agency*

(1) The PHA must ask welfare agencies to inform the PHA of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PHA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(2) The PHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA. However, the PHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

(3) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures The PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.

Chapter 7
VERIFICATION
[24 CFR 960.259, 24 CFR 5.230]

INTRODUCTION
The GBHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain written authorization from the family in order to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. The GBHA must not pass on the cost of verification to the family.

The GBHA must follow the Notice PIH 2010-19, and this chapter summarizes those requirements and provides supplementary GBHA policies.

Part I describes the general verification process. Part II provides more detailed requirements related family information . Part III provides information on income and assets, and Part IV covers mandatory deductions.

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies established by the GBHA.

PART I: GENERAL VERIFICATION REQUIREMENTS

7-1.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 960.259, 24 CFR 5.230]
The family must supply any information that the GBHA or HUD determines is necessary to the administration of the program and must consent to GBHA verification of that information [24 CFR 960.259(a)(1)].

Consent Forms
It is required that all adult applicants and tenants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and the GBHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

Penalties for Failing to Consent [24 CFR 5.232]
If any family member who is required to sign a consent form fails to do so, the GBHA will deny admission to applicants and terminate the lease of tenants. The family may request a hearing in accordance with the GBHA's grievance procedures.

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

HUD's Verification Hierarchy [Notice PIH 2010-19, VG]
HUD mandates the use of the EIV system and offers administrative guidance on the use of other methods to verify family information and specifies the circumstances in which each method will be used. In general, HUD requires the GBHA to use the most reliable form of verification that is available and to document the reasons when the GBHA uses a lesser form of verification.

GBHA Policy
In order of priority, the forms of verification that the GBHA will use are:

Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system

Up-front Income Verification (UIV) using a non-HUD system

Written Third Party Verification (may be provided by applicant or resident)

Written Third-party Verification Form

Oral Third-party Verification

Self-Certification

Each of the verification methods is discussed in subsequent sections below. Exhibit 7-1 at the end of the chapter contains an excerpt from the Verification Guidance that provides guidance with respect to how each method may be used.

Requirements for Acceptable Documents

GBHA Policy
Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 calendar days of the date they are provided to the GBHA. The documents must not be damaged, altered or in any way illegible.

Print-outs from web pages are considered original documents.

The GBHA staff member who views the original document must make a photocopy, annotate the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy.

Any family self-certifications must be made in a format acceptable to the GBHA and must be signed in the presence of a GBHA representative or GBHA notary public.

File Documentation
The GBHA must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that the GBHA has followed all of the verification policies set forth in this ACOP. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

GBHA Policy
The GBHA will document, in the family file, the following:

Reported family annual income

Value of assets

Expenses related to deductions from annual income

Other factors influencing the adjusted income or income-based rent determination

7-I.C. UP-FRONT INCOME VERIFICATION (UIV)

Up-front income verification (UIV) refers to the GBHA's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to the GBHA.

There may be legitimate differences between the information provided by the family and UIV-generated information. If the family disputes the accuracy of UIV data, no adverse action can be taken until the GBHA has independently verified the UIV information and the family has been granted the opportunity to contest any adverse findings through the GBHA's informal review/hearing processes. (For more on UIV and income projection, see section 6-I.C.)

Upfront Income Verification Using HUD's Enterprise Income Verification (EIV) System (Mandatory)

The GBHA must use HUD's EIV system in its entirety as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income in accordance with 24 CFR 5.236 and administrative guidance issued by HUD. HUD's EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for participant families. The following policies apply to the use of HUD's EIV system.

EIV Income Reports

GBHA Policy

The GBHA will obtain income reports for annual re-examinations on a monthly basis. Reports will be generated as part of the regular re-examination process.

Income reports will be compared to family-provided information as part of the annual re-examination process. Income reports may be used in the calculation of annual income, as described in Chapter 6.I.C. Income reports may also be used to meet the regulatory requirement for third-party verification, as described above. Policies for resolving discrepancies between income reports and family-provided information will be resolved as described in Chapter 6.I.C. and in this chapter.

Income reports will be used in interim re-examinations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources.

Income reports will be retained in resident files with the applicable annual or interim re-examination documents.

When the GBHA determines through income reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 15, Program Integrity.

EIV Identity Verification
The EIV system verifies resident identities against SSA records. These records are compared to Public and Indian Housing Information Center (PIC) data for a match on Social Security number, name, and date of birth.

The GBHA is required to use EIV's Identity Verification Report on a monthly basis to improve the availability of income information in EIV [Notice PIH 2010-3].

When identity verification for a resident fails, a message will be displayed within the EIV system and no income information will be displayed.

> GBHA Policy
> The GBHA will identify residents whose identity verification has failed by reviewing EIV's Identity Verification Report on a monthly basis.
>
> The GBHA will attempt to resolve PIC/SSA discrepancies by obtaining appropriate documentation from the resident. When the GBHA determines that discrepancies exist due to GBHA errors such as spelling errors or incorrect birth dates, the errors will be corrected promptly.

Upfront Income Verification using Non-HUD Systems
In addition to mandatory use of the EIV system, HUD encourages the GBHA utilize other up-front verification sources.

GBHA Policy
The GBHA will inform all applicants and residents of its use of the following UIV resources during the admission and re-examination process:

> State Systems for the Temporary Assistance for Needy Families (TANF) program
>
> Credit Bureau Association (CBA) credit reports
>
> Internal Revenue Service (IRS) tax transcript
>
> Private sector databases

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

HUD's current verification hierarchy defines two (2) types of written third-party verification. The more preferable form, "written third-party verification," consists of an original document generated by a third-party source, which may be received directly from a third-party source or provided to the GBHA by the family. If written third-party verification is not available, the GBHA must attempt to obtain a "written third-party verification form." This is a standardized form used to collect information from a third party.

Written Third-Party Verification [Notice PIH 2010-19]

Written third-party verification documents must be original and authentic and may be supplied by the family or received from a third-party source.

Examples of acceptable tenant-provided documents include, but are not limited to: pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

The GBHA is required to obtain, at a minimum, two current and consecutive pay stubs for determining annual income from wages.

The GBHA may reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible.

> GBHA Policy
> Third-party documents provided by the family must be dated within 60 days of the GBHA request date.
>
> If the GBHA determines that the third-party documents provided by the family are not acceptable, the GBHA will explain the reason to the family and request additional documentation.
>
> As verification of earned income, the GBHA will require the family to provide the two most current, consecutive pay stubs.

Written Third- Party Verification Form
When upfront verification is not available and the family is unable to provide written third-party documents, the GBHA must request a written third-party verification form. HUD's position is that this traditional third-party verification method presents administrative burdens and risks which may be reduced through the use of family-provided third-party documents.

The GBHA may mail, fax, or email third-party written verification form requests to third-party sources.

> GBHA Policy
> The GBHA will send third-party verification forms directly to the third party.
>
> Third-party verification forms will be sent when third-party verification documents are unavailable or are rejected by the GBHA.

Oral Third-Party Verification [Notice PIH 2010-19]
For third-party oral verification, the GBHA will contact sources, identified by UIV techniques or by the family, by telephone or in person.

Oral third-party verification is mandatory if neither form of written third-party verification is available.

Third-party oral verification may be used when requests for written third-party verification forms have not been returned within a reasonable time—e.g., 10 business days.
The GBHA should document in the file the date and time of the telephone call or visit, the name of the person contacted, the telephone number, as well as the information confirmed.

GBHA Policy
In collecting third-party oral verification, GBHA staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.

When any source responds verbally to the initial written request for verification the GBHA will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided.

When Third-Party Information is Not Required [Notice PIH 2010-19]
Third-party verification may not be available in all situations. HUD has acknowledged that it may not be cost-effective or reasonable to obtain third-party verification of income, assets, or expenses when these items would have a minimal impact on the family's total tenant payment.

GBHA Policy
If the family cannot provide original documents, the GBHA will pay the service charge required to obtain third-party verification, unless it is not cost effective in which case a self certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family.

The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost [VG, p.18].

Primary Documents
Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

Imputed Assets
The GBHA may accept a self-certification from the family as a verification of assets disposed of for less than fair market value [HCV GB, p. 5-28].

GBHA Policy
The GBHA will accept a self-certification from a family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28].

7-I.E. SELF-CERTIFICATION
Self-certification, or "tenant declaration," is used as a last resort when the GBHA is unable to obtain third-party verification.

When the GBHA relies on a tenant declaration for verification of income, assets, or expenses, the family's file must be documented to explain why third-party verification was not available.

GBHA Policy
When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the GBHA.

The GBHA may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made in a format acceptable to the GBHA and must be signed by the family member whose information or status is being verified. All self-certifications are highly recommended to be signed in the presence of a GBHA representative or GBHA notary public.

PART II: VERIFYING FAMILY INFORMATION

7-II.A. VERIFICATION OF LEGAL IDENTITY

GBHA Policy
The GBHA may require families to furnish verification of legal identity for each household member on an as-needed basis.

Legal identity will be verified on an as needed basis.

Verification of Legal Identity for Adults	Verification of Legal Identity for Children
Certificate of birth, naturalization papers Church issued baptismal certificate Current, valid driver's license or Department of Motor Vehicle identification card U.S. military discharge (DD 214) Current U.S. passport Current employer identification card	Certificate of birth Adoption papers Custody agreement Health and Human Services ID Certified school records

If a document submitted by a family is illegible for any reason or otherwise questionable, more than one of these documents may be required.

If none of these documents can be provided and at the GBHA's discretion, a third party who knows the person may attest to the person's identity. The certification must be provided in a format acceptable to the GBHA and be signed in the presence of a GBHA representative or GBHA notary public.

Legal identity will be verified for all applicants at the time of eligibility determination and in cases where the GBHA has reason to doubt the identity of a person representing him or herself to be a tenant or a member of a tenant family.

7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and HCV, p.5-12]

The family must provide documentation of a valid Social Security Number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include existing residents who were at least 62 years of age as of January 31, 2010, and had not previously disclosed an SSN.

The GBHA must accept the following documentation as acceptable evidence of the social security number:

An original SSN card issued by the Social Security Administration (SSA)

An original SSA-issued document, which contains the name and SSN of the individual

An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

The GBHA may only reject documentation of an SSN provided by an applicant or resident if the document is not an original document, if the original document has been altered, mutilated, is illegible, or if the document appears to be forged.

GBHA Policy
The GBHA will explain to the applicant or resident the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the GBHA within 90 days.

When a resident requests to add a new household member who is at least 6 years of age, or who is under the age of 6 and has an SSN, the resident must provide the complete and accurate SSN assigned to each new member at the time of reexamination or recertification, in addition to the documentation required to verify it. The GBHA may not add the new household member until such documentation is provided.

When the resident requests to add a new household member who is under the age of 6 and has not been assigned an SSN, the resident must provide the SSN assigned to each new child and the required documentation within 90 calendar days of the child being added to the household. A 90-day extension will be granted if the GBHA determines that the resident's failure to comply was due to unforeseen circumstances and was outside of the resident's control. During the period the GBHA is awaiting documentation of the SSN, the child will be counted as part of the assisted household.

GBHA Policy
The GBHA will grant one additional 90-day extension if needed for reasons beyond the resident's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

Social Security numbers must be verified only once during continuously-assisted occupancy.

GBHA Policy
The GBHA will verify each disclosed SSN by:

Obtaining documentation from applicants and residents that is acceptable as evidence of social security numbers

Making a copy of the original documentation submitted, returning it to the individual, and retaining a copy in the file folder

Once the individual's verification status is classified as "verified," the GBHA may, at its discretion, remove and destroy copies of documentation accepted as evidence of social security numbers. The retention of the EIV Summary Report or Income Report is adequate documentation of an individual's SSN.

GBHA Policy

Once an individual's status is classified as "verified" in HUD's EIV system, the GBHA will retain copies of documentation accepted as evidence of social security numbers in their individual secure files.

7-II.C. DOCUMENTATION OF AGE

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

GBHA Policy

If an official record of birth or evidence of social security retirement benefits cannot be provided, the GBHA will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification.

Age must be verified only once during continuously-assisted occupancy.

7-II.D. FAMILY RELATIONSHIPS

Applicants and tenants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in Chapter 3.

GBHA Policy

Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

Marriage

GBHA Policy

Certification by the head of household is normally sufficient verification. If the GBHA has reasonable doubts about a marital relationship, the GBHA will require the family to document the marriage.

A marriage certificate generally is required to verify that a couple is married.

Separation or Divorce

GBHA Policy

Certification by the head of household is normally sufficient verification. If the GBHA has reasonable doubts about divorce or separation, the GBHA will require the family to provide documentation of the divorce or separation.

A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced.

A copy of a court-ordered maintenance or other court record is required to document a separation.

If no court document is available, documentation from a community-based agency will be accepted.

Absence of Adult Member

GBHA Policy
If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

Foster Children and Foster Adults

GBHA Policy
Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

7-II.E. VERIFICATION OF STUDENT STATUS

GBHA Policy
The GBHA requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

The family claims full-time student status for an adult other than the head, spouse, or co-head, or

The family claims a child care deduction to enable a family member to further his or her education

7-II.F. DOCUMENTATION OF DISABILITY

The GBHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. The GBHA is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. The GBHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the GBHA receives a verification document that provides such information, the GBHA will not place this information in the tenant file. Under no circumstances will the GBHA request a resident's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services' website at www.os.dhhs.gov.

The GBHA may make the following inquiries, provided it makes them of all applicants, whether or not they are persons with disabilities [VG, p.24]:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability
- Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance
- Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance

Family Members Receiving SSA Disability Benefits
Verification of receipt of SSA benefits or SSI based upon disability is sufficient for verification of disability for the purpose of qualification for waiting list preferences or certain income disallowances and deductions [VG, p. 23].

> GBHA Policy
> For family members claiming disability who receive SSI or other disability payments from the SSA, the GBHA requests a current SSA benefit verification letter from each family member claiming disability status. If the family member is not able to provide a copy of the benefit verification letter, the GBHA will attempt to obtain information about disability benefits through the HUD Enterprise Verification (EIV) system. If the documentation from HUD's EIV System is not available, the GBHA will ask the family to request a benefit verification letter by requesting it from www.ssa.gov. Once the applicant or resident receives the benefit verification letter they will be required to provide it to the GBHA.

Family Members Not Receiving SSA Disability Benefits
Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.603, necessary to qualify for waiting list preferences or certain income disallowances and deductions.

> GBHA Policy
> For family members claiming disability who do not receive SSI or other disability payments from the SSA, the GBHA will accept a self-certification from the family members claiming a disability.

7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

Overview
Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. See the Eligibility chapter for detailed discussion of eligibility requirements. This chapter (7) discusses HUD and GBHA verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously-assisted occupancy [24 CFR 5.508(g)(5)].

U.S. Citizens and Nationals
HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by a family member 18 or older and by a guardian for minors.

The GBHA may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

> GBHA Policy
> Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless the GBHA receives information indicating that an individual's declaration may not be accurate.

Eligible Immigrants

Documents Required
All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance. Exhibit 7-2 at the end of this chapter summarizes documents family members must provide.

PHA Verification [HCV GB, pp5-3 and 5-7]
For family members age 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-II.C. of this ACOP. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, the PHA must verify immigration status with the U.S. Citizenship and Immigration Services (USCIS).

The GBHA will follow all USCIS protocols for verification of eligible immigration status.

7-II.H. VERIFICATION OF PREFERENCE STATUS
The GBHA must verify any preferences claimed by an applicant that determined his or her placement on the waiting list.

GBHA Policy

The GBHA will require proof of any preferences an applicant or applicant family is claiming.

To verify Brown County residency, the GBHA will require a copy of a current/valid driver's license or state photo ID, OR one of the following:

- Employment or agency record
- Check stub from a local employer (current within last 30 days)
- School records
- Voter registration record
- Lease (signed by all adult parties listing the address)
- Utility bill (MUST be current within last 30 days)
- Vehicle registration
- Court documents for child support/paternity
- Rent/auto insurance policy
- Bank records (current within last 30 days)
- Credit card statement (current within last 30 days)

To verify homelessness, the GBHA will require a signed form from an approved agency in the area certifying that the client is homeless and working with a case manager or social worker. The agency must also certify that the client is a Brown County resident. This letter can take the place of the other forms of documentation that verify Brown County residency.

Families who claim they have been displaced due either to disaster or government action must provide written verification from the displacing agency of government or by a service agency such as the Red Cross.

An elderly family includes a family whose head, spouse, or sole member is at least 62 years of age, two or more persons at least 62 years of age living together or one or more persons at least 62 years of age living with one or more live-in aides. The GBHA requires proof of age, which may include a birth certificate or baptismal certificate.

A disabled family includes 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. The GBHA requires that verification of disability must be the receipt of SSI or SS disability payments under Section 223 of the Social Security Act or 102 (7) of the Development Disabilities Assistance and Bill of Rights Act (42 U.S.C. 5001 (7) or verified by appropriate diagnosticians such as a physician, psychiatrist, psychologist, therapist, rehabilitation specialist, or licensed social worker using the HUD language as the verification format.

A veteran family includes a family who has at least one member who is a veteran. The GBHA requires that families claiming this preference must document service participation through service discharge papers or a statement from the veteran service officer.

The GBHA will require copies of current paystubs to verify that at least one adult household member is working at least part-time. Bank statements showing a direct deposit will not be accepted.

The GBHA will require verification of current participation in an educational or training program. Documentation of such verification may include:

- Letter from educational institution on institution's letterhead
- Letter from company providing the training program (on company letterhead)
- Copies of class enrollment schedule
- Copies of training program schedule

PART III: VERIFYING INCOME AND ASSETS

Chapter 6, Part I of this ACOP describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides PHA policies that supplement the general verification procedures specified in Part I of this chapter.

7-III.A. EARNED INCOME

Tips

<u>GBHA Policy</u>
Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.

Wages

GBHA Policy
For wages other than tips, the family must provide originals of the two most current, consecutive pay stubs.

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

GBHA Policy
Business owners and self-employed persons will be required to provide one of the following:

> An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted and the business owner or self-employed person must certify to its accuracy.
>
> All schedules completed for filing federal and local taxes in the preceding year.
>
> If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

The GBHA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future re-examinations.

At any re-examination the GBHA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.

If a family member has been self-employed less than three (3) months, the GBHA will accept the family member's certified estimate of income and may schedule an interim re-examination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months, the GBHA will require the family to provide documentation of income and expenses for this period and use that information to project income.

7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

Social Security/SSI Benefits

GBHA Policy
To verify the SS/SSI benefits of applicants, the GBHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s), the GBHA will help the applicant request a benefit verification letter from SSA's website at www.socialsecurity.gov. Once the family has received the original benefit verification letter, it will be required to provide the letter to the GBHA.

To verify the SS/SSI benefits of residents, the GBHA will obtain information about social security/SSI benefits through HUD's EIV system, and confirm with the resident(s) that the current listed benefit amount is correct. If the resident disputes the EIV-reported benefit amount,

or if benefit information is not available in HUD systems, the GBHA will request a current SSA benefit verification letter from each family member that receives Social Security benefits. If the family is unable to provide the document(s) the GBHA will help the applicant request a benefit verification letter from SSA's website at www.socialsecurity.gov. Once the resident has received the benefit verification letter they will be required to provide it to the GBHA.

7-III.D. ALIMONY OR CHILD SUPPORT

GBHA Policy

The methods the GBHA will use to verify alimony and child support payments differ depending on whether the family declares that it receives regular payments.

If the family declares that it receives regular payments, verification will be obtained in the following order of priority:

Copies of the receipts and/or payment stubs for the 60 days prior to GBHA request
Third-party verification form from the state or local child support enforcement agency
Third-party verification form from the person paying the support
Family's self-certification of amount received

If the family declares that it receives irregular or no payments, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts

If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

Note: Families are not required to undertake independent enforcement action.

7-III.E. ASSETS AND INCOME FROM ASSETS

Assets Disposed of for Less than Fair Market Value

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. The GBHA needs to verify only those certifications that warrant documentation [HCV GB, p.5-28].

GBHA Policy

The GBHA will verify the value of assets disposed of only if:

The GBHA does not already have a reasonable estimation of its value from previously collected information, or

The amount reported by the family in the certification appears obviously in error.

Example 1: An elderly resident reported a $10,000 certificate of deposit at the last annual re-examination and the GBHA verified this amount. Now the person reports that she has given this $10,000 to her son. The GBHA has a reasonable estimate of the value of the asset; therefore, re-verification of the value of the asset is not necessary.

Example 2: A family member has disposed of its ¼ share of real property located in a desirable area and has valued her share at approximately $5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, the GBHA will verify the value of this asset.

7-III.F. NET INCOME FROM RENTAL PROPERTY

GBHA Policy
The family must provide:

A current executed lease for the property that shows the rental amount or certification from the current tenant

A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, the GBHA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

7-III.G. RETIREMENT ACCOUNTS

GBHA Policy
The GBHA will accept written third-party documents supplied by the family as evidence of the status of retirement accounts.

The type of original document that will be accepted depends upon the family member's retirement status.

Before retirement, the GBHA will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 6 months from the effective date of the examination.

Upon retirement, the GBHA will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

After retirement, the GBHA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

7-III.H. INCOME FROM EXCLUDED SOURCES

A detailed discussion of excluded income is provided in Chapter 6, Part I.

HUD guidance on verification of excluded income draws a distinction between income which is fully excluded and income which is only partially excluded.

For fully excluded income, the GBHA is not required to follow the verification hierarchy, document why third-party verification is not available, or report the income on the 50058. Fully excluded income is defined as income that is entirely excluded from the annual income determination (for example, food stamps, earned income of a minor, or foster care funds) [Notice PIH 2013-04].

The GBHA may accept a family's signed application or reexamination form as self-certification of fully excluded income. They do not have to require additional documentation. However, if there is any doubt that source of income qualifies for full exclusion, the GBHA has the option of requiring additional verification.

For partially excluded income, the GBHA is required to follow the verification hierarchy and all applicable regulations, and to report the income on the 50058. Partially excluded income is defined as income where only a certain portion of what is reported by the family qualifies to be excluded and the remainder is included in annual income (for example, the income of an adult full-time student, or income excluded under the earned income disallowance).

> GBHA Policy
> The GBHA will accept the family's self-certification as verification of fully excluded income. The GBHA may request additional documentation if necessary to document the income source.
>
> The GBHA will verify the source and amount of partially excluded income as described in Part 1 of this chapter.

7-III.I. ZERO ANNUAL INCOME STATUS

> GBHA Policy
> The GBHA will check UIV sources and/or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SS, SSI, earned income etc. are not being received by families claiming zero annual income.

PART IV: VERIFYING MANDATORY DEDUCTIONS

7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent and elderly/disabled family deductions require only that the GBHA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

Dependent Deduction

See Chapter 6 (6-II.B.) for a full discussion of this deduction. The GBHA will verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse, or co-head of the family and is not a foster child

- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full-time student

Elderly/Disabled Family Deduction
See the Eligibility chapter for a definition of elderly and disabled families and Chapter 6 (6-II.C.) for a discussion of the deduction. The GBHA will verify that the head, spouse, or co-head is 62 years of age or older or a person with disabilities.

7-IV.B. MEDICAL EXPENSE DEDUCTION
The policies related to medical expenses are found in 6-II.D. The standard verification policies found in Part I of this chapter apply to the verification of medical expenses.

Amount of Expense

GBHA Policy
Medical expenses will be verified through:

Written third-party documents provided by the family, such as pharmacy printouts or receipts.

The GBHA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The GBHA will also accept evidence of monthly payments or total payments that will be made for medical expenses during the upcoming 12 months.

Written third-party verification forms, if the family is unable to provide acceptable documentation.

Written family certification as to costs anticipated to be paid during the upcoming 12 months

In addition, the GBHA must verify that:

- The household is eligible for the deduction
- The costs to be deducted are qualified medical expenses
- The expenses are not paid for or reimbursed by any other source
- Costs incurred in past years are counted only once

Eligible Household
The medical expense deduction is permitted only for households in which the head, spouse, or co-head is at least 62 or a person with disabilities. The GBHA will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter, and as described in Chapter 7 (7-IV.A) of this plan.

Qualified Expenses
To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 6 (6-II.D.) for the GBHA's policy on what counts as a medical expense.

Unreimbursed Expenses

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

GBHA Policy
The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any other source. If expenses are verified through a third party, the third party must certify that the expenses are not paid or reimbursed from any other source.

Expenses Incurred in Past Years

GBHA Policy
When anticipated costs are related to on-going payment of medical bills incurred in past years, the GBHA will verify:

The anticipated repayment schedule

The amounts paid in the past, and

Whether the amounts to be repaid have been deducted from the family's annual income in past years

7-IV.C. DISABILITY ASSISTANCE EXPENSES

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

The deduction for disability assistance expenses covers both attendant care and auxiliary apparatus. Because one is a care provider and the other is generally a piece of equipment or the servicing of that equipment, the policy for verifying amounts for attendant care will be somewhat different than for auxiliary apparatus. The standard verification policies found in Part I of this chapter apply to the verification of disability assistance expenses.

Attendant Care

GBHA Policy
The GBHA will accept written third-party documents provided by the family.

If family-provided documents are not available, the GBHA will provide a third-party verification form directly to the care provider requesting the needed information.
Expenses for attendant care will be verified through:

Written third-party documents provided by the family, such as receipts or cancelled checks

Third-party verification form signed by the provider, if family-provided documents are not available

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months

Auxiliary Apparatus

GBHA Policy
Expenses for auxiliary apparatus will be verified through:

Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.

Third-party verification form signed by the provider, if family-provided documents are not available

If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months

In addition, the GBHA must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).
- The expense permits a family member, or members, to work (as described in 6-II.E.).
- The expense is not reimbursed from another source (as described in 6-II.E.).

Family Member is a Person with Disabilities
To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The GBHA will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

Family Member(s) Permitted to Work
The GBHA must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

GBHA Policy
The GBHA will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work (See 6-II.E.). This documentation may be provided by the family.

If third-party verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses
To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

GBHA Policy
The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any other source.

7-IV.D. CHILD CARE EXPENSES

Policies related to child care expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I. In addition, the GBHA must verify that:

- The child is eligible for care (12 or younger)
- The costs claimed are not reimbursed
- The costs enable a family member to work, actively seek work, or further their education
- The costs are for an allowance type of child care
- The costs are reasonable

Eligible Child

To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13. The GBHA will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

Unreimbursed Expense

To be eligible for the child care deduction, the costs must not be reimbursed by another source.

GBHA Policy

The family and the care provider will be required to certify that the child care expenses are not paid by or reimbursed to the family from any other source.

Pursuing an Eligible Activity

The GBHA must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

GBHA Policy

Information to be Gathered

The GBHA will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

Whenever possible the GBHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases, the GBHA will request verification from the agency of the member's job seeking efforts to date and require the family to submit to the GBHA any reports provided to the other agency.

In the event third-party verification is not available, the GBHA will provide the family with a form on which the family member must record job search efforts. The GBHA will review this information at each subsequent re-examination for which this deduction is claimed.

Furthering Education

The GBHA will require a self certification verifying that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered.

Gainful Employment
The GBHA will seek third-party verification of the work schedule of the person who is permitted to work by the child care. In cases in which two (2) or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

Allowable Type of Child Care
The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

GBHA Policy
The GBHA will verify that the type of child care selected by the family is allowable, as described in Chapter 6 (6-II.F.).

The GBHA will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

The GBHA will verify that the child care provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

Reasonableness of Expenses
Only reasonable child care costs can be deducted.

GBHA Policy
The actual costs the family incurs will be compared with the GBHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, the GBHA will request additional documentation, as required, to support a determination that the higher cost is appropriate.

EXHIBIT 7-1: Excerpt from HUD Verification Guidance Notice (PIH 2004-01, pp.11-14)

Upfront (UIV)	Highest (Highly Recommended, highest level of third party verification)
Written 3rd Party	High (Mandatory if upfront income verification is not available or if UIV data differs substantially from tenant-reported information)
Oral 3rd Party	Medium (Mandatory if written third party verification is not available)
Document Review	Medium-Low (Use on provisional basis)
Tenant Declaration	Low (Use as a last resort)

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)

Wage/Salaries	Use of computer matching agreements with a State Wage Information Collection Agency (SWICA) to obtain wage information electronically, by mail or fax or in person.	The GBHA mails, faxes, or e-mails a verification form directly to the independent sources to obtain wage information.	In the event the independent source does not respond to the GBHA's written request for information, the GBHA may contact the independent source by phone or make an in-person visit to obtain the requested information.	When neither form of third-party verification can be obtained, the GBHA may accept original documents such as consecutive pay stubs (HUD recommends the GBHA review at least three months of pay stubs, if employed by the same employer for three months or more), W-2 forms, etc. from the tenant. Note: The GBHA must document in the tenant file, the reason third-party verification was not available.	The GBHA may accept a notarized statement or affidavit from the tenant that declares the family's total annual income from earnings. Note: the GBHA must document in the tenant file, the reason third-party verification was not available.
	Agreements with private vendor agencies, such as The Work Number or ChoicePoint to obtain wage and salary information.	The GBHA may have the tenant sign a Request for Earnings Statement from the SSA to confirm past earnings. The GBHA mails the form to SSA and the statement will be sent to the address the GBHA specifies on the form.			
	Use of HUD systems, when available.				
Verification of Employment Income: The GBHA should always obtain as much information as possible about the employment, such as start date (new employment), termination date (previous employment), pay frequency, pay rate, anticipated pay increases in the next twelve months, year-to-date earnings, bonuses, overtime, company name, address and telephone number, name and position of the person completing the employment verification form. **Effective Date of Employment**: The GBHA should always confirm start and termination dates of employment.					

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)
Self-Employment	Not Available	The GBHA mails or faxes a verification form directly to sources identified by the family to obtain income	The GBHA may call the source to obtain income information	The GBHA may accept any documents (i.e. tax returns, invoices, and letters from customers)	The GBHA may accept a notarized statement or affidavit from the tenant that declares the family's total

		information.		provided by the tenant to verify self-employment income. Note: The GBHA must document in the tenant file, the reason third-party verification was not obtained.	annual income from self-employment. Note: The GBHA must document in the tenant file, the reason third-party verification was not available.
Verification of Self-Employment Income: Typically, it is a challenge for PHAs to obtain third-party verification of self-employment income. When third-party verification is not available, the GBHA should always request a notarized tenant declaration that includes a perjury statement.					
Social Security Benefits	Use of HUD Tenant Assessment System (TASS) to obtain current benefit history and discrepancy reports.	The GBHA mails or faxes a verification form directly to the local SSA office to obtain social security benefit information. **(Not Available in some areas because SSA makes this data available through TASS. SSA encourages PHAs to use TASS.)**	The GBHA may call SSA, with the tenant on the line, to obtain current benefit amount. **(Not Available in some areas because SSA makes this data available through TASS. SSA encourages PHAs to use TASS.)**	The GBHA may accept an original SSA Notice from the tenant. Note: The GBHA must document in the tenant file, the reason third-party verification was not available.	The GBHA may accept a notarized statement or affidavit from the tenant that declares monthly social security benefits. Note: The GBHA must document in the tenant file, the reason third-party verification was not available.
Welfare Benefits	Use of computer matching agreements with the local Social Services Agency to obtain current benefit amount electronically, by mail or fax or in person.	The GBHA mails, faxes, or e-mails a verification form directly to the local Social Security Services Agency to obtain welfare benefit information.	The GBHA may call the local Social Services Agency to obtain current benefit amount.	The GBHA may review an original award notice or printout from the local Social Services Agency provided by the tenant. Note: The GBHA must document in tenant file, the reason third-party verification was not available.	The GBHA may accept a notarized statement or affidavit from the tenant that declares monthly welfare benefits.
Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)
Child Support	Use of agreement with the local Child Support Enforcement Agency to obtain current child	The GBHA mails, faxes, or e-mails a verification form directly to the local Child Support Enforcement	The GBHA may sell the local Child Support Enforcement Agency or child support payer to	The GBHA may review an original court order, notice or printout from the local Child Support	The GBHA may accept a notarized statement or affidavit from the tenant that declares current

	support amount and payment status electronically, by mail or fax or in person.	Agency or child support payer to obtain current child support amount and payment status.	obtain current child support amount and payment status.	Enforcement Agency provided by the tenant to verify current child support amount and payment status. Note: The GBHA must document in the tenant file, the reason third party verification was not available.	child support amount and payment status. Note: The GBHA must document in the tenant file, the reason third-party verification was not available.
Unemployment Benefits	Use of computer matching agreements with a State Wage Information Collection Agency to obtain unemployment compensation electronically, by mail or fax or in person. Use of HUD systems, when available.	The GBHA mails, faxes, or e-mails a verification form directly to the State Wage Information Collection Agency to obtain unemployment compensation information.	The GBHA may call the State Wage Information Collection Agency to obtain current benefit amount.	The GBHA may review an original benefit notice or unemployment check stub, or printout from the local State Wage Information Collection Agency provided by the tenant. Note: The GBHA must document in the tenant file the reason third-party verification was not available.	The GBAH may accept a notarized statement or affidavit from the tenant that declares unemployment benefits. Note: The GBHA must document in the tenant file, the reason third-party verification was not available.
Pensions	Use of computer matching agreements with a Federal, State, or Local Government Agency to obtain pension information electronically, by mail or fax or in person.	The GBHA mails, faxes, or e-mails a verification form directly to the pension provider to obtain pension information.	The GBHA may call the pension provider to obtain current benefit amount.	The GBHA may review an original benefit notice from the pension provider provided by the tenant. Note: The GBHA must document in the tenant file, the reason third-party verification was not available.	The GBHA may accept a notarized statement or affidavit from the tenant that declares monthly pension amounts.

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)
Assets	Use of cooperative agreements with sources to obtain asset and asset income	The GBHA mails, faxes, or e-mails a verification form directly to the source to obtain	The GBHA may call the source to obtain asset and asset income information.	The GBHA may review original documents provided by the tenant. Note: The GBHA must	The GBHA may accept a notarized statement or affidavit from the tenant that

	information electronically, by mail or fax or in person.	asset and asset income information.		document in the tenant file, the reason third-party verification was not available.	declares assets and asset income. Note: The GBHA must document in the tenant file, the reason third-party verification was not available.
Comments	Whenever HUD makes available wage, unemployment, and SSA information, the GBHA should use the information as part of the re-examination process. Failure to do so may result in disallowed costs during a RIM review.	Note: The independent source completes the form and returns the form directly to the GBHA. The tenant should not hand carry documents to or from the independent source.	The GBHA should document in the tenant file, the date and time of the telephone call or in person visit, along with the name and title of the person that verified the current income amount.		The GBHA should use this verification method as a last resort, when all other verification methods are not possible or have been unsuccessful. **Notarized statement should include a perjury penalty statement.**
Note: The GBHA must not pass verification costs along to the participant. Note: In cases where the GBHA cannot reliably project annual income, the GBHA may elect to complete regular interim re-examinations (this policy should be a part of the GBHA's written policies.)					

Exhibit 7-2: Summary of Documentation Requirements for Noncitizens
[HCV GB, pp.5-9 and 5-10]

• All noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to the GBHA. • Except for persons 62 or older, all noncitizens must sign a verification consent form • Additional documents are required based upon the person's status.
Elderly Noncitizens • A person 62 years of age or older who claims eligible immigration status also must provide proof

<table>
<tr><td colspan="2">of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits.</td></tr>
<tr><td colspan="2">All other Noncitizens
• Noncitizens that claim eligible immigration status also must present the applicable USCIS document.</td></tr>
<tr><td>• Form I-551 Alien Registration Receipt Card (for permanent resident aliens)
• Form I-94 Arrival-Departure Record annotated with one of the following:
o “Admitted as a Refugee Pursuant to Section 207”
o “Section 208” or “Asylum”
o “Section 243(h)” or “Deportation stayed by Attorney General”
o “Paroled Pursuant to Section 221 (d)(5) of the USCIS”</td><td>• Form I-94 Arrival-Departure Record with no annotation accompanied by:
o A final court decision granting asylum (but only if no appeal is taken);
o A letter from a USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90);
o A court decision granting withholding of deportation; or
o A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90)</td></tr>
<tr><td>• For I-688 Temporary Resident Car annotated “Section 245A” or “Section 210”.</td><td>Form I-688B Employment Authorization Card annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”.</td></tr>
<tr><td colspan="2">• A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant’s entitlement to the document has been verified; or
• Other acceptable evidence. If other documents are determined by the USCIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register.</td></tr>
</table>

Chapter 8
LEASING AND INSPECTIONS
[24 CFR 5, Subpart G; 24 CFR 966, Subpart A]

INTRODUCTION
Public housing leases are the contractual basis of the legal relationship between the GBHA and the tenant. All units must be occupied pursuant to a dwelling lease agreement that complies with HUD regulations.

HUD regulations require the GBHA to inspect each dwelling unit prior to move-in, at move-out, and annually during the period of occupancy. In addition, the GBHA may conduct additional inspections in accordance with GBHA policy.

This chapter is divided into two parts as follows:

> Part I: Leasing. This part describes pre-leasing activities and the GBHA's policies pertaining to lease execution, lease modification, and payments under the lease.
>
> Part II: Inspections. This part describes the GBHA's policies for inspecting dwelling units.

PART I: LEASING

8-I.A. OVERVIEW
An eligible family may occupy a public housing dwelling unit under the terms of a lease. The lease must meet all regulatory requirements, and must also comply with applicable state and local laws and codes.

The term of the lease must be for a period of 12 months. The least must be renewed automatically for another 12-month term, except that the GBHA may not renew the lease if the family has violated the community service requirement [24 CFR 966.4(a)(2)].

Part I of this chapter contains regulatory information on leasing, where applicable, as well as the GBHA's leasing policies.

8-I.B. LEASE ORIENTATION

> GBHA Policy
> After unit acceptance but prior to occupancy, a GBHA representative will conduct a lease orientation with the family. The head of household or spouse is required to attend.

Orientation Agenda

> GBHA Policy
> When families attend the lease orientation, they will be provided with:
>
> > A copy of the lease
> >
> > A copy of the GBHA's grievance procedure
> >
> > A copy of the house rules, including non-standard rental provisions
> >
> > A copy of the GBHA's schedule of maintenance charges

Move-out instructions

Lead-based paint disclosures and acknowledgements addendum

Community Service requirement

Family obligation addendum

Smoke detector policy

Rent election addendum

A copy of the GBHA Pet Policy

A copy of "Is Fraud Worth It?" (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse

A copy of "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by HUD, as an attachment to Notice PIH 2010-19

A copy of "How Your Rent is Determined" fact sheet

Information about the protections afforded by the Violence against Women Act of 2013 (VAWA) to victims of domestic violence, dating violence, sexual assault and stalking (see section 16-VII.C)

Topics to be discussed and explained to all families include:

Applicable deposits and all other charges

Homelessness at admission

Review and explanation of lease provisions

Unit maintenance requests and work orders

The GBHA's interim reporting requirements

Review and explanation of occupancy forms

Community service requirements

Family choice of rent

VAWA protections

8-I.C. EXECUTION OF LEASE

The lease must be executed by the tenant and the GBHA, except for automatic renewals of a lease [24 CFR 966.4(a)(3)].

A lease is executed at the time of admission for all new residents. A new lease is also executed at the time of transfer from one GBHA unit to another.

The least must state the composition of the household as approved by the GBHA (family members and any GBHA-approved live-in aide) [24 CFR 966.4(a)(1)(v)]. See Section 8-I.D. for policies regarding changes in family composition during the lease term.

> GBHA Policy
> The head of household, spouse, or co-head, and all other adult members of the household will be required to sign the public housing lease prior to occupancy. An appointment will be scheduled for the parties to execute the lease. The head of household will be provided a copy of the executed lease and the GBHA will retain a copy in the resident's file.
>
> Files for households that include a live-in aide will contain file documentation signed by the live-in aide, that the live-in aide is not a party to the lease and is not entitled to the GBHA assistance. The live-in aide is only approved to live in the unit while serving as the care attendant for the family member who requires the care.

8-I.D. MODIFICATIONS TO THE LEASE

The lease may be modified at any time by written agreement of the tenant and the GBHA [24 CFR 966.4(a)(3)].

Modification to the Lease Form

The GBHA may modify its lease from time to time. However, the GBHA must give residents at least thirty (30) days advance notice of the proposed changes and an opportunity to comment on the changes. The GBHA must also consider any comments before formally adopting a new lease [24 CFR 966.3].

After proposed changes have been incorporated into the lease and approved by the Board, each family must be notified at least 60 days in advance of the effective date of the new lease or lease revision. A resident's refusal to accept permissible and reasonable lease modifications that are made in accordance with HUD requirements, or are required by HUD, is grounds for termination of tenancy [24 CFR 966.4(1)(2)(iii)(E)].

> GBHA Policy
> The family will have 30 days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30 day timeframe, the family's tenancy will be terminated for other good cause in accordance with the policies in Chapter 13.

Schedules of special charges and rules and regulations are subject to modification or revision. Because these schedules are incorporated into the lease by reference, residents and resident organizations must be provided at least thirty days written notice of the reason(s) for any proposed modifications or revisions, and must be given opportunity to present written comments. The notice must be delivered directly or mailed to each tenant; or posted in at least three conspicuous places within each structure or building in which the affected dwelling units are located, as well as in a conspicuous place at the project office, if any, or if none, a similar central business location within the project. Comments must be taken into consideration before any proposed modifications or revisions become effective [24 CFR 966.5].

After the proposed revisions become effective they must be publicly posted in a conspicuous manner in the project office and must be furnished to applicants and tenants on request [24 CFR 966.5].

GBHA Policy
When the GBHA proposes to modify or revise schedules of special charges or rules and regulations, the GBHA will post a copy of the notice in the central office, and will mail a copy of the notice to each resident family. Documentation of proper notice will be included in each resident file.

Other Modifications

GBHA Policy
The lease will be amended to reflect all changes in family composition.

If, for any reason, any member of the household ceases to reside in the unit, the lease will be amended by drawing a line through the person's name. The head of household and GBHA will be required to initial and date the change.

If a new household member is approved by the GBHA to reside in the unit, the person's name and birth date will be added to the lease. The head of household and GBHA will be required to initial and date the change. If the new member of the household is an adult, s/he will also be required to sign and date the lease.

Policies governing when and how changes in family composition must be reported are contained in Chapter 9, Re-examinations.

If a family's composition changes and therefore requires a different unit size, the GBHA reserves the right to utilize its discretion in determining whether the family may continue to reside in the current unit or be moved to a new unit. In all circumstances, the resident family will receive the new unit before an applicant family residing on the waiting list.

8-I.E. SECURITY DEPOSITS [24 CFR 966.4(b)(5)]
At the option of the GBHA, the lease may require security deposits. The amount of the security deposit cannot exceed one month's rent or a reasonable fixed amount as determined by the GBHA. The GBHA may allow for gradual accumulation of the security deposit by the family, or the family may be required to pay the security deposit in full prior to occupancy. Subject to applicable laws, interest earned on security deposits may be refunded to the tenant after vacating the unit, or used for tenant services or activities.

GBHA Policy
Residents must pay a security deposit to the GBHA at the time of admission. The amount of the security deposit will be based on the size of the unit, and follows the schedule below:

Mason Manor Units
1-bedroom = $200
2-bedroom = $250

Scattered Site Units
2-bedroom = $400
3-bedroom = $550
4-bedroom = $700

The security deposit must be paid in full prior to occupancy, unless otherwise permitted by the GBHA. The GBHA has the discretion to allow tenants to make payments based on an established payment arrangement. If a tenant enters into a payment arrangement, the GBHA requires that at least one half of the security deposit be paid prior to admission, and payments must be made such that the full security deposit amount will be paid in three months time from that of move in.

The GBHA will hold the security deposit for the period the family occupies the unit. The GBHA will not use the security deposit for rent or other charges while the resident is living in the unit.

Within 21 days of move-out, the GBHA will refund to the resident the amount of the security deposit, less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease.

The GBHA will provide the resident with a written list of any charges against the security deposit within 21 days of the move-out inspection. If the resident disagrees with the amount charged, the GBHA will provide a meeting to discuss the charges.

If the resident transfers to another unit, the GBHA will provide the tenant with a written list of any charges against the "old" security deposit and refund the amount of the deposit, less any amount charged, within 21 days. The resident will be required to pay a security deposit for the "new" unit, which will be based on the size of the unit.

8-I.F. PAYMENTS UNDER THE LEASE

Rent Payments [24 CFR 966.4(b)(1)]

Families must pay the amount of the monthly tenant rent determined by the GBHA in accordance with HUD regulations and other requirements. The amount of the tenant rent is subject to change in accordance with HUD requirements.

The lease must specify the initial amount of the tenant rent at the beginning of the initial lease term, and the GBHA must give written notice stating any change in the amount of tenant rent and when the change is effective.

GBHA Policy

Monthly rent is due the first of the month and must be made payable to the Green Bay Housing Authority. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

If a family's tenant rent changes, the GBHA will notify the family of the new amount and the effective date by sending a "Notice of Rent Adjustment" which will become an attachment to the lease.

Late Fees and Nonpayment

At the option of the GBHA, the lease may provide for payment of penalties when the family is late in paying tenant rent [24 CFR 966.4(b)(3)].

The lease must provide that late payment fees are not due and collectible until two weeks after the GBHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the GBHA grievance procedures. The GBHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

> GBHA Policy
> If the family fails to pay their rent by the sixth day of the month, and the GBHA has not agreed to accept payment at a later date, a $10.00 late fee will be assessed. Notice of late fees will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14-calendar days after billing. If the family requests a grievance hearing within the required timeframe, the GBHA may not take action for nonpayment of the fee until the conclusion of the grievance process. If the resident can document financial hardship, the late fee maybe waived on a case by case basis.
>
> When a check is returned for insufficient funds or is written on a closed account, the rent will be considered unpaid and a returned check fee of $25.00 will be charged to the family. The fee will be due and payable 14 days after billing.

Excess Utility Charges

If the GBHA charges the tenant for consumption of excess utilities, the lease must state the basis for the determination of such charges. The imposition of charges for consumption of excess utilities is permissible only if the charges are determined by an individual check meter servicing the leased unit or result from the use of major tenant-supplied appliances [24 CFR 966.4(b)(2)].

Schedules of special charges for utilities that are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the development office and must be furnished to applicants and tenants on request [24 CFR 966.5].

The lease must provide that charges for excess utility consumption are not due and collectible until two weeks after the GBHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right to a hearing under the GBHA grievance procedures. The GBHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

> GBHA Policy
> When applicable, families will be charged for excess utility usage according the GBHA's current posted schedule. Notices of excess utility charges will be mailed monthly and will be in accordance with requirements regarding notice of adverse actions. Charges are due and payable at the time of payment of rent. If the family requests a grievance hearing within the required timeframe, the GBHA may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of excess utility charges is a violation of the lease and is grounds for eviction.

Maintenance and Damage Charges
If the GBHA charges the tenant for maintenance and repair beyond normal wear and tear, the lease must state the basis for the determination of such charges [24 CFR 966.4(b)(2)].

Schedules of special charges for services and repairs which are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the development's office and must be furnished to applicants and tenants upon request [24 CFR 966.5].

The lease must provide that charges for maintenance and repair beyond normal wear and tear are not due and collectible until two weeks after the GBHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the GBHA grievance procedures. The GBHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe), the grievance process has been completed [24 CFR 966.4(e)(8)].

GBHA Policy
When applicable, families will be charged for maintenance and/or damages according to the GBHA's current schedule. Work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable).

Notices of maintenance and damage charges will be mailed as necessary and applicable, and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 30 calendar days after billing. The GBHA maintains the discretion to enter into payment arrangements with families for maintenance and damage charges. If the family requests a grievance hearing within the required timeframe, the GBHA may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for eviction.

PART II: INSPECTIONS

8-II.A. OVERVIEW
HUD regulations require the GBHA to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, the GBHA may require additional inspections, in accordance with GBHA policy. This part contains the GBHA's policies governing inspections, notification of unit entry, and inspection results.

8-II.B. TYPES OF INSPECTIONS

Move-In Inspections [24 CFR 966.4(i)]

The lease must require the GBHA and the family to inspect the dwelling unit prior to occupancy in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by the GBHA and the tenant, must be provided to the tenant and retained in the resident file.

GBHA Policy
Any adult family member may attend the initial inspection and sign the inspection form for the head of household.

Move-Out Inspection [24 CFR 966.4(i)]
The GBHA must inspect the unit at the time the resident vacates the unit and must allow the resident to participate in the inspection if he or she wishes, unless the tenant vacates without notice to the GBHA. The GBHA must provide to the tenant a statement of any charges to be made for maintenance and damage beyond normal wear and tear.

The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear.

GBHA Policy
When applicable, the GBHA will provide the tenant with a statement of charges to be made for maintenance and damage beyond normal wear and tear, within 21 days of conducting the move-out inspection.

Annual Inspections [24 CFR 5.705]
The GBHA is required to inspect all occupied units annually using HUD's Uniform Physical Condition Standards (UPCS) Under the Public Housing Assessment System (PHAS), HUD's physical condition inspections do not relieve the GBHA of this responsibility to inspect its units [24 CFR 902.20(d)].

Quality Control Inspections
The purpose of quality control inspections is to assure that all defects were identified in the original inspection, and that repairs were completed at an acceptable level of craftsmanship and within an acceptable time frame.

GBHA Policy
Supervisory quality control inspections will be conducted in accordance with the GBHA's maintenance plan.

Special Inspections

GBHA Policy
GBHA staff may conduct a special inspection for any of the following reasons:

Housekeeping

Unit condition

Suspected lease violation

Preventative maintenance

Routine maintenance

There is a reasonable cause to believe an emergency exists

Other Inspections

GBHA Policy
Building exteriors, grounds, common areas and systems will be inspected according to the GBHA's maintenance plan.

8-II.C. NOTICE AND SCHEDULING OF INSPECTIONS

Notice of Entry

Non-Emergency Entries [24 CFR 966.4(j)(1)]
The GBHA may enter the unit, with reasonable advance notification to perform routine inspections and maintenance, make improvements and repairs, or to show the unit for re-leasing. A written statement specifying the purpose of the GBHA entry delivered to the dwelling unit at least two days before such entry is considered reasonable notification.

GBHA Policy
The GBHA will notify the resident in writing at least 48 hours prior to any non-emergency inspection.

For regular annual inspections, the family will receive at least 2 weeks written notice of the inspection to allow the family to prepare the unit for the inspection.

Entry for repairs requested by the family requires a minimum of a 12-hour notice.

Emergency Entries [24 CFR 966.4(j)(2)]
The GBHA may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists. If no adult household member is present at the time of an emergency entry, the GBHA must leave a written statement showing the date, time and purpose of the entry prior to leaving the dwelling unit.

Scheduling of Inspections

GBHA Policy
Inspections will be conducted during business hours. The GBHA is required to provide at least a 24-hour notice of entry. As long as proper notice is provided, the GBHA may enter the unit. If, for a reason acknowledged and accepted by the GBHA, a family needs to reschedule an inspection, they must notify the GBHA at least 24 hours prior to the scheduled inspection. The GBHA will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection. The GBHA may request verification of such cause.

Attendance at Inspections

Residents are required to be present for move-in inspections [24 CFR 966.4(i)]. There is no such requirement for other types of inspections.

GBHA Policy
Except at move-in inspections, the resident is not required to be present for inspections. The resident may attend inspections if he or she wishes.

In no one is at home, the inspector will enter the unit, conduct the inspection and leave notice of entry in the unit.

8-II.D. INSPECTION RESULTS
The GBHA is obligated to maintain dwelling units and the project in a decent, safe and sanitary condition and to make necessary repairs to dwelling units [24 CFR 966.4(e)].

Emergency Repairs [24 CFR 966.4(h)]
If the unit is damaged to the extent that conditions are created which are hazardous to the life, health, or safety of the occupants, the tenant must immediately notify the GBHA of the damage, and the GBHA must make repairs within a reasonable time frame.

If the damage was caused by a household member or guest, the GBHA must charge the family for the reasonable cost of repairs. The GBHA may also take lease enforcement action against the family.

If the GBHA cannot make repairs quickly, the GBHA must offer the family standard alternative accommodations. If the GBHA can neither repair the defect within a reasonable time frame nor offer alternative housing, rent shall be abated in proportion to the seriousness of the damage and loss in value as a dwelling. Rent shall not be abated if the damage was caused by a household member or guest, or if the resident rejects the alternative accommodations.

GBHA Policy
When conditions in the unit are hazardous to life, health, or safety, the GBHA will make repairs or otherwise abate the situation within 24 hours.

Defects hazardous to life, health or safety include, but are not limited to, the following:

Any condition that jeopardizes the security of the unit

Major plumbing leaks or flooding, waterlogged ceiling or floors in imminent danger of falling

Natural or LP gas or fuel oil leaks

Any electrical problem or condition that could result in shock or fire

Absence of a working heating system

Utilities not in service, including no running hot water

Conditions that present the imminent possibility of injury

Obstacles that prevent safe entrance or exit from the unit

Absence of a functioning toilet in the unit

Inoperable smoke detectors/carbon monoxide detectors

Non-Emergency repairs

GBHA Policy
The GBHA will correct non-life threatening health and safety defects within 15 business days of the inspection date. If the GBHA is unable to make repairs within that period due to circumstances beyond the GBHA's control (e.g. required parts or services are not available, weather conditions, etc.) the GBHA will notify the family of an estimated date of completion.

The family must allow the GBHA access to the unit to make repairs.

Resident-Caused Damages

GBHA Policy
Damages to the unit beyond normal wear and tear will be billed to the tenant in accordance with the policies in 8-I.G., Maintenance and Damage Charges.

Repeated or excessive damages to the unit beyond normal wear and tear will be considered a serious or repeated violation of the lease.

Housekeeping

GBHA Policy
Residents whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease. In these instances, the GBHA will provide proper notice of a lease violation.

A re-inspection will be conducted within 30 days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a re-inspection is considered a violation of the lease and may result in termination of tenancy in accordance with Chapter 13.

Notices of lease violations will also be issued to residents who purposely disengage the unit's smoke detector or carbon monoxide detector. Only one warning will be given. A second incidence could result in lease termination.

Chapter 9
RE-EXAMINATIONS
[24 CFR 960.257, 960.259, 966.4]

INTRODUCTION
The GBHA is required to reexamine each family's income and composition periodically, and to adjust the family's rent accordingly. PHAs must adopt policies for conducting annual and interim re-examinations that are consistent with regulatory requirements, and must conduct re-examinations in accordance with such policies [24 CFR 960.257(c)].

The frequency with which the GBHA must re-examine the income and composition of a family depends on whether the family pays income-based rent or flat rent. HUD requires the GBHA to offer all families the choice of paying income-based rent or flat rent at least annually. The GBHA's policies on offering families a choice of rents are located in Chapter 6.

This chapter discusses both annual and interim re-examinations.

> Part I: Annual Re-examinations for Families Paying Income-Based Rents. This part discusses the requirements for annual re-examination of income and family composition. Full re-examinations are conducted at least once a year for families paying income-based rent.
>
> Part II: Re-examinations for Families Paying Flat Rents. This part contains the GBHA's policies for conducting full re-examinations of family income and composition for families paying flat rent. These full re-examinations are conducted at least once every 3 years. This part also contains the GBHA's policies for conducting annual updates of family composition for flat rent families.
>
> Part III: Interim Re-examinations. This part includes HUD requirements and GBHA policies related to when a family may and must report changes that occur between annual re-examinations.
>
> Part IV: Recalculating Tenant Rent. After gathering and verifying required information for an annual or interim re-examination, the GBHA must recalculate the tenant rent. While the basic policies that govern these calculations are provided in Chapter 6, this part describes the policies that affect these calculations during a re-examination.

Policies governing reasonable accommodation, family privacy, required family cooperation, and program abuse, as described elsewhere in this ACOP, apply to annual and interim re-examinations.

PART I: ANNUAL RE-EXAMINATIONS FOR FAMILIES PAYING INCOME-BASED RENT [24 CFR 960.257]

9-I.A. OVERVIEW
For those families who choose to pay income-based rent, the GBHA must conduct a re-examination of income and family composition at least annually [24 CFR 960.257(a)(1)]. For families who choose flat rents, the GBHA must conduct a re-examination of family composition at least annually, and must conduct a re-examination of family income at least once every 3 years [24 CFR 960.257(a)(2)]. Policies related to the re-examination process for families paying flat rent are located in Part II of this chapter.

For all residents of public housing, whether those residents are paying income-based or flat rents, the GBHA must conduct an annual review of community service requirement compliance. This annual re-

examination is also a good time to have residents sign consent forms for criminal background checks in case the criminal history of a resident is needed at some point for the purposes of lease enforcement or eviction.

The GBHA is required to obtain all of the information necessary to conduct re-examinations. How that information will be collected is left to the discretion of the GBHA. Families are required to provide current and accurate information on income, assets, allowances and deductions, family composition and community service compliance as part of the re-examination process [24 CFR 960.259].

This part contains the GBHA's policies for conducting annual re-examinations.

9-I.B. SCHEDULING ANNUAL RE-EXAMINATIONS

The GBHA must establish a policy to ensure that the annual re-examination for each family paying an income-based rent is completed within a 12-month period [24 CFR 960.257(a)(1)].

GBHA Policy

Generally, the GBHA will schedule annual re-examinations to coincide with the family's anniversary date. The GBHA will begin the annual re-examination process approximately 90-120 days in advance of the scheduled effective date.

Anniversary date is defined as 12 months from the effective date of the family's last annual re-examination or, during a family's first year in the program, from the effective date of the family's initial examination (admission).

If the family transfers to a new unit, the GBHA will perform a new annual re-examination, and the anniversary date will be changed.

The GBHA may also schedule an annual re-examination for completion prior to the anniversary date for administrative purposes.

Notification of and Participation in the Annual Re-Examination Process

The GBHA is required to obtain information needed to conduct annual re-examinations. How that information will be collected is left to the discretion of the GBHA. However, the GBHA should give tenants who were not provided the opportunity to provide contact information at the time of admission the option to complete Form HUD-92006 at this time. The GBHA should provide the family with the opportunity to update, change, or remove information from the HUD-92006 at the time of annual reexamination [Notice PIH 2009-36].

GBHA Policy

Families generally are required to participate in an annual re-examination interview, which must be attended by the head of household, and spouse or co-head. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact the GBHA to request a reasonable accommodation.

Notification of annual re-examination interview will be sent by first-class mail and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview.

If the family is unable to attend a scheduled interview, the family should contact the GBHA at least 24 hours in advance of the interview to schedule a new appointment. In all circumstances, if

a family does not attend the scheduled interview, the GBHA will send a second notification with a new interview appointment time.

If a family fails to attend two scheduled interviews without GBHA approval, the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

An advocate, interpreter, or other individual may assist the family in the interview process. The family should contact the GBHA prior to the interview if such services are needed.

9-I.C. CONDUCTING ANNUAL RE-EXAMINATIONS

The terms of the public housing lease require the family to furnish information regarding income and family composition as may be necessary for the re-determination of rent, eligibility, and the appropriateness of the housing unit [24 CFR 966.4(c)(2)].

GBHA Policy

Families will be asked to bring all required information (as described in the re-examination notice) to the re-examination appointment. The required information will include a GBHA-designated re-examination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documentation related to the family's income, assets, expenses, and family composition.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 10 business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

The information provided by the family generally must be verified in accordance with the policies in Chapter 7. Unless the family reports a change, or the agency has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social security numbers
- A person's disability status
- Citizenship or immigration status

Change in Unit Size

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. The GBHA may use the results of the annual re-examination to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

Criminal Background Checks

Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)(1)(ii)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.

GBHA Policy
Each household member age 18 and over will be required to execute a consent form for a criminal background check as part of the annual re-examination process. The GBHA will conduct a criminal background check on all adult program recipients annually.

Compliance with Community Service
For families who include nonexempt individuals, the GBHA must determine compliance with community service requirements once every 12 months [24 CFR 960.257(a)(3)].

See Chapter 11 for the GBHA's policies governing compliance with the community service requirement.

9-I.D. EFFECTIVE DATES
As part of the annual re-examination process, the GBHA must make appropriate adjustments in the rent after consultation with the family and upon verification of the information [24 CFR 960.257(a)(1)].

GBHA Policy
In general, an increase in the tenant rent that results from an annual re-examination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance.

The tenant will receive an annual reminder letter 30 days prior to the annual re-examination date. This letter will constitute a 30 day notice in the event of a tenant rent increase.

If the GBHA chooses to schedule an annual re-examination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the GBHA, but will always allow for the 30-day notice period.

If the family causes a delay in processing the annual re-examination, the family will be required the pay the current flat rent rate until the annual re-examination has been completed. Increases in the tenant rent will be applied to the first day of the month following the completion of the re-examination.

In general, a decrease in the tenant rent that results from an annual re-examination will take effect on the family's anniversary date.

If the GBHA chooses to schedule an annual re-examination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the GBHA.

If the family causes a delay in processing the annual re-examination, the family will be required to pay the current flat rent rate until the annual re-examination has been completed. Decreases in the tenant rent will be applied to the first day of the month following the completion of the re-examination.

Delays in re-examination processing are considered to be caused by the family if the family fails to provide information requested by the GBHA by the date specified and this delay prevents the GBHA from completing the re-examination as scheduled.

PART II: RE-EXAMINATIONS FOR FAMILIES PAYING FLAT RENTS [24 CFR 960.257(2)]

9-II.A. OVERVIEW

HUD requires that the GBHA offer all families the choice of paying income-based rent or flat rent at least annually. The GBHA's policies for offering families a choice of rents are located in Chapter 6.

For families who choose flat rents, the GBHA must conduct a re-examination of family composition at least annually, and must conduct a re-examination of family income at least once every 3 years [24 CFR 960.257(a)(2)]. The GBHA is only required to provide the amount of income-based rent the family might pay in those years that the GBHA conducts a full re-examination of income and family composition, or upon request of the family after the family submits updated income information [24 CFR 960.253(e)(2)].

As it does for families that pay income-based rent, the GBHA must also review compliance with the community service requirement for families with nonexempt individuals.

This part contains the GBHA's policies for conducting re-examinations of families who choose to pay flat rent.

9-II.B. FULL RE-EXAMINATION OF FAMILY INCOME AND COMPOSITION

Frequency of Re-Examination

GBHA Policy
For families paying flat rent, the GBHA will conduct a full re-examination of family income once every 3 years. In the years between full re-examinations, regulations require the GBHA to conduct a re-examination of family composition ("Annual update") [24 CFR 960.257(a)(2)].

Re-Examination Policies

GBHA Policy
In conducting full re-examinations for families paying flat rent, the GBHA will follow the policies used for the annual re-examinations of families paying income-based rent, as set forth in section 9-I.B through 9-I.D.

9-II.C. RE-EXAMINATION OF FAMILY COMPOSITION ("ANNUAL UPDATE")

As noted, full re-examinations are conducted once every three (3) years for families paying flat rent.

The annual update process is similar to the annual re-examination process, except that the GBHA does not collect information about the family's income and expenses, and the family's rent is not recalculated following the annual update.

Scheduling

The GBHA must establish a policy to ensure that the re-examination of family composition for families choosing to pay the flat rent is completed at least annually [24 CFR 960.257(a)(2)].

GBHA Policy
For families paying flat rent, annual updates will be conducted in each of the 2 years following the full re-examination.

In scheduling the annual update, the GBHA will follow the policy used for scheduling the annual re-examination of families paying income-based rent as set forth in Section 9-I.B.

Conducting Annual Updates
The terms of the public housing lease require the family to furnish information necessary for the redetermination of rent and family composition [24 CFR 966.4(c)(2)].

GBHA Policy
Generally, the family will not be required to attend an interview for an annual update. However, if the GBHA determines that an interview is warranted, the family may be required to attend.

Notification of the annual update will be sent by first-class mail and will inform the family of the information and documentation that must be provided to the GBHA. The family will have 10 business days to submit the required information to the GBHA. If the family is unable to obtain the information or documents within the required timeframe, the family may request an extension. The GBHA will accept required documentation by mail, by fax, or in person.

If the family's submission is incomplete, or the family does not submit the information in the required timeframe, the GBHA will send a second written notice to the family. The family will have 10 business days from the date of the second notice to provide the missing information or documentation to the GBHA.

If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

Change in Unit Size
Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. The GBHA may use the results of the annual update to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

Criminal Background Checks
Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.

GBHA Policy
Each household member age 18 and over will be required to execute a consent form for criminal background check as part of the annual update process.

Compliance with Community Service
For families who include nonexempt individuals, the GBHA must determine compliance with community service requirements once every 12 months [24 CFR 960.257(a)(3)].

See Chapter 11 for the GBHA's policies governing compliance with the community service requirement.

PART III: INTERIM RE-EXAMINATIONS [24 CFR 960.257; 24 CFR 966.4]

9-III.A. OVERVIEW

Family circumstances may change during the period between annual re-examinations. HUD and GBHA policies define the types of information about changes in family circumstances that must be reported, and under what circumstances must be reported, and under what circumstances the GBHA must process interim re-examinations to reflect those changes. HUD regulations also permit the GBHA to conduct interim re-examinations of income or family composition at any time.

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition change. The GBHA must complete the interim re-examination within a reasonable time after the family's request.

This part includes HUD and GBHA policies that describe the changes families are required to report, the changes families may choose to report, and how the GBHA will process both GBHA- and family-initiated interim re-examinations.

9-III.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

The GBHA must adopt policies prescribing when and under what conditions the family must report changes in family composition. However, due to provisions of the public housing lease, the GBHA has limited secretion in this area.

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. Policies related to such transfers are located in Chapter 12.

> GBHA Policy
> All families, those paying income-based rent as well as flat rent, must report all changes in family and household composition that occur between annual re-examinations (or annual updates).
>
> The GBHA will conduct interim re-examinations to account for any changes in household composition that occur between annual re-examinations.

New Family Members Not Requiring Approval

While the addition of a family member as a result of birth, adoption, or court-awarded custody does not require GBHA approval, the family is required to promptly notify the GBHA of the addition [24 CFR 966.4(a)(1)(v)].

> GBHA Policy
> The family must inform the GBHA of the birth, adoption or court-awarded custody of a child within 10 business days.

New Family and Household Members Requiring Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request GBHA approval to add a new family member [24 CFR 966.4(a)(1)(v)] or other household member (live-in aide or foster child) [24 CFR 966.4(d)(3)].

The GBHA may adopt reasonable policies concerning residence by a foster child or live-in aide, and defining the circumstances in which GBHA consent will be given or denied. Under such policies, the factors considered by the GBHA may include [24 CFR 966.4(d)(3)(i)]:

- Whether the addition of a new occupant may necessitate a transfer of the family to another unit, and whether such units are available.
- The GBHA's obligation to make reasonable accommodation(s) for handicapped persons.

GBHA Policy

Families must request GBHA approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than 14 consecutive days or a total of 30 cumulative calendar days during any 12-month period, and therefore no longer qualifies as a "guest." Requests must be made in writing and approved by the GBHA prior to the individual moving into the unit.

If adding a person to a household (other than a child by birth, adoption, or court-awarded custody) will require a transfer to a larger size unit (under the transfer policy in Chapter 12), the GBHA will approve the addition only if the family can demonstrate that there are medical needs or other extenuating circumstances, including reasonable accommodation(s), that should be considered by the GBHA. Exceptions will be made on a case-by-case basis.

The GBHA will not approve the addition of a new family or household member unless the individual meets the GBHA's eligibility criteria (see Chapter 3) and documentation requirements (see Chapter 7, Part II).

If the GBHA determines that the individual does not meet the GBHA's eligibility criteria or documentation requirements, the GBHA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

The GBHA will make its determination within 10 business days of receiving all information required to verify the individual's eligibility.

Departure of a Family or Household Member

GBHA Policy

If a family member ceases to reside in the unit, the family must inform the GBHA within 10 business days. This requirement also applies to family members who had been considered temporarily absent, who are now permanently absent.

If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform the GBHA within 10 business days.

9-III.C. CHANGES AFFECTING INCOME OR EXPENSES

Interim re-examinations can be scheduled either because the GBHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, the GBHA may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

GBHA Policy

This section only applies to families paying income-based rent. Families paying flat rent are not required to report changes in income or expenses.

GBHA-Initiated Interim Re-Examinations

GBHA-initiated interim re-examinations are those that are scheduled based on circumstances or criteria defined by the GBHA. They are not scheduled because of changes reported by the family.

GBHA Policy

The GBHA will conduct interim re-examinations in each of the following instances:

For families receiving the Earned Income Disallowance (EID), the GBHA will conduct an interim re-examination at the start, to adjust the exclusion with any changes in income, and at the conclusion of the second 12 month exclusion period (50 percent phase-in period).

If the family has reported zero income, the GBHA will conduct an interim re-examination every 3 months as long as the family continues to report that they have no income.
If at the time of the annual re-examination, it is not feasible to anticipate a level of income for the next 12 months (e.g., seasonal or cyclic income), the GBHA will schedule an interim re-examination to coincide with the end of the period for which it is feasible to project income.

If at the time of the annual re-examination, tenant declarations were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the GBHA will conduct an interim re-examination.

The GBHA may conduct an interim re-examination at any time in order to correct an error in a previous re-examination, or to investigate a tenant fraud complaint.

Family-Initiated Interim Re-Examinations

The GBHA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 960.257(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim re-examination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)].

Required Reporting

HUD regulations give the GBHA the discretion to determine the circumstances under which families will be required to report changes affecting income.

GBHA Policy

Families are required to report gross income changes of $200 or more per month and the GBHA will thus conduct interim re-examinations. Families must inform the GBHA within 10 business days of the date the change takes effect. Families who fail to report income changes within 30 days of the date of the change will be charged with an overpayment.

The GBHA will only conduct interim re-examinations for families that qualify for the earned income disallowance (EID), and only when the EID family's rent will change as a result of the increase. In all other cases, the GBHA will note the information in the tenant file, but will not conduct an interim re-examination.

Families are not required to report any other changes in income or expenses.

Optional Reporting

The family may request an interim re-examination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)]. The GBHA must process the request if the family reports a change that will result in a reduced family income [PH Occ GB, p. 159].

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income, see Chapter 6.

GBHA Policy

If a family reports a change that is less than $200 per month and would result in an increase in the tenant rent, the GBHA will note the information in the tenant file, but will not conduct an interim re-examination.

If a family reports a change that was not required to be reported and would result in a decrease in the tenant rent, the GBHA will conduct an interim re-examination. See Section 9-III.D. for effective dates.

Families may report changes in income or expenses at any time.

9-III.D. PROCESSING THE INTERIM RE-EXAMINATION

Method of Reporting

GBHA Policy

The family may notify the GBHA of changes either orally or in writing. If the family provides oral notice, the GBHA will require the family to submit the changes in writing.

Generally, the family will not be required to attend an interview for an interim re-examination. However, if the GBHA determines that an interview is warranted, the family may be required to attend.

Based on the type of change reported, the GBHA will determine the documentation the family will be required to submit. The family must submit any required information or documents within 10 business days of receiving a request from the GBHA. This timeframe may be extended for good cause with GBHA approval. The GBHA will accept required documentation by mail, by fax, or in person.

Effective Dates

The GBHA must make the interim re-examination within a reasonable time after the family request [24 CFR 960.257(b)].

GBHA Policy

If the tenant rent is to increase:

The increase generally will be effective on the first of the month following 30 days' notice to the family

If a family fails to report a change within the required timeframes, or fails to provide all required information within the required timeframes, the increase will be applied retroactively to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

If the tenant rent is to decrease:

The decrease will be effective on the first day of the month following the month in which the change was reported. In cases where the change cannot be verified by GBHA staff until after the date the change would have become effective, the change will be made retroactively.

If the family causes a delay in processing the interim re-examination, decreases in the family share of rent will be applied prospectively, from the first day of the month following completion of the re-examination processing.

PART IV: RECALCULATING TENANT RENT

9-IV.A. OVERVIEW

For those families paying income-based rent, the GBHA must recalculate the rent amount based on the income information received during the re-examination process and notify the family of the changes [24 CFR 966.4, 960.257]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a re-examination.

9-IV.B. CHANGES IN UTILITY ALLOWANCES [24 CFR 965.507, 24 CFR 966.4]

The public housing lease requires the GBHA to give the tenant written notice stating any change in the amount of tenant rent, and when the change is effective [24 CFR 966.4(b)(1)(ii)].

When the GBHA re-determines the amount of rent (Total Tenant Payment or Tenant Rent) payable by the tenant, not including determination of the GBHA's schedule of Utility Allowances for families in the GBHA's Public Housing Program, or determine that the tenant must transfer to another unit based on family composition, the GBHA must notify the tenant that the tenant may ask for an explanation stating the specific grounds of the GBHA determination, and that if the tenant does not agree with the determination, the tenant shall have the right to request a hearing under the GBHA's grievance procedure [24 CFR 966.4(c)(4)].

<u>GBHA Policy</u>
The notice to the family will include the annual and adjusted income amounts that were used to calculate the tenant rent.

9-IV.C. NOTIFICATION OF NEW TENANT RENT

The public housing lease requires the GBHA to give the tenant written notice stating any change in the amount of tenant rent, and when the change is effective [24 CFR 966.4(b)(1)(ii)].

When the GBHA re-determines the amount of rent (Total Tenant Payment or Tenant Rent) payable by the tenant, not including determination of the GBHA's schedule of Utility Allowances for families in the GBHA's Public Housing Program, or determines that the tenant must transfer to another unit based on family composition, the GBHA must notify the tenant that the tenant may ask for an explanation stating the specific grounds of the GBHA determination, and that if the tenant does not agree with the

determination, the tenant shall have the right to request a hearing under the GBHA's grievance procedure [24 CFR 966.4(c)(4)].

GBHA Policy

The notice to the family will include the annual and adjusted income amounts that were used to calculate the tenant rent.

9-IV.D. DISCREPANCIES

During an annual or interim re-examination, the GBHA may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, the GBHA may discover errors made by the GBHA. When errors resulting in the overpayment or underpayment of rent are discovered, corrections will be made in accordance with the policies in Chapter 15, Program Integrity.

Chapter 10

PETS
[24 CFR, Subpart C; 24 CFR 960, Subpart G]

INTRODUCTION
This chapter explains the GBHA's policies on the keeping of pets and describes any criteria or standards pertaining to the policies. The rules adopted are reasonably related to the legitimate interest of the GBHA to provide a decent, safe and sanitary living environment for all tenants, and to protect and preserve the physical condition of the property, as well as the financial interest of the GBHA.

The chapter is organized as follows:

> Part I: Service Animals and Assistance Animals. This part explains the difference between service animals, assistance animals, and pets, and contains policies related to the designation of a service animal or assistance animal as well as their care and handling.
>
> Part II: Pet policies for all developments. This part includes pet policies that are common to both elderly/disabled developments and general occupancy developments.
>
> Part III: Pet deposits and fees for elderly/disabled developments. This part contains policies for pet deposits and fees that are applicable to elderly/disabled developments.
>
> Part IV: Pet deposits and fees for general occupancy developments. This part contains policies for pet deposits and fees that are applicable to general occupancy developments.

PART I: SERVICE ANIMALS AND ASSISTANCE ANIMALS
[Section 504; Fair Housing Act (42 U.S.C.); 24 CFR 5.303; 24 CFR 960.705; Notice FHEO 2013-01]

10-I.A. OVERVIEW
This part discusses situations under which permission for a service animal or an assistance animal may be denied, and also establishes standards for the care of service and assistance animals.

Notice FHEO 2013-01 was published April 25, 2013. The notice explains the difference between service animals and assistance animals. While the ADA applies to the premises of public housing agencies and to "public accommodations" such as stores and movie theaters, it does not apply to private-market rental housing. Therefore, in public housing the GBHA must evaluate a request for a service animal under both the ADA and the Fair Housing Act. Service animals are limited to trained dogs.
Neither service animals nor assistance animals are pets, and thus, are not subject to the GBHA's pet policies described in Parts II through IV of this chapter [24 CFR 5.303; 960.705; Notice FHEO 2013-01].

10-I.B. APPROVAL OF SERVICE ANIMALS AND ASSISTANCE ANIMALS
Notice FHEO 2013-01 states that the GBHA should first evaluate the request as a service animal under the ADA. The GBHA may only ask whether the dog is a service animal required due to a disability, and what tasks the animal has been trained to perform.

The GBHA cannot required proof of training or certification for a service animal, even if the disability and/or tasks performed are not readily apparent. If the disability and/or tasks performed are not readily apparent, no further inquiries may be made.

The GBHA may only deny a request for a service animal in limited circumstances:

- The animal is out of control and the handler does not take effective action to control it
- The animal is not housebroken or
- The animal poses a direct threat to health or safety that cannot be eliminated or reduced by a reasonable accommodation of other policies

A service animal must be permitted in all areas of the facility where members of the public are allowed.

If the animal does not qualify as a service animal under the ADA, the GBHA must next determine whether the animal would qualify as an assistance animal under the reasonable accommodation provisions of the Fair Housing Act. Such assistance animals may include animals other than dogs.

A person with a disability is not automatically entitled to have an assistance animal. Reasonable accommodation requires that there is a relationship between the person's disability and his or her need for the animal [PH Occ GB, p.179].

The GBHA may not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some, but not all, animals that assist persons with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and, in some cases, no special training is required. The question is whether or not the animal performs the assistance or provides the benefit needed by the person with the disability [PH Occ GB, p. 178].

The GBHA's refusal to permit persons with a disability to use and live with an assistance animal that is needed to assist them, would violate Section 504 of the Rehabilitation Act and the Fair Housing Act unless [PH Occ GB, p.179]:

- There is reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation
- There is reliable objective evidence that the animal would cause substantial physical damage to the property of others

The GBHA has the authority to regulate service animals and assistance animals under applicable federal, state, and local law [24 CFR 5.303(b)(3); 960.705(b)(3)].

<u>GBHA Policy</u>
For an animal to be excluded from the pet policy and be considered a service animal, it must be a trained dog, and there must be a person with disabilities in the household who requires the dog's services.

For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request and the GBHA must approve a reasonable accommodation in accordance with the policies contained in Chapter 2.

10-I.C. CARE AND HANDLING
HUD regulations do not affect any authority the GBHA may have to regulate service animals and assistance animals under federal, state, and local law [24 CFR 5.303; 24 CFR 960.705].

<u>GBHA Policy</u>

Residents must care for service animals and assistance animals in a manner that complies with state and local laws, including anti-cruelty laws.

Residents must ensure that service animals and assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents. The GBHA will require a medical professional to complete a form illustrating the relationship between the person's disability and the person with disabilities need for the animal.

When a resident's care or handling of a service animal or assistance animal violates these policies, the GBHA will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If the GBHA determines that no such accommodation can be made, the GBHA may withdraw the approval of a particular service or assistance animal.

PART II: PET POLICIES FOR ALL DEVELOPMENTS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

10-II.A. OVERVIEW

The purpose of a pet policy is to establish clear guidelines for ownership of pets and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets. This part contains pet policies that apply to all developments.

10-II.B. MANAGEMENT APPROVAL OF PETS

Registration of Pets

The GBHA may require registration of the pet with the GBHA [24 CFR 960.7070(b)(5)].

GBHA Policy

Pets must be registered with the GBHA before they are brought onto the premises.

Registration includes documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest-free. This registration must be renewed annually and will be coordinated with the annual re-examination date.

Pets will not be approved to reside in a unit until completion of the registration requirements.

Refusal to Approve Pets

GBHA Policy

The GBHA will refuse to register a pet if:

The pet is not *a common household pet* as defined in Section 10-II.C. below

Keeping the pet would violate any pet restrictions listed in this policy

The pet owner fails to provide complete pet registration information, or fails to update the registration annually

The applicant has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order

The GBHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

If the GBHA refuses to approve a pet, a written notification will be sent to the pet owner within 10 business days of the GBHA's decision. The notice will state the reason for refusing to register the pet and will inform the family of their right to appeal the decision in accordance with the GBHA's grievance procedures.

Pet Agreement

GBHA Policy
Residents who have been approved to have a pet must enter into a pet agreement with the GBHA, or the approval of the pet will be withdrawn.

The pet agreement is the resident's certification that he or she has received a copy of the GBHA's pet policy and applicable house rules, that he or she has read the policies and/or rules, understands them, and agrees to comply with them.

The resident further certifies by signing the pet agreement that he or she understands that noncompliance with the GBHA's pet policy and applicable house rules may result in the withdrawal of GBHA approval of the pet or termination of tenancy.

10-II.C. STANDARDS FOR PETS [24 CFR 5.318; 960.707(b)]
The GBHA may establish reasonable requirements related to pet ownership including, but not limited to:

- Limitations on the number of animals in a unit, based on unit size
- Prohibitions on types of animals that the GBHA classifies as dangerous, provided that such classifications are consistent with applicable state and local law
- Prohibitions on individual animals, based on certain factors, including the size and weight of the animal
- Requiring pet owners to have their pets spayed or neutered

The GBHA may not require pet owners to have any pet's vocal cords removed.

Definition of "Common Household Pet"
There is no regulatory definition of common household pet for public housing programs, although the regulations for pet ownership in both elderly/disabled and general occupancy developments use the term. The regulations for pet ownership in elderly/disabled developments expressly authorize the GBHA to defined the term [24 CFR 5.306(2)].

GBHA Policy

Common household pet means a domesticated animal, such as a dog, cat, bird, or fish that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than commercial purposes.

The following animals are not considered common household pets:

Reptiles

Rodents

Insects

Arachnids

Wild animals or feral animals

Pot-bellied pigs

Animals used for commercial breeding

Pet Restrictions

GBHA Policy
The following animals are not permitted:

Any animal whose adult weight will exceed 50 pounds

Dogs of the pit bull, Rottweiler, chow, or boxer breeds

Ferrets or other animals whose natural protective mechanisms pose a risk of serious bites or lacerations

Any animal not permitted under state or local law or code

Number of Pets

GBHA Policy
Residents may own a maximum of 2 pets, only 1 of which may be a dog.

In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 20 gallons. Such a tank or aquarium will be counted as 1 pet. Fish that are of a hostile nature, such as Beta fish, are to be kept in separate tanks and never united.

10-II.D. PET RULES
Pet owners must maintain pets responsibly, in accordance with GBHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations [24 CFR 5.315' 24 CFR 960.707(a)].

Pet Area Restrictions

GBHA Policy
Pets must be maintained within the resident's unit. When outside of the unit, (within the building or on the grounds) dogs and cats must be kept on a leash or carried. They must be under the control of the resident or other responsible individual at all times.

Pets other than dogs or cats must be kept in a cage or carrier when outside of the unit.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

Pet owners are not permitted to exercise pets or permit pets to deposit waste on project premises outside of the areas designated for such purposes.

Designated Pet/No-Pet Areas [24 CFR 5.318(g), PH Occ GB, p.182]
The GBHA may designate buildings, floors of buildings, or sections of buildings as no-pet areas where pets generally may not be permitted. Pet rules may also designate buildings, floors of buildings, or sections of buildings for residency by pet-owning tenants.

The GBHA may direct initial tenant moves as may be necessary to establish pet and no-pet areas. The GBHA may not refuse to admit, or delay admission of, an applicant on the grounds that the applicant's admission would violate a pet or no-pet area. The GBHA may adjust the pet and no-pet areas or may direct such additional moves as may be necessary to accommodate such applicants for tenancy or to meet the changing needs of the existing tenants.

The GBHA may not designate an entire development as a no-pet area, since regulations permit residents to own pets.

GBHA Policy
With the exception of common areas as described in the previous policy, the GBHA has not designated any buildings, floors of buildings, or sections of buildings as no-pet areas. In addition, the GBHA has not designated any buildings, floors of buildings, or sections of buildings for residency of pet-owning tenants.

Cleanliness

GBHA Policy
The pet owner shall be responsible for the removal of waste from the exercise area by placing it in a sealed plastic bag and disposing of it in an appropriate container.

The pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

Litter box requirements:

Pet owners must promptly dispose of waste from litter boxes and must maintain litter boxes in a sanitary manner.

Litter shall not be disposed of by being flushed through a toilet.

Litter boxes shall be kept inside the resident's dwelling unit.

Alterations to Unit

GBHA Policy
Pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal.

Installation of pet doors is prohibited.

Noise

GBHA Policy
Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

Pet Care

GBHA Policy
Each pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Each pet owner shall be responsible for appropriately training and caring for his/her pet to ensure that the pet is not a nuisance or danger to other residents and does not damage GBHA property.

No person, owner, or custodian shall permit any animal (including fowl) to be at large within the City of Green Bay. Any animal shall be deemed to be at large when it is off the premises owned or leased by its owner or custodian unless crated, penned, or under the control of a person able to control the animal by means of a leash of sufficient strength to control the action of the animal, or such other personal attention as will reasonably control the conduct and actions of the animal [Green Bay City Ordinance 8.06].

Responsible Parties

GBHA Policy
The pet owner will be required to designate at least one responsible party for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

A resident who cares for another resident's pet must notify the GBHA and sign a statement that they agree to abide by all of the pet rules.

Pets Temporarily on the Premises

GBHA Policy

Pets that are not owned by a tenant are not allowed on the premises without prior approval from management. Residents are prohibited from feeding or harboring stray animals.

This rule does not apply to visiting pet programs sponsored by a humane society or other non-profit organizations, and approved by the GBHA.

Pet Rule Violations

GBHA Policy
All complaints of cruelty and all dog bites will be referred to animal control or an applicable agency for investigation and enforcement.

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice will be served.

The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

That the pet owner has 5 days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation

That the pet owner is entitled to be accompanied by another person of his or her choice at the meeting

That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy

Notice for Pet Removal

GBHA Policy
If the pet owner and the GBHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the GBHA, the GBHA will require immediate removal of the pet.

Pet Removal

GBHA Policy
If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner.

If the responsible party is unwilling or unable to care for the pet, or if the GBHA after reasonable efforts cannot contact the responsible party, the GBHA may contact the appropriate state or local agency and request the removal of the pet.

Termination of Tenancy

GBHA Policy
The GBHA may initiate procedures for termination of tenancy based on a pet rule violation if:

The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified

The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease

Emergencies

GBHA Policy
The GBHA will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals.

If it is necessary for the GBHA to place the pet in a shelter facility, the cost will be the responsibility of the pet owner.

If the pet is removed as a result of any aggressive act of the pet, the pet will not be allowed back on the premises.

PART III: PET DEPOSITS AND FEES IN ELDERLY/DISABLED DEVELOPMENTS

10-III.A. OVERVIEW

This part describes the GBHA's policies for pet deposits and fees in elderly, disabled, and mixed population developments. Policies governing deposits and fees in general occupancy developments are described in Part IV.

10-III.B. PET DEPOSITS

Payment of Deposit

The GBHA may require tenants who own or keep pets in their units to pay a refundable pet deposit. This deposit is an addition to any other financial obligation generally imposed on tenants of the project [24 CFR 5.318(d)(1)].

The maximum amount of pet deposit that may be charged by the GBHA on a per dwelling unit basis, is the higher of the total tenant payment (TTP) or such reasonable fixed amount as the GBHA may require. The GBHA may permit gradual accumulation of the pet deposit by the owner [24 CFR 5.318(d)(3)].

The pet deposit is not part of the rent payable by the resident [24 CFR 5.318(d)(5)].

GBHA Policy
Pet owners are required to pay a pet deposit in addition to any other required deposits. The amount of the deposit is $150.00 for birds and fish and $250.00 per dog or cat, and must be paid in full before the pet is brought on the premises, unless otherwise permitted.

The $150.00 pet deposit for birds and fish is considered "per cage" or "per aquarium tank".

Refund of Deposit [24 CFR 5.318(d)(1)]
The GBHA may use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet, including (but not limited to) the costs of repairs and replacements to, and fumigation of, the tenant's dwelling unit. The GBHA must refund the unused portion of the pet deposit to the tenant within a reasonable time after the tenant moves from the project or no longer owns or keeps a pet in the unit.

GBHA Policy
The GBHA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

The GBHA will provide the resident with a written list of any charges against the pet deposit within 10 business days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, the GBHA will provide a meeting to discuss the charges.

10-III.C. OTHER CHARGES

Pet-Related Damages During Occupancy

GBHA Policy
All reasonable expenses incurred by the GBHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

The cost of repairs and replacements to the resident's dwelling unit

Fumigation of the dwelling unit

Repairs to common areas of the project

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

Pet Waste Removal Charge
The regulations do not address the GBHA's ability to impose charges for house pet rule violations. However, charges for violation of GBHA pet rules may be treated like charges for other violations of the lease and GBHA tenancy rules.

GBHA Policy
Per Green Bay City ordinance, no person who possesses an animal shall permit such animal to defecate upon any property other than that of its owner or custodian unless the custodian immediately thereafter cleans up and removes such animal excreta from such property [Green Bay City ordinance 8.04(5)]. Furthermore, no person possessing an animal shall permit more than

24 hours accumulation of such animal's manure to remain on property under the possessor's control [Green Bay City ordinance 8.04(6)].

A separate pet waste removal charge beginning at a minimum of $25.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

Notices of pet waste removal charges will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the GBHA may not take action for nonpayment of the charge until the conclusion of the grievance process.

Charges for pet waste removal are not part of rent payable by the resident.

PART IV: PET DEPOSITS AND FEES IN GENERAL OCCUPANCY DEVELOPMENTS

10-IV.A. OVERVIEW

This part describes the GBHA's policies for pet deposits and fees for those who reside in general occupancy developments.

10-IV.B. PET DEPOSITS

The GBHA may require a refundable pet deposit to cover additional costs attributable to the pet and not otherwise covered [24 CFR 960.707(b)(1)].

If the GBHA requires a resident to pay a pet deposit, the deposit must be placed in an account of the type required under applicable State or local law for pet deposits, or if there are no such requirements, for rental security deposits, if applicable. The GBHA must comply with such laws as to retention of the deposit, interest, and return of the deposit to the resident, and any other applicable requirements [24 CFR 960.707(d)].

Payment of Deposit

GBHA Policy

Pet owners are required to pay a pet deposit in addition to any other required deposits. The amount of the deposit is $150.00 for birds and fish and $250.00 per dog or cat, and must be paid in full before the pet is brought on the premises, unless otherwise permitted.

The $150.00 pet deposit for birds and fish is considered "per cage" or "per aquarium tank".

Refund of Deposit

GBHA Policy

The GBHA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 21 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

The GBHA will provide the resident with a written list of any charges against the pet deposit within 21 business days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, the GBHA will provide a meeting to discuss the charges.

10-IV.C. NON-REFUNDABLE NOMINAL PET FEE

The GBHA may require payment of a non-refundable nominal pet fee to cover the reasonable operating costs to the development relating to the presence of pets [24 CFR 960.707(b)(1)].

GBHA Policy

The GBHA does require pet owners to pay a non-refundable nominal pet fee:

$50.00 per month for all birds, cats, and dogs
$10.00 per month for all aquarium tanks holding 11-20 gallons of water
$5.00 per month for all aquarium tanks holding 10 gallons of water or less

10-IV.D. OTHER CHANGES

Pet-Related Damages During Occupancy

GBHA Policy

All reasonable expenses incurred by the GBHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

The cost of repairs and replacements to the resident's dwelling unit

Fumigation of the dwelling unit

Repairs to common areas of the project

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

Pet Waste Removal Charge

The regulations do not address the GBHA's ability to impose charges for house pet rule violations. However, charges for violation of GBHA's pet rules may be treated like charges for other violations of the lease and GBHA tenancy rules.

GBHA Policy

A separate pet waste removal charge beginning at a minimum of $25.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

If the GBHA is cited and charged due to the pet owner's inability to remove pet waste in a timely and thorough manner, the resident of the property at which the citation occurred will be assessed in the amount of the original charge.

Such charges will be due and payable 14 calendar days after billing.

Charges for pet waste removal are not part of rent payable by the resident.

Chapter 11
COMMUNITY SERVICE

INTRODUCTION
This chapter explains HUD regulations requiring the GBHA to implement a community service program for all nonexempt adults living in public housing.

This chapter describes HUD regulations and GBHA policies related to these topics in two parts:

> Part I: Community Service Requirements. This part describes who is subject to the community service requirement, who is exempt, and HUD's definition of economic self-sufficiency.
>
> Part II: GBHA Implementation of Community Service. This part provides GBHA policy regarding GBHA implementation and program design.

PART I: COMMUNITY SERVICE REQUIREMENT

11-I.A. OVERVIEW
HUD regulations pertaining to the community service requirement are contained in 24 CFR 960 Subpart F (960.600 through 960.609). The GBHA and residents must comply with the community service requirement, effective with GBHA fiscal years that commenced on or after October 1, 2000. Per 903.7(1)(1)(iii), the GBHA ACOP must contain a statement of how the GBHA will comply with the community service requirement, including any cooperative agreement that the GBHA has entered into or plan entered into.

Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities [24 CFR 960.601(b)]. The community service requirement applies to all adult residents of public housing except exempt individuals.

In administering community service requirements, the GBHA must comply with all nondiscrimination and equal opportunity requirements [24 CFR 960.605(c)(5)].

11-I.B. REQUIREMENTS
Each adult resident of the GBHA, who is not exempt, must [24 CFR 960.603(a)]:

- Contribute 8 hours per month of community service; or
- Participate in an economic self-sufficiency program (as defined in the regulations) for 8 hours per month; or
- Perform 8 hours per month of combined activities (community service and economic self-sufficiency programs).
- The required community service or self-sufficiency activity may be completed 8 hours each month or may be aggregated across a year. Any blocking of hours is acceptable as long as 96 hours is completed by each annual certification of compliance [Notice PIH 2015-12].

~~GBHA Policy~~

~~The required community service or self-sufficiency activity may be completed at 8 hours each month or may be aggregated across a 12-month period. Any blocking of hours is acceptable as long as 96 hours is completed by each annual recertification.~~

Definitions

Exempt Individual [24 CFR 960.601(b), Notice PIH ~~2009-48~~2015-12]

Exemptions for adult residents, as codified at 24 CFR 960.01, include persons who are:

- Is age 62 years or older
- Is blind or disabled (as defined under Section 216[i][1] or 1614 of the Social Security Act), *and* who certifies that because of this disability s/he is unable to comply with the service provisions
- Is a primary caretaker of such an individual
- Is engaged in work activities. In order for an individual to be exempt from the CSSR requirement because s/he is "engaged in work activities," the person must be participating in an activity that meets one of the following definitions of "work activity" contained in Section 407 (d) of the Social Security Act (42 U.S.C. Section 607(d)):
    - Unsubsidized employment;
    - subsidized private-sector employment;
    - subsidized public-sector employment;
    - work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
    - on-the-job-training;
    - job search;
    - community service programs;
    - vocational educational training (not to exceed 12 months with respect to any individual);
    - job-skills training directly related to employment;
    - education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
    - satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate;
- Able to meet requirements under a State program funded under part A of Title IV of the Social Security Act (42 U.S.C. Section 601 et seq.) or under any other welfare program of the State in which PHA is located including a state-administered Welfare-to-Work program; or,
- A member of a family receiving assistance, benefits, or services under a state program funded under part A of Title IV of the Social Security Act (42 U.S.C. Section 601 et seq.), or under any other welfare program of the state in which the PHA is located, including a state-administered welfare-to-work program, and has not been found by the state or other administering entity to be in noncompliance with such a program.

GBHA Policy

The GBHA will consider 30 hours per week as the minimum number of hours needed to qualify for work activity exemption.

- Is able to meet requirements of being exempted under a state program funded under Part A of Title IV of the Social Security Act, or under any other welfare program of the state in which the GBHA is located, including state-administered welfare-to-work program;

- This exemption applies to anyone whose characteristics or family situation meet the welfare agency exemption criteria and can be verified.

- Is a member of a family receiving assistance, benefits, or services under a state program funded under Part A of Title IV of the Social Security Act, or under any other welfare program of the state in which the GBHA is located, including a state-administered welfare-to-work program and the supplemental nutrition assistance program (SNAP), and has not been found by the state or other administering entity to be in noncompliance with such program.

Community Service [24 CFR 960.601(b), Notice PIH ~~2009-48~~2015-12]
Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self responsibility in the community. Community service is not employment and may not include political activities.
Eligible community service activities include, but are not limited to, work at:

- Local public or nonprofit institutions such as schools, head start programs, before or after school programs, child care centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult day care programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing)
- Nonprofit organizations serving GBHA residents or their children such as: Boy or Girl Scouts, Boys or Girls Club, 4-H clubs, Police Assistance League (PAI), organized children's recreation, mentoring or education programs, Big Brothers or Big Sisters, garden centers, community clean-up programs, beautification programs
- Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels
- Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods, or performing arts
- GBHA housing to improve grounds or provide gardens (so long as such work does not alter the GBHA's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board
- Care for the children of other residents so parent may volunteer

The GBHA may form its own policy in regards to accepting community services at profit-motivated entities, acceptance of volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work.

GBHA Policy
Community services at profit-motivated entities, volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work will not be considered eligible community service activities.

Economic Self-Sufficiency Program [24 CFR 5.603(b), Notice PIH 2015-12]
For purposes of satisfying the community service requirement, an economic self-sufficiency program is defined by HUD as: Any program designed to encourage, assist, train, or facilitate economic independence of assisted families or to provide work for such families.

Eligible self-sufficiency activities include, but are not limited to:

- Job readiness or job training
- Training programs through local one-stop career centers, workforce investment boards (local entities administered through the U.S. Department of Labor), or other training providers
- Employment counseling, work placement, or basic skills training
- Education, including higher education (junior college or college), GED classes, or reading, financial, or computer literacy classes
- Apprenticeships (formal or informal)
- English proficiency or English as a second language classes
- Budgeting and credit counseling
- ~~Any activity required by the Department of Public Assistance under Temporary Assistance for Needy Families (TANF)~~
- Any other program necessary to ready a participant to work (such as substance abuse or mental health counseling)

Work Activities [42 U.S.C. 607(d)]
As it relates to an exemption from the community service requirement, work activities means:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available
- On-the-job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training (not to exceed 12 months with respect to any individual)
- Job skills training directly related to employment
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate
- ~~Provision of child services to an individual who is participating in a community service program~~

Notification Requirements [24 CFR 960.605(c)(2), Notice PIH ~~2009-48~~2015-12, Notice PIH 2016-06]
The GBHA must give each family a written description of the community service requirement, the process for claiming status as an exempt person, and the process or GBHA verification of exempt status. The GBHA must also notify the family of its determination identifying the family members who are subject to the service requirement, and the family members who are exempt. In addition, the family must sign a certification, such as Attachment A of Notice PIH 2015-12, that they have received and read the policy and understand that if they are not exempt, failure to comply with the requirement will result in nonrenewal of their lease. The family must also sign a certification at annual reexamination, such as Attachment B of Notice PIH 2015-12, certifying that they understand the requirement.

GBHA Policy
The GBHA will provide the family with a copy of the Community Service Policy found in Exhibit 11-1 of this chapter, at lease-up, lease renewal, when a family member is determined to be subject to the community service requirement during the lease term, and at any time upon the

family's request. The policy will notify the family that self-certification forms are subject to review by the GBHA.

On an annual basis, at the time of lease renewal, the GBHA will notify the family in writing of the family members who are subject to the community service requirement and the family members who are exempt. If the family includes nonexempt individuals the notice will include a list of agencies in the community that provide volunteer and/or training opportunities, as well as documentation form on which they may record the activities they perform and the number of hours contributed. The form will also have a place for a signature by an appropriate official, who will certify to the activities and hours completed.

11-1.C. DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE [24 CFR 960.605(c)(3)]

The GBHA must review and verify family compliance with service requirements annually at least thirty days before the end of the twelve month lease term. The policy for documentation and verification of compliance with service requirements may be found at Section 11-I.D., Documentation and Verification.

GBHA Policy

Where the lease term does not coincide with the effective date of the annual re-examination, the GBHA will change the effective date of the annual re-examination to coincide with the lease term. In making this change, the GBHA will ensure that the annual re-examination is conducted within 12 months of the last annual re-examination.

Annual Determination

Determination of Exemption Status

An exempt individual is excused from the community service requirement [24 CFR 960.6039(a)].

GBHA Policy

At least 30 days prior to lease renewal, the GBHA will review and verify the exemption status of all adult family members. This verification will only be done on an annual basis unless the family reports a change or the GBHA has reason to believe that an individual's exemption status has changed. For individuals who are exempt because they are 62 years of age and older, verification of exemption status will be done only at the initial exemption.

Upon completion of the verification process, the GBHA will notify the family of its determination in accordance with the policy in Section 11-I.B., Notification Requirements.

Determination of Compliance

The GBHA must review resident family compliance with service requirements annually at least thirty days before the end of the twelve month lease term [24 CFR 960.605(c)(3)]. As part of this review, the GBHA must verify that any family member that is not exempt from the community service requirement has met his or her service obligation.

GBHA Policy

Approximately 60 days prior to the end of the lease term, the GBHA will provide written notice requiring the family to submit documentation that all subject family members have complied with the service requirement. The family will have 10 business days to submit the GBHA required documentation form(s).

If the family fails to submit the required documentation within the required timeframe, or GBHA approved extension, the subject family members will be considered noncompliant with community service requirements, and notices of noncompliance will be issued pursuant to the policies in Section 11-I.E., Noncompliance.

Change in Status ~~b~~Between Annual Determinations

GBHA Policy
Exempt to Nonexempt Status:

If an exempt individual becomes nonexempt during the twelve month lease term, it is the family's responsibility to report this change to the GBHA within 10 business days. Any claim of exemption will be verified by the GBHA in accordance with the policy at 11-I.D., Documentation and Verification of Exemption Status.

Within 10 business days of a family reporting such a change, or the GBHA determining such a change is necessary, the GBHA will provide the family written notice of the effective date of the requirement, a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which the family member may record the activities performed and number of hours contributed. ~~that the family member is no longer subject to the community service requirement, if the GBHA is able to verify the exemption.~~

Determination of Initial Compliance
When an adult family member becomes subject to community service, he or she must perform 8 hours of community service for the months he or she is subject to the requirement before the end of the lease term (anniversary date).

Example 1: Alberto Jones turns 18 on 5/10/15 and is not exempt from the community service requirement. His community service requirement begins on 6/1/15, and his initial compliance is reviewed before the end of the lease term (anniversary date), which is 11/30/15.

- Alberto must perform 6 months of community service in his initial compliance period, before the end of the lease term (anniversary date).

Example 2: Lisa Dewhurst leaves her job on 9/20/14 and is not exempt from the community service requirement. Her community service requirement begins on 10/1/14, and her initial compliance is reviewed before the end of the lease term (anniversary date), which is 6/30/15.

- Ms. Dewhurst must perform 9 months of community service in her initial compliance period, before the end of the lease term (anniversary date).

The exemption will be effective after 30 days, allowing the household member to either find other employment or begin community service. After 30 days, if the individual is not considered exempt, community service requirements will be effective immediately.

Nonexempt to Exempt Status:

If a nonexempt person becomes exempt during the 12-month lease term, it is the family's responsibility to report this change to the GBHA within 10 business days. Any claim of exemption will be verified by the GBHA in accordance with the policy at 11-I.D., Documentation and Verification of Exemption Status.

Within 10 business days of a family reporting such a change, or the GBHA determining such a change is necessary, the GBHA will provide the family written notice that the family member is no longer subject to the community service requirement, if the GBHA is able to verify the exemption.

The exemption will be effective after 30 days, allowing the household member to either find other employment or begin community service. After 30 days, if the individual is not considered exempt, community service requirements will be effective immediately.

11-I.D. DOCUMENTATION AND VERIFICATION [24 CFR 960.605(c)(4), 960.607, Notice PIH 2016-08]

The GBHA must retain reasonable documentation of service requirement performance or exemption in participant files.

Documentation and Verification of Exemption Status

GBHA Policy

All family members who claim they are exempt from the community service requirement will be required to sign the community service exemption certification form found in Exhibit 11-3. The GBHA will provide a completed copy to the family and will keep a copy in the tenant file.

The GBHA will verify that an individual is exempt from the community service requirement by following the verification hierarchy and documentation requirements in Chapter 7.

The GBHA makes the final determination whether or not to grant an exemption from the community service requirement. If a resident does not agree with the GBHA's determination, s/he can dispute the decision through the GBHA's grievance procedures (see Chapter 14).

Documentation and Verification of Compliance

At each regularly scheduled reexamination, each nonexempt family member presents a signed standardized certification form developed by the GBHA of community service and self-sufficiency activities performed over the last 12 months [Notice PIH 2015-12].

If qualifying community service activities are administered by an organization other than the GBHA, a family member who is required to fulfill a service requirement must ~~provide certification to the GBHA, signed by the organization, that the family member has performed the qualifying activities~~ documentation required by the GBHA. The GBHA may require a self-certification or certification from a third party[24 CFR 960.607].

If the PHA accepts self-certification of compliance with the community service requirement, it must provide a form which includes a statement that the client performed the required hours, contact information for the community service provider, a description of activities performed, and dates of service.

If the PHA accepts self-certification, it must validate a sample of certifications through third-party documentation. The PHA must notify families that self-certification forms are available and that a sample of self-certifications will be validated.

HUD strongly encourages PHAs to investigate community service compliance when there are questions of accuracy.

GBHA Policy

~~If anyone in the family is subject to the community service requirement, the GBHA will provide the family with community service documentation forms at admission, at lease renewal, when a family member becomes subject to the community service requirement during the lease term, or upon request by the family.~~

~~Each individual who is subject to the requirement will be required to record their community service or self-sufficiency activities and the number of hours contributed on the required form. The certification form will also include places for signatures and phone numbers of supervisors, instructors, and counselors certifying to the number of hours contributed.~~

~~Families will be required to submit the documentation to the GBHA on a monthly basis. The GBHA has the discretion to alter this timetable case by case.~~

~~If the GBHA has reasonable cause to believe that the certification provided by the family is false or fraudulent, the GBHA has the right to require third-party verification.~~

Each individual who is subject to the community service requirement will be required to record their community service or self-sufficiency activities and the number of hours contributed on the required form. The certification form will also include places for signatures and phone numbers of supervisors, instructors, and counselors certifying to the number of hours contributed.

Families will be required to submit the documentation to the PHA, upon request by the PHA, at least annually.

If the PHA has reasonable cause to believe that the certification provided by the family is false or fraudulent, the PHA has the right to require additional third-party verification.

11-I.E. NONCOMPLIANCE

~~Initial Noncompliance~~Noncompliant Residents

The lease specifies that it is renewed automatically for all purposes, unless the family fails to comply with community service requirement. Violation of the service requirement is grounds for nonrenewal of the lease at the end of the twelve month lease term, but not for termination of tenancy during the course of the twelve month lease term [24 CFR 960.603(b)].

The GBHA may not evict a family due to CSSR noncompliance. However, if the GBHA finds a tenant is noncompliant with CSSR, the GBHA must provide written notification to the tenant of the noncompliance which must include:

- A brief description of the finding of non-compliance with CSSR.

- A statement that the GBHA will not renew the lease at the end of the current 12-month lease term unless the tenant enters into a written work-out agreement with the GBHA or the family provides written assurance that is satisfactory to the GBHA explaining that the tenant or other noncompliant resident no longer resides in the unit. Such written work-out agreement must include the means through which a noncompliant family member will comply with the CSSR requirement

~~If the tenant or another family member has violated the community service requirement, the GBHA may not renew the lease upon expiration of the twelve-month term of the lease, unless the tenant and any other noncompliant family member enter into a written agreement with the GBHA. Under this agreement the tenant and noncompliant family member must agree to cure the noncompliance by completing the additional hours of community service or economic self-sufficiency needed to make up the total number of hours required, over the twelve-month term of the new lease. In addition, all other members of the family who are subject to the service requirement must be currently complying with the service requirement or must no longer be residing in the unit~~ [24 CFR 960.607(c), Notice PIH 2015-12].

~~***Notice of Initial Noncompliance [24 CFR 960.607(b)]***~~

~~If the GBHA determines that there is a family member who is required to fulfill a service requirement, but who has failed to comply with this obligation (noncompliant resident), the GBHA must notify the tenant of this determination.~~

~~The notice to the tenant must briefly describe the noncompliance. The notice must state that the GBHA will not renew the lease that the end of the 12-month lease term unless the tenant, and any other noncompliant resident, enter into a written agreement with the GBHA to cure the noncompliance, or the family provides written assurance satisfactory to the GBHA that the tenant or other noncompliant resident no longer resides in the unit.~~

The notice must also state that the tenant may request a grievance hearing on the GBHA's determination, in accordance with the GBHA's grievance procedures, and that the tenant may exercise any available judicial remedy to seek timely redress for the GBHA's nonrenewal of the lease because of the GBHA's determination.

GBHA Policy

The notice of ~~initial~~ noncompliance will be sent at least 45 days prior to the end of the lease term.

The family will have 10 business days from the date of the notice of noncompliance to enter into a written work-out agreement to cure the noncompliance over the 12-month term of the new lease, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before the GBHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them.

If the family does not request a grievance hearing, or does not take either corrective action required by the notice of noncompliance within the required 10 business day timeframe, the GBHA will not renew tenancy in accordance with the policies in Section 13-IV.D.

Continued Noncompliance and Enforcement Documentation [24 CFR 960.607(b)]

Should a family member refuse to sign a written work-out agreement, or fail to comply with the terms of the work-out agreement, the GBHA is required to initiate termination of tenancy proceedings at the end of the current 12-month lease (see 24 CFR 966.53(c)) for failure to comply with lease requirements. When initiating termination of tenancy proceedings, the GBHA will provide the following procedural safeguards:

- Adequate notice to the tenant of the grounds for terminating the tenancy and for non-renewal of the lease;
- Right of the tenant to be represented by counsel;
- Opportunity for the tenant to refute the evidence presented by the GBHA, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and,
- A decision on the merits.

~~If, after the 12-month cure period, the family member is still not compliant, the GBHA must terminate tenancy of the entire family, according to the GBHA's lease, unless the family provides documentation that the noncompliant resident no longer resides in the unit.~~

GBHA Policy

Notices of continued noncompliance will be sent at least 30 days prior to the end of the lease term and will also serve as the family's nonrenewal notice. The notice will meet the requirements for termination notices described in Section 13-IV.D, Form, Delivery, and Content of the Notice.

The family will have 10 business days from the date of the notice of noncompliance to provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before the GBHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the noncompliant family member that previously resided with them.

If the family does not request a grievance hearing, or provide such documentation within the required 10 business day timeframe, the family's lease and tenancy will automatically not renew at the end of the current lease term without further notice.

~~**Enforcement Documentation [Notice PIH 2009-48]**~~

~~This section lists the procedural safeguards the GBHA is required to take with regard to compliance enforcement.~~

PART II: IMPLEMENTATION OF COMMUNITY SERVICE

11-II.A. OVERVIEW

The GBHA must develop a policy for administration of the community service and economic self-sufficiency requirements for public housing. It is in the GBHA's best interests to develop a viable, effective community service program, to provide residents the opportunity to engage in the community and to develop competencies.

GBHA Implementation of Community Service

The GBHA may not substitute any community service or self-sufficiency activities performed by the residents for work ordinarily performed by GBHA employees, or replace a job at any location where residents perform activities to satisfy the service requirement [24 CFR 960.609].

GBHA Policy
The GBHA will notify its insurance company if residents will be performing community service at the GBHA. In addition, the GBHA will ensure that the conditions under which the work is to be performed are not hazardous.
If a disabled resident certifies that s/he is able to perform community service, the GBHA will ensure that requests for reasonable accommodation are handled in accordance with the policies in Chapter 2.

GBHA Program Design
The GBHA may administer qualifying community service or economic self-sufficiency activities directly, or may make community service activities available through a contractor, or through partnerships with qualified organizations, including resident organizations, and community agencies or institutions [24 CFR 960.605(b)].

GBHA Policy
The GBHA will attempt to provide the broadcasted choices possible to residents as they choose community service activities.

The GBHA's goal is to design a service program that gives residents viable opportunities to become involved in the community and to gain competencies and skills. The GBHA will work with resident organizations and community organizations to design, implement, assess and recalibrate its community service program.

The GBHA will make every effort to identify volunteer opportunities through the community, especially those in proximity to public housing developments. To the greatest extent possible, the GBHA will provide names and contacts at agencies that can provide opportunities for residents, including persons with disabilities, to fulfill their community service obligations.

Any written agreements or partnerships with contractors and/or qualified organizations, including resident organizations, are described in the GBHA Plan.

The GBHA will provide in-house opportunities for volunteer work or self-sufficiency programs when possible.

When the GBHA has a ROSS program, a ROSS Service Coordinator, or an FSS program, the GBHA will coordinator individual training and service plans (ITSPs) with the community service requirement. Regular meetings with the GBHA coordinators will satisfy community service activities and GBHA coordinators will verify community service hours within individual monthly logs.

EXHIBIT 11-1: COMMUNITY SERVICE AND SELF-SUFFICIENCY POLICY

A. Background

The Quality Housing and Work Responsibility Act of 1998 requires that all nonexempt (see definitions) public housing adult residents (18 or older) contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes or other activities that help an individual toward self-sufficiency and economic independence. This is a requirement of the public housing lease.

B. Definitions

Community Service—volunteer work which includes, but is not limited to:

- Work at a local institution, including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.
- Work with a nonprofit organization such as: Parks and Recreation, Untied Way, Red Cross, Volunteers of America, Boy Scouts, Girl Scouts, Boys or Girls Clubs, 4-H Program, PAL, Garden Center, community clean-up programs, beautification programs, other counseling aid, your or senior organizations.
- Work at the house authority to help with litter control
- Work at the housing authority to help with children's programs
- Work at the house authority to help with senior programs

- Helping neighborhood groups with special projects
- Working through a resident organization to help other residents with problems
- Serving as an officer in a resident organization
- Serving on the Resident Advisory Board
- Caring for children of other residents so they may volunteer

NOTE: Political activity is excluded.

Self-Sufficiency Activities— self-sufficiency activities ~~that~~ include, but are not limited to:

- Job readiness ~~programs~~or job training
- Training programs through local one-stop career centers, workforce investment boards (local entities administered through the U.S. Department of Labor), or other training providers
- Employment counseling, work placement, or basic skills training
- Education, including higher education (junior college or college), or reading, financial, or computer literacy classes
- ~~Job training programs~~
- ~~GED classes~~
- ~~Substance abuse or mental health counseling~~
- English proficiency or ~~literacy (reading) classes~~English as a second language classes
- Apprenticeships (formal or informal)
- Budgeting and credit counseling
- Any other program necessary to ready a participant to work (such as substance abuse or mental health counseling)
- ~~Any kind of class that helps a person toward economic independence~~
- ~~Student status at any school, college, or vocation school~~

Exempt Adult—any adult member of the family who meets any of the following criteria:

- Is 62 years of age or older
- Is blind or a person with disabilities (as defined under section 216[i][1] or 1614 of the Social Security Act), and who certifies that because of this disability he or she is unable to comply with the service provisions, or is the primary caretaker of such an individual
- Is ~~working at least 30 hours per week~~engaged in *work activities*
- Is able to meet requirements under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state of Wisconsin, including a state-administered welfare-to-work program; or~~Meets the requirements for being exempted from having to engage in a work activity under TANF or any other State welfare program including State-administered welfare-to-work program~~
- Is a member of a family receiving assistance, benefits or other services under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which the GBHA is located, including a state-administered welfare-to-work program and the supplemental nutrition assistance program (SNAP), and has not been found by the state or other administering entity ~~TANF or any other State welfare program and has not been found~~ to be in noncompliance with such program

The GBHA can use reasonable guidelines in clarifying the work activities in coordination with TANF, as appropriate.

Work Activities – as it relates to an exemption from the community service requirement, *work activities* means:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available
- On-the-job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training (not to exceed 12 months with respect to any individual)
- Job skills training directly related to employment
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate
- Provision of child care services to an individual who is participating in a community service program

C. Requirements of the Program

1. The eight (8) hours per month may be either volunteer work or self-sufficiency program activity, or a combination of the two.

2. At least eight (8) hours of activity must be performed each month, or may be aggregated across a year. Any blocking of hours is acceptable as long as long as 96 hours is completed by each annual certification of compliance.~~. An individual may not skip a month and then double up the following month, unless special circumstances warrant special consideration. The housing authority will make the determination of whether to allow or disallow a deviation from the scheduled based on a family's written request.~~

3. Family obligation:

    - At least execution, all adult members (18 or older) of a public housing resident family must:

        - Sign a certification that they have received and read this policy and understand that if they are not exempt, failure to comply with the community service requirement will result in a nonrenewal of their lease; and

        - Declare if they are exempt. If exempt, they must complete the Exemption Form (Exhibit 11-3) and provide documentation of the exemption.

- Upon written notice from the GBHA, nonexempt family members must present complete documentation of activities performed during the applicable lease term. This documentation will include places for signatures of supervisors, instructors, or counselors, certifying to the number of hours contributed.
- If a family member is found to be noncompliant at the end of the 12-month lease term, he or she, and the head of household, will be required to sign an agreement with the housing authority to make up the deficient hours over the next twelve (12) month period, as a condition of continued occupancy.
- At annual reexamination, the family must also sign a certification certifying that they understand the community service requirement.

4. Change in exempt status:

    - If, during the twelve (12) month lease period, a nonexempt person becomes exempt it is his or her responsibility to report this to the GBHA and provide documentation of exempt status.
    - If, during the twelve (12) month lease period, an exempt person becomes nonexempt it is his or her responsibility to report this to the GBHA. Upon receipt of this information, the GBHA will provide the person with the appropriate documentation form(s) and a list of agencies in the community that provide volunteer and/or training opportunities.

D. Authority Obligation

1. To the greatest extent possible and practicable, the GBHA will:

    - Provide names and contacts at agencies that can provide opportunities for residents, including residents with disabilities, to fulfill their community service obligations.
    - Provide in-house opportunities for volunteer work or self-sufficiency activities.

2. The GBHA will provide the family with a copy of this policy, and all applicable exemption verification forms and community service documentation forms, at lease-up, lease renewal, when a family member becomes subject to the community service requirement during the lease term, and at any time upon the family's request.
3. Although exempt family member will be required to submit documentation to support their exemption, the GBHA will verify the exemption status in accordance with its verification policies. The GBHA will make the final determination as to whether or not a family member is exempt from the community service requirement. Residents may use the GBHA's grievance procedure if they disagree with the GBHA's determination.
4. Noncompliance of family member:

    - At least thirty (30) days prior to the end of the 12-month lease term, the GBHA will begin reviewing the exempt or nonexempt status and compliance of family members;
    - If, at the end of the initial 12-month lease term under which a family member is subject to the community service requirement, the GBHA finds the family member to be noncompliant, the GBHA will not renew the lease unless:

- The head of household and any other noncompliant resident enter into a written agreement with the GBHA, to make up the deficient hours over the next twelve (12) month period; or
- The family provides written documentation satisfactory to the GBHA that the noncompliant family member no longer resides in the unit.

- If, at the end of the next 12-month lease term, the family member is still not compliant, a 30-day notice to terminate the lease will be issued and the entire family will have to vacate, unless the family provides written documentation satisfactory to the GBHA that the noncompliant family member no longer resides in the unit;
- The family may use the GBHA's grievance procedure to dispute the lease termination.

All adult family members must sign and date below, certifying that they have read and received a copy of this Community Service and Self-Sufficiency Policy.

_____ _____
Resident Date

_____ _____
Resident Date

EXHIBIT 11-2: DEFINITION OF A PERSON WITH A DISABILITY UNDER SOCIAL SECURITY ACTS 216(i)(1) and Section 1416(excerpt) FOR PURPOSES OF EXEMPTION FROM COMMUNITY SERVICE

Social Security Act:

216(i)(1): Except for purposes of sections 202(d), 202(e), 202(f), 223, and 225, the term "disability" means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or (B) blindness; and the term "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. Any eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees, shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less.

Section 1416 (excerpt):
SEC. 1614. [42 U.S.C. 1382c](a)(1) For purposes of this title, the term "aged, blind, or disabled individual" means an individual who—

(A) Is 65 years of age or older, is blind (as determined under paragraph (2)), or is disabled (as determined under paragraph (3)), and
(B) (i) is a resident of the United States, and is either (1) a citizen or (II) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act), or

(ii) is a child who is a citizen of the United States and, who is living with a parent of the child who is a member of the Armed Forces of the United States assigned to permanent duty ashore outside the United States.

(2) An individual shall be considered to be blind for purposes of this title if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye, which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees, shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this title if he is blind as defined under a State plan approved under title X or XVI as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously blind as so defined.

(3)(A) Except as provided in subparagraph (C), an individual shall be considered to be disabled for purposes of this title if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.

EXHIBIT 11-3: GBHA DETERMINATION OF EXEMPT FOR COMMUNTIY SERVICE

Family: _____

Adult family member: _____

This adult family member meets the requirements for being exempted from the GBHA's community service requirement for the following reason:

☐ 62 years of age or older. *(Documentation of age in file)*

☐ Is a person with disabilities and self-certifies below that he or she is unable to comply with the community service requirement. *(Documentation of HUD definition of disability in file)*

Tenant certification. I am a person with disabilities and am unable to comply with the community service requirement.

_____ _____

Signature of Family Member Date

☐ Is the primary caretaker of such an individual in the above category. *(Documentation in file)*

☐ Is working at least 30 hours per week (Employment verification file)

☐ Is participating in a welfare-to-work program (Documentation in file)

☐ Is able to meet requirements under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state of Wisconsin, including a state-administered welfare-to-work program ~~Meets the requirements for being exempted from having to engage in a work activity under TANF or any other State welfare program, including a State-administered welfare-to-work program~~ (Documentation in file)

☐ Is a member of a family receiving assistance, benefits, or services under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which the GBHA is located, including a state-administered welfare-to-work program and the supplemental nutrition assistance program (SNAP), and has not been found by the state or administering entity~~under TANF or any other State welfare program and has not been found~~ to be in noncompliance with such program (Documentation in file)

_____ _____
Signature of Family Member Date

_____ _____
Signature of GBHA Official Date

EXHIBIT 11-4: CSSR WORK-OUT AGREEMENT

Date: _____

Noncompliant Adult: _____

Adult family member: _____

Community Service & Self-Sufficiency Requirement (CSSR):

Under Section 12 of the U.S. Housing Act, the GBHA is required to enforce the community service and self-sufficiency requirement (CSSR). Under the CSSR, each nonexempt adult family member residing in public housing must perform 8 hours per month of community service or self sufficiency activities.

Noncompliance: The GBHA has found that the nonexempt individual named above is in noncompliance with the CSSR. This work-out agreement is the PHA's written notification to you of this noncompliance.

Our records show that for the most recent lease term you were required to perform _____ hours of CSSR activities. However, there were _____ hours of

verified CSSR activities. Therefore, you are in noncompliance for _____ hours.

The GBHA will not renew the lease at the end of the current 12-month lease term unless the head of household and noncompliant adult sign a written work-out agreement with the GBHA or the family provides written assurance that is satisfactory the GBHA explaining that the noncompliant adult no longer resides in the unit. The regulations require that the work-out agreement include the means through which a noncompliant family member will comply with the CSSR requirement. [24 CFR 960.607(c), Notice PIH 2015-12]. The terms of the CSSR work-out agreement are on the reverse side of this page.

Enforcement: Should a family member refuse to sign this CSSR work-out agreement, or fail to comply with the terms of this CSSR work-out agreement, or fail to provide satisfactory written assurance that the noncompliant adult no longer resides in the unit, the GBHA is required to initiate termination of tenancy proceedings at the end of the current 12-month lease [24 CFR 966.53(c)].

Terms of CSSR Work-Out Agreement

Noncompliant Adult: _____

Please check one of the below boxes:

❒ I [head of household or spouse/cohead] certify that the noncompliant adult named above no longer resides in the unit. [Verification attached.]

❒ I, the noncompliant adult named above, agree to complete _____ hours in the upcoming 12-month lease term. These hours include the _____ hours not fulfilled in the most previous lease term, plus the 96 hours for the upcoming lease term.

Below is a description of means through which I will comply with the CSSR requirement:

	Description of Activity	**Number of Hours**
1.		
2.		
3.		
4.		
5.		
	Total Hours	

SIGNED AND ATTESTED THIS DATE

Signature: _____ *Date:* _____
Head of Household

Signature: _____ *Date:* _____
Noncompliant Adult, if other than Head of Household

Signature: _____ *Date:* _____
GBHA Official

Chapter 12
TRANSFER POLICY

INTRODUCTION
This chapter explains the GBHA's transfer policy, based on HUD regulations, HUD guidance, and GBHA policy decisions.

This chapter describes HUD regulations and GBHA policies related to transfers in four parts:

> Part I: Emergency Transfers. This part describes emergency transfers, emergency transfer procedures, and payment of transfer costs.
>
> Part II: GBHA Required Transfers. This part describes types of transfers that may be required by the GBHA, notice requirements, and payment of transfer costs.
>
> Part III: Transfers Requested by Residents. This part describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs, and handling of transfer requests.
>
> Part IV: Transfer Processing. This part describes creating a waiting list, prioritizing transfer requests, the unit offer policy, examples of good cause, de-concentration, transferring to another development and re-examination.

The GBHA may require the tenant to move from the unit under some circumstances. There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer.

The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation.

The GBHA must have specific policies in place to deal with acceptable transfer requests.

PART I: EMERGENCY TRANSFERS

12-I.A. OVERVIEW
HUD categorizes certain situations that require emergency transfers [PH Occ GB, p.147]. The emergency transfer differs from a typical transfer in that it requires immediate action by the GBHA.

In the case of a genuine emergency, it may be unlikely that the GBHA will have the time or resources to immediately transfer a tenant. Due to the immediate need to vacate the unit, placing the tenant on a transfer waiting list would not be appropriate. Under such circumstances, if an appropriate unit is not immediately available, the GBHA should find alternate accommodations for the tenant until the emergency passes, or a permanent solution, i.e., return to the unit or transfer to another unit, is possible.

12-I.B. EMERGENCY TRANSFERS
If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupancy, the GBHA must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

GBHA Policy
The following is considered an emergency circumstance warranting an immediate transfer of the tenant or family:

> Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak; no heat in the building during the winter; no water; toxic contamination; and serious water leaks.

12-I.C. EMERGENCY TRANSFER PROCEDURES

GBHA Policy
If the transfer is necessary because of maintenance conditions, and an appropriate unit is not immediately available, the GBHA will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location. If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, the GBHA will transfer the resident to the first available and appropriate unit after the temporary relocation.

Emergency transfers are mandatory for the tenant.

12-I.D. COSTS OF TRANSFER

GBHA Policy
The GBHA will bear the reasonable costs of temporarily accommodating the tenant, as well as bearing the costs of long term transfers, if any, due to emergency conditions.

The reasonable cost of transfers includes the cost of packing, moving, and unloading.

The GBHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, the GBHA will collect information from companies in the community that provide these services.

The GBHA will reimburse the family for eligible out-of-pocket moving expenses up to the GBHA's established moving allowance.

PART II: GBHA-REQUIRED TRANSFERS

12-II.A. OVERVIEW

HUD regulations regarding transfers are minimal, leaving it up to the GBHA to develop reasonable transfer policies.

The GBHA may require that a resident transfer to another unit under some circumstances. For example, the GBHA may require a resident to transfer to make an accessible unit available to a disabled family. The GBHA may also transfer a resident in order to maintain occupancy standards based on family composition. Finally, the GBHA may transfer residents in order to demolish or renovate the unit.

A transfer that is required by the GBHA is an adverse action, and is subject to the notice requirements for adverse actions [24 CFR 966.4(e)(8)(i)].

12-II.B. TYPES OF GBHA-REQUIRED TRANSFERS

GBHA Policy
The types of transfers that may be required by the GBHA, include, but are not limited to, transfers to make an accessible unit available for a disabled family, transfers to comply with occupancy standards, transfers for demolition, disposition, revitalization, or rehabilitation, and emergency transfers as discussed in Part I of this chapter.

Transfer to Make an Accessible Unit Available

When a family is initially given an accessible unit, but does not require the accessible features, the GBHA may require the family to agree to move to a non-accessible unit when it becomes available [24 CFR 8.27(b)].

GBHA Policy
When a non-accessible unit becomes available, the GBHA will transfer a family living in an accessible unit that does not require the accessible features, to an available unit that is not accessible. The GBHA may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit.

Occupancy Standards Transfers

The GBHA may require a resident to move when a re-examination indicates that there has been a change in family composition, and the family is either overcrowded or over-housed according to GBHA policy [24 CFR 960.257(a)(4)]. On some occasions, the GBHA may initially place a resident in an inappropriately sized unit at lease-up, where the family is over-housed, to prevent vacancies. The public housing lease must include the tenant's agreement to transfer to an appropriately sized unit based on family composition when available [24 CFR 966.4(c(3)].

GBHA Policy
The GBHA will transfer a family when the family size has changed and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied.

For purposes of the transfer policy, overcrowded and over-housed are defined as follows:

Overcrowded: the number of household member exceeds the maximum number of persons allowed for the unit size in which the family resides, according to the chart in Section 5-I.B.

Over-housed: the family no longer qualifies for the bedroom size in which type are living based on the GBHA's occupancy standards as described in Section 5-I.B.

The GBHA may also transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on the GBHA's occupancy standards, when the GBHA determines there is a need for the transfer.

The GBHA may elect not to transfer an over-housed family in order to prevent vacancies.

A family that is required to move because of family size will be advised by the GBHA that a transfer is necessary and that the family has been placed on the transfer list.

Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) in accordance with the policies in Section 5-I.C. will only be required to transfer if it is necessary to comply with the approved exception.

Demolition, Disposition, Revitalizations, or Rehabilitation Transfers
These transfers permit the GBHA to demolish, sell or do major capital or rehabilitation work at a building site [PH Occ GB, p. 148].

GBHA Policy
The GBHA will relocate a family when the unit or site in which the family lives is undergoing major rehabilitation that requires the unit to be vacant, or the unit is being disposed of or demolished. The GBHA's relocation plan may or may not require transferring affected families to other available public housing units.

If the relocation plan calls for transferring public housing families to other public housing units, affected families will be placed on the transfer list.

In cases of revitalization or rehabilitation, the family may be offered a temporary relocation if allowed under Relocation Act provisions, and may be allowed to return to their unit, depending on contractual and legal obligations, once revitalization or rehabilitation is complete.

12-II.C. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]
A GBHA-required transfer is an adverse action. As an adverse action, the transfer is subject to the requirements regarding notices of adverse actions. If the family requests a grievance hearing within the required timeframe, the GBHA may not take action on the transfer until the conclusion of the grievance process.

GBHA Policy
The GBHA will bear the reasonable costs of transfers that the GBHA requires, except that residents will be required to bear the cost of occupancy standards transfers.

The reasonable costs of transfers include the cost of packing, moving, and unloading.

The GBHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, the GBHA will collect information from companies in the community that provide these services.

The GBHA will reimburse the family for eligible out-of-pocket moving expenses up to the GBHA's established moving allowance.

12-II.D. COST OF TRANSFER

GBHA Policy
The GBHA will bear the reasonable costs of transfers that the GBHA requires, except that residents will be required to bear the cost of occupancy standards transfers.

The reasonable costs of transfers include the cost of packing, moving, and unloading.

The GBHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, the GBHA will collect information from companies in the community that provide these services.

The GBHA will reimburse the family for eligible out-of-pocket moving expenses up to the GBHA's established moving allowance.

PART III: TRANSFERS REQUESTED BY TENANTS

12-III.A. OVERVIEW

HUD provides the GBHA with discretion to consider transfer requests from tenants. The only requests that the GBHA is required to consider are requests for reasonable accommodation. All other transfer requests are at the discretion of the GBHA. To avoid administrative costs and burdens, this policy limits the type of requests that will be considered by the GBHA.

Some transfers that are requested by tenants should be treated as higher priorities than others due to the more urgent need to transfer.

12-III.B. TYPES OF RESIDENT REQUESTED TRANSFERS

GBHA Policy

The types of requests for transfers that the GBHA will consider are limited to requests for transfers to alleviate a serious or life threatening medical condition, transfers due to a threat of physical harm or criminal activity, reasonable accommodation, transfers to a different unit size as long as the family qualifies for the unit according to the GBHA's occupancy standards, and transfers to a location closer to employment. All other transfer requests will be considered by the GBHA upon their discretion.

The GBHA will consider the following as high priority transfer requests:

When a transfer is needed to alleviate verified medical problems of a serious or life-threatening nature.

When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the GBHA's discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, a hate crime, or domestic violence, dating violence, sexual assault, or stalking.

When a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first floor unit for a person with mobility impairment, or a transfer to a unit with accessible features.

The GBHA will consider the following as regular priority transfer requests:

When a family requests a larger bedroom size unit even though the family does not meet the GBHA's definition of overcrowded, as long as the family meets the GBHA's occupancy standards for the requested size unit.

When the head of household or spouse is employed 25 miles or more from the public housing unit, has no reliable transportation and public transportation is not adequate.

Transfers requested by the tenant are considered optional for the tenant.

12-III.C. ELIGIBILITY FOR TRANSFER

Transferring residents do not have to meet the admission eligibility requirements pertaining to income or preference. However, the GBHA may establish other standards for considering a transfer request [PH Occ GB, p.150].

GBHA Policy

Except where reasonable accommodation is being requested, the GBHA will only consider transfer requests from residents that meet the following requirements:

Have not engaged in criminal activity that threatens the health or safety of residents and staff

Owe no back rent or other charges, or have a pattern of late payment

Have no housekeeping lease violations or history of damaging property

Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities)

A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.

Exceptions to the good record requirement may be made when it is to the GBHA's advantage to make the transfer. Exceptions may also be made when the GBHA determines that a transfer is necessary to protect the health or safety of a resident who is a victim of domestic violence, dating violence, sexual assault or stalking and who provides documentation of abuse in accordance with section 16-VII.D of this ACOP.

If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of two years from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

12-III.D. SECURITY DEPOSITS

GBHA Policy

When a family transfers from one unit to another, the GBHA will refund the tenant their security deposit, minus any charges, for the "old unit" and require a new security deposit be paid for the "new unit".

12-III.E. COST OF TRANSFER

The GBHA must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability [Notice PIH 2010-26].

GBHA Policy

The resident will bear all of the costs of transfer s/he requests. However, the GBHA will bear the costs when the transfer is done as a reasonable accommodation.

12-III.F. HANDLING OF REQUESTS

GBHA Policy
Residents requesting a transfer to another unit or development will be required to submit a written request for transfer.

In case of a reasonable accommodation transfer, the GBHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the GBHA will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

The GBHA will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family, such as documentation of domestic violence, dating violence, sexual assault or stalking in accordance with section 16-VII.D of this ACOP.

If the family does not meet the "good record" requirements under Section 12-III.C., the manager will address the problem and, until resolved, the request for transfer will be denied.

The GBHA will respond within ten (10) business days of the submission of the family's request. If the GBHA denies the request for transfer, the family will be informed of its grievance rights.

PART IV: TRANSFER PROCESSING

12-IV.A. OVERVIEW

Generally, families who request a transfer should be placed on a transfer list and processed in a consistent and appropriate order. The transfer process must be clearly auditable to ensure that residents do not experience inequitable treatment.

12-IV.B. TRANSFER LIST

GBHA Policy
Each development will maintain a centralized transfer list to ensure that transfers are processed in the correct order and that procedures are uniform across all properties.

Emergency transfers will not automatically go on the transfer list. Instead emergency transfers will be handled immediately, on a case by case basis. If the emergency cannot be resolved by a temporary accommodation, and the resident requires a permanent transfer, the family will be placed at the top of the transfer list.

Transfers will be processed in the following order:

1. Emergency transfers (hazardous maintenance conditions)
2. High-priority transfers (verified medical condition, threat of harm or criminal activity, and reasonable accommodation)

3. Transfers to make accessible units available
4. Demolition, renovation, etc.
5. Occupancy standards
6. Other GBHA-required transfers
7. Other tenant-requested transfers

For Scattered Site units, within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date. For Mason manor, transfers will be processed in order of seniority of residency, starting with the earliest move-in date.

With the approval of the property manager, the GBHA may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of a family in crisis.

Demolition and renovation transfers will gain the highest priority as necessary to allow the GBHA to meet the demolition or renovation schedule.

Transfers will take precedence over waiting list admissions.

12-IV.C. TRANSFER OFFER POLICY

GBHA Policy
Residents will receive one offer of a transfer.

When the transfer is required by the GBHA, the refusal of that offer without good cause will result in lease termination.

When the transfer has been requested by the resident, the refusal of that offer without good cause will result in the removal of the family from the transfer list.

12-IV.D. GOOD CAUSE FOR UNIT REFUSAL

GBHA Policy
Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

The family demonstrates to the GBHA's satisfaction that accepting the unit offer will require an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.

The family demonstrates to the GBHA's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, or stalking in accordance with section 16-VII.D of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or a live-in aide necessary to the care of the principal household member.

The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

The unit has lead-based paint and the family includes children under the age of six.

The GBHA will require documentation of good cause for unit refusals.

12-IV.E. DE-CONCENTRATION

GBHA Policy

If subject to de-concentration requirements, the GBHA will consider its de-concentration goals when transfer units are offered. When feasible, families above the Established Income Range will be offered a unit in a development that is below the Established Income Range, and vice versa, to achieve the GBHA's de-concentration goals. A de-concentration offer will be considered a "bonus" offer; that is, if a resident refuses a de-concentration offer, the resident will receive one additional transfer offer.

12-IV.F. RE-EXAMINATION POLICIES FOR TRANSFERS

GBHA Policy

The re-examination date will be changed to the first of the month in which the transfer took place.

Chapter 13

LEASE TERMINATIONS

INTRODUCTION

Either party to the dwelling lease agreement may terminate the lease in accordance with the terms of the lease. A public housing lease is different from a private dwelling lease in that the family's rental assistance is tied to their tenancy. When the family moves from their public housing unit, they lose their rental assistance. Therefore, there are additional safeguards to protect the family's tenancy in public housing.

Likewise, there are safeguards to protect HUD's interest in the public housing program. The GBHA has the authority to terminate the lease because of the family's failure to comply with HUD regulations, for serious or repeated violations of the terms of the lease, and for other good cause. HUD regulations also specify when termination of the lease is mandatory by the GBHA.

When determining GBHA policy on terminations of the lease, the GBHA must consider state and local landlord-tenant laws in the area where the GBHA is located. Such laws vary from one location to another, and these variances may be either more or less restrictive than federal law or HUD regulation.

This chapter presents the policies that govern voluntary termination of the lease by the family and the mandatory and voluntary termination of the lease by the GBHA. It is presented in four parts:

> Part I: Termination by Tenant. This part discusses the GBHA requirements for voluntary termination of the lease by the family.
>
> Part II: Termination by GBHA- Mandatory. This part describes circumstances when termination of the lease by the GBHA is mandatory. This part also explains nonrenewal of the lease for noncompliance with community service requirements.
>
> Part III: Termination by GBHA- Other Authorized reasons. This part describes the GBHA's options for lease termination that are not mandated by HUD regulation but for which HUD authorizes the GBHA to terminate. For some of these options, HUD requires the GBHA to establish policies and lease provisions for termination, but termination is not mandatory. For other options, the GBHA has full discretion whether to consider the options as just cause to terminate as long as the GBHA policies are reasonable, nondiscriminatory, and do not violate state or local landlord-tenant law. This part also discusses the alternatives that the GBHA may consider in lieu of termination, and the criteria that the GBHA will use when deciding what actions to take.
>
> Part IV: Notification Requirements. This part presents the federal requirements for disclosure of criminal records to the family prior to termination, the HUD requirements and GBHA polices regarding the timing and content of written notices for lease termination and eviction, and notification of the post office when eviction is due to criminal activity. This part also discusses record keeping related to lease termination.

PART I: TERMINATION BY TENANT

13-I.A. TENANT CHOOSES TO TERMINATE THE LEASE
[24 CFR 966.4(k)(1)(ii) and 24 CFR 966.4(l)(1)]

The family may terminate the lease at any time, for any reason, by following the notification procedures as outlined in the lease. Such notice must be in writing and delivered to the property site office or the GBHA central office or sent by pre-paid first-class mail, properly addressed.

> GBHA Policy
>
> If a family desires to move and terminate their tenancy with the GBHA, they must give at least 28 calendar days advance written notice to the GBHA of their intent to vacate. However, that notice must be received prior to the first of the vacating month. When a family must give less than 28 days notice due to circumstances beyond their control the GBHA, at its discretion, may waive the 28-day requirement.
>
> The notice of lease termination must be signed by the head of household, spouse, or co-head.

PART II: TERMINATION BY GBHA [MANDATORY]

13-II.A. OVERVIEW

HUD requires mandatory termination of the lease for certain actions or inactions of the family. There are other actions or inactions of the family that constitute grounds for lease termination, but the lease termination is not mandatory. The GBHA must establish policies for termination of the lease in these cases where termination is optional for the GBHA.

For those tenant actions or failures to act where HUD requires termination, the GBHA has no such option. In those cases, the family's lease must be terminated. This part describes situations in which HUD requires the GBHA to terminate the lease.

13-II.B. FAILURE TO PROVIDE CONSENT
[24 CFR 960.259(a) and (b)]

The GBHA must terminate the lease if any family member fails to sign and submit any consent form s/he is required to sign for any re-examination. See Chapter 7 for a complete discussion of consent requirements.

13-II.C. FAILURE TO DOCUMENT CITIZENSHIP
[24 CFR 5.514(c) and (d) and 24 CFR 960.259(a)]

The GBHA must terminate the lease if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members; or (3) a family member, as determined by the GBHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (3), such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated.

13-II.D. FAILURE TO DISCLOSE AND DOCUMENT SOCIAL SECURITY NUMBERS [24 CFR5.218(c) and 24 CFR 960.259(a)(3), and Notice PIH 2010-3]

The GBHA must terminate assistance if a resident family fails to disclose the complete and accurate Social Security numbers of each household member and the documentation necessary to verify each Social Security number.

However, if the family is otherwise eligible for continued program assistance, and the GBHA determines that the family's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family's control, the GBHA may defer the family's termination and provide the opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date the GBHA determined the family to be noncompliant.

> GBHA Policy
> The GBHA will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the resident's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline.

13-II.E. FAILURE TO ACCEPT THE GBHA'S OFFER OF A LEASE REVISION [24 CFR 966.4(l)(2)(ii)(E)]

The GBHA must terminate the lease if the family fails to accept the GBHA's offer of a lease revision to an existing lease.

13-II.F. METHAMPHETAMINE CONVICTION [24 CFR 966.4(l)(5)(i)(A)]

The GBHA must immediately terminate the lease if the GBHA determines that any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

See Part 13-III.B. below for the HUD definition of premises.

13-II.G. LIFETIME REGISTERED SEX OFFENDERS [Notice PIH 2012-28]

Should the GBHA discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, the GBHA must immediately terminate assistance for the household member.

In this situation, the GBHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the GBHA must terminate assistance for the household.

13-II.H. NONCOMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)(2)(ii) and (c)]

The GBHA is prohibited from renewing the lease at the end of the 12-month lease term when the family fails to comply with the community service requirements as described in Chapter 11.

13-II.I. DEATH OF A SOLE FAMILY MEMBER [Notice PIH 2010-3]

The GBHA must immediately terminate program assistance for deceased single member households.

PART III: TERMINATION BY GBHA [OTHER AUTHORIZED REASONS]

13-III.A. OVERVIEW

Besides requiring the GBHA to terminate the lease under the circumstances described in Part II, HUD requires the GBHA to establish provisions in the lease for termination pertaining to certain criminal activity, alcohol abuse, and certain household obligations stated in the regulations. While these provisions for lease termination must be in the lease agreement, HUD does not require the GBHA to terminate for such violations in all cases. The GBHA has the discretion to consider circumstances surrounding the violation or, in applicable situations, whether the offending household member has entered or completed rehabilitation, and the GBHA may, as an alternative to termination, require the exclusion of the culpable household member. The GBHA must adopt policies decisions concerning the use of these options.

In addition, HUD authorizes the GBHA to terminate the lease for other grounds, but for only those grounds that constitute serious or repeated violations of material terms of the lease or for other good cause. The GBHA must develop policies pertaining to what constitutes serious or repeated lease violations, and other good cause, based upon the content of the GBHA lease. In the development of the terms of the lease, the GBHA must consider the limitations imposed by state and local landlord-tenant law, as well as HUD regulations and federal statutes. Because of variations in state and local landlord-tenant law, and because HUD affords the GBHA wide discretion in some areas, a broad range of policies could be acceptable.

The GBHA, with some restrictions, also has the option to terminate the tenancies of families who are over income.

The GBHA may consider alternatives to termination and must establish policies describing the criteria the GBHA will use when deciding what action to take, the type of evidence that will be acceptable, and the steps the GBHA must take when terminating a family's lease.

13-III.B. MANDATORY LEASE PROVISIONS
[24 CFR 966.4(l)(5)]

This section addresses provisions for lease termination that must be included in the lease agreement according to HUD regulations. Although the provisions are required, HUD does not require the GBHA to terminate for such violations in all cases.

Definitions [24 CFR 5.100]

The following definitions will be used for this and other parts of this chapter:

Affiliated individual is defined in section 16-VII.B.

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

Dating violence is defined in section 3-III.F.

Domestic violence is defined in section 3-III.F.

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802].

Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with the intent to manufacture, sell, distribute, or use the drug.

Guest means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has expressed or implied authority on behalf of the tenant.

Household means the family and GBHA-approved live-in aide. The term household also includes foster children and/or foster adults that have been approved to reside in the unit [HUD-50058, Instruction Booklet, p.65].

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

Premises means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

Sexual assault is defined in section 16-VII.B.

Stalking is defined in section 3-III.F.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or is reasonably likely to cause, serious bodily injury or property damage.

Drug Crime On or Off the Premises
[24 CFR 966.4(l)(5)(i)(B)]
The lease must provide that drug-related criminal activity engaged in on or off the premises by the tenant, member of the tenant's household or guest, or any such activity engaged in on the premises by any other person under the tenant's control is grounds for termination.

> GBHA Policy
> The GBHA will terminate the lease for drug-related criminal activity engaged in on or off the premises by any tenant, member of the tenant's household or guest, and any such activity engaged in on the premises by another person under the tenant's control.
>
> The GBHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered person related to the drug-related criminal activity.
>
> In making its decision to terminate the lease, the GBHA will consider alternatives as described in Section 13-III.D. and other factors as described in Section 13-III.E. Upon consideration of such alternatives and factors, the GBHA may, on a case-by-case basis, choose not to terminate the lease.

Illegal Use of a Drug
[24 CFR 966.4(l)(5)(i)(B)]
The lease must provide that the GBHA may evict a family when the GBHA determines that a household member is illegally using a drug or that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

GBHA Policy

The GBHA will terminate the lease when the GBHA determines that a household member is illegally using a drug or the GBHA determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

A pattern of illegal drug use means more than one incident of any use of illegal drugs during the previous six (6) months.

The GBHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs.

In making its decision to terminate the lease, the GBHA will consider alternatives as described in Section 13-III.D. and other factors as described in Section 13-III.E. Upon consideration of such alternatives and factors, the GBHA may, on a case-by-case basis, choose not to terminate the lease.

Threat to Other Residents
[24 CFR 966.4(l)(5)(ii)(A)]

The lease must provide that any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including GBHA management staff residing on the premises) or by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy.

GBHA Policy

The GBHA will terminate the lease when a covered person engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including GBHA management and staff on the premises) or by persons residing in the immediate vicinity of the premises.

Immediate vicinity means within a three (3)-block radius of the premises.

The GBHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the criminal activity.

In making its decision to terminate the lease, the GBHA will consider alternatives as described in Section 13-III.D. and other factors as described in Section 13-III.E. and 13-III.F. Upon consideration of such alternatives and factors, the GBHA may, on a case-by-case basis, choose not to terminate the lease.

Alcohol Abuse
[24 CFR 966.4(l)(5)(vi)(A)]

The GBHA must establish standards that allow termination of tenancy if the GBHA determines that a household member has or is engaged in abuse or pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

GBHA Policy

The GBHA will terminate the lease if the GBHA determines that a household member has or is engaged in abuse or a pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

A pattern of such alcohol abuse means more than one incident of any such abuse of alcohol during the previous six (6) months.

The GBHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the abuse of alcohol.

In making its decision to terminate the lease, the GBHA will consider alternatives as described in Section 13-III.D. and other factors as described in Sections 13-III.E. and 13-III.F. Upon consideration of such alternatives and factors, the GBHA may, on a case-by-case basis, choose not to terminate the lease.

Furnishing False or Misleading Information Concerning Illegal Drug Use or Alcohol Abuse or Rehabilitation
[24 CFR 966.4(l)(5)(vi)(B)]
The GBHA must establish standards that allow termination of tenancy if the GBHA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

GBHA Policy
The GBHA will terminate the lease if the GBHA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

The GBHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs or the abuse of alcohol, and any records or other documentation (or lack of records of documentation) supporting claims of rehabilitation of illegal drug users or alcohol abusers.

In making its decision to terminate the lease, the GBHA will consider alternatives as described in Section 13-III.D. and other factors as described in Section 13-III.E. Upon consideration of such alternatives and factors, the GBHA may, on a case-by-case basis, choose not to terminate the lease.

Other Serious or Repeated Violations of Material Terms of the Lease [Mandatory Lease Provisions]
[24 CFR 966.4(l)(2)(i) and 24 CFR 966.4(f)]
HUD regulations require certain tenant obligations to be incorporated into the lease. Violations of such regulatory obligations are considered to be serious or repeated violations of the lease and grounds for termination. Incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking [Pub.L. 109-162].

GBHA Policy
The GBHA will terminate the lease for the following violations of tenant obligations under the lease:

Failure to make payments due under the lease, including nonpayment of rent (see Chapter 8 for details pertaining to lease requirements for payments due);

Repeated late payment of rent or other charges. Four (4) late payments within a 12-month period shall constitute a repeated late payment.

Failure to fulfill the following household obligations:

Not to assign the lease or to sublease the dwelling unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

Not to provide accommodations for boarders or lodgers.

To use the dwelling unit solely as a private dwelling for the tenant and the tenant's household as identified in the lease, and not to use or permit its use for any other purpose.

To abide by necessary and reasonable regulations promulgated by the GBHA for the benefit and well-being of the housing project and the tenants which shall be posted in the project office and incorporated by reference in the lease.

To comply with all obligations imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety.

To keep the dwelling unit and such other areas as may be assigned to the tenant for the tenant's exclusive use in a clean and safe condition.

To dispose of all ashes, garbage, rubbish, and other waste from the dwelling unit in sanitary and safe manner.

To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances including elevators.

To refrain from, and to cause the household and guests to refrain from destroying, defacing, damaging, or removing any part of the dwelling unit or project.

To pay reasonable charges (other than for normal wear and tear) for the repair of damages to the dwelling unit, or to the project (including damages to project buildings, facilities or common areas) caused by the tenant, a member of the household or a guest

To act, and cause household members or guests to act, in a manner which will not disturb other residents' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition.

In making its decision to terminate the lease, the GBHA will consider alternatives as described in Section 13-III.D. and other factors as described in Section 13-III.E. and 13-III.F. Upon consideration of such alternatives and factors, the GBHA may, on a case-by-case basis, choose not to terminate the lease.

13-III.C. OTHER AUTHORIZED REASONS FOR TERMINATION
[24 CFR 966.4(l)(2) and (5)(ii)(B)]

HUD authorizes the GBHA to terminate the lease for reasons other than those described in the previous sections. These reasons are referred to as "other good cause."

Other Good Cause
[24 CFR 966.4(l)(2)(ii)(B) and (C)]
HUD regulations state that the GBHA may terminate tenancy for other good cause. The regulations provide a few examples of other good cause, but do not limit the GBHA to only those examples. The Violence Against Women Reauthorization Act of 2013 explicitly prohibits the GBHA from considering incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking as "other good cause" for terminating the tenancy or occupancy rights of the victim of such violence.

GBHA Policy
The GBHA will terminate the lease for the following reasons.

Fugitive Felon or Parole Violator. If a tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case the State of New Jersey, is a high misdemeanor; or violating a condition of probation or parole imposed under federal or state law.

Persons subject to sex offender registration requirement. If any member of the household has, during their current public housing tenancy, become subject to a registration requirement under a state sex offender registration program.

Discovery of facts after admission to the program that would have made the tenant ineligible.

Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with a re-examination of income.

Failure to furnish such information and certifications regarding family composition and income as may be necessary for the GBHA to make determinations with respect to rent, eligibility, and the appropriateness of the dwelling unit size. Unauthorized household members discovered through a fraud investigation on a household involved with the public housing program will be denied program participation. The period of ineligibility will match the ineligibility of the household they were a part of.

Failure to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by the GBHA that such a dwelling unit is available.

Failure to permit access to the unit by the GBHA after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists.

Failure to promptly inform the GBHA of the birth, adoption or court-awarded custody of a child. In such a case, promptly means within 10 business days of the event.

Failure to abide by the provisions of the GBHA pet policy.

If the family has breached the terms of a repayment agreement entered into with the GBHA.

If a family member has violated federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

If a household member has engaged in or threatened violent or abusive behavior toward GBHA personnel.

> *Abusive or violent behavior towards GBHA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
>
> *Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

If the property has been deemed a public/chronic nuisance. The GBHA will terminate the lease if a property, within a 6-month period, has two or more separate police responses. Furthermore, the GBHA will terminate the lease if a property, within any 12-month period, has three or more separate police responses resulting in enforcement action (warning, citation, or arrest) due to the following types of violations:

- Harassment
- Disorderly Conduct
- Battery
- Lewd & lascivious behavior
- Prostitution
- Theft
- Animal Violations
- Trespassing
- Weapons violations
- Noise violations
- Execution of warrants
- Alcohol violations
- Obstructing/resisting
- Inspection-related calls in which the police department responds
- Possession of stolen property
- Arson
- Drug activity
- Gambling

Calls that are generated by the household members are exempt and will not be counted, unless police reports verify that repeated calls are posing a nuisance. The GBHA has the discretion, on a case by case circumstance, to determine if otherwise exempted calls are posing a nuisance. Also, calls related to stalking, domestic violence, sexual assault or other instances protected by VAWA will not be counted.

If sole household member is unable to care for self, as determined by a knowledgeable professional or poses a threat to the health, safety, or security of the building and other residents.

In making its decision to terminate the lease, the GBHA will consider alternatives as described in Section 13-III.D. and other factors described in Section 13-III.E. and 13-III.F. Upon consideration of such alternatives and factors, the GBHA may, on a case-by-case basis, choose not to terminate the lease.

Family Absence from Unit
[24 CFR 982.551(i)]

It is reasonable that the family may be absent from the public housing unit for brief periods. However, the GBHA needs a policy on how long the family may be absent from the unit. Absence in this context means that no member of the family is residing in the unit.

GBHA Policy
The family must supply any information or certification requested by the GBHA to verify that the family is living in the unit, or relating to family absence from the unit, including any GBHA-requested information or certification on the purposes of family absences. The family must cooperate with the GBHA for this purpose.

The family must promptly notify the GBHA when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. In such a case promptly means within 10 business days of the start of the extended absence.

If a family is absent from the public housing unit for more than 180 consecutive days, and the family does not adequately verify that they are living in the unit, the GBHA will terminate the lease for other good cause.

Abandonment of the Unit. If the family appears to have vacated the unit without giving proper notice, the GBHA will follow state and local landlord-tenant laws pertaining to abandonment before taking possession of the unit. If necessary, the GBHA will secure the unit immediately to prevent vandalism and other criminal activity.

In making its decision to terminate the lease, the GBHA will consider alternatives as described in Section 13-III.D. and other factors described in Section 13-III.E. and 13-III.F. Upon consideration of such alternatives and factors, the GBHA may, on a case-by-case basis, choose not to terminate the lease.

Over-Income Families
[24 CFR 960.261 and FR 11/26/04, p.68786]
Subject to certain restrictions, HUD authorizes the GBHA to evict or terminate the tenancies of families because they are over-income. Unless required to do so by local law, the GBHA may not evict or terminate the tenancy of a family solely because the family is over-income if: (1) the family has a valid contract of participation in the Family Self-Sufficiency (FSS) Program, or (2) the family is currently receiving the earned income disallowance. This rule does not require the GBHA to evict over-income residents, but rather gives the GBHA the discretion to do so thereby making units available for applicants who are income-eligible.

GBHA Policy
The GBHA will not evict or terminate the tenancies of families solely because they are over-income.

13-III.D. ALTERNATIVES TO TERMINATION OF TENANCY

Exclusion of Culpable Household Member
[24 CFR 966.4(l)(5)(vii)(C)]
As an alternative to termination of the lease for criminal activity or alcohol abuse, HUD provides that the GBHA may consider exclusion of the culpable household member. Such an alternative can be used, for any other reason where such a solution appears viable in accordance with GBHA policy.

GBHA Policy

The GBHA will consider requiring the tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

As a condition of the family's continued occupancy, the head of household must certify that the culpable household member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former household member's current address upon GBHA request.

Repayment of Family Debts

GBHA Policy
If a family owes amounts to the GBHA, as a condition of continued occupancy, the GBHA will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from the GBHA of the amount owed. See Chapter 16 for policies on repayment agreements.

13-III.E. CRITERIA FOR DECIDING TO TERMINATE TENANCY

A PHA that has grounds to terminate a tenancy is not required to do so, except as explained in Part II of this chapter, and may consider all of the circumstances relevant to a particular case before making a decision.

Evidence
[24 CFR 982.553(c)]
For criminal activity, HUD permits the GBHA to terminate the lease if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted, and without satisfying the standard of proof used for a criminal conviction.

GBHA Policy
The GBHA will use the preponderance of the evidence as the standard for making all termination decisions.

Preponderance of evidence is defined as evidence which is of greater weight or more convincing that the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances
[24 CFR 966.4(l)(5)(vii)(B)]
Although it is required that certain lease provisions exist for criminal activity and alcohol abuse, HUD provides that the GBHA may consider all circumstances relevant to a particular case in order to determine whether or not to terminate the lease.

Such relevant circumstances can also be considered when terminating the lease for any other reason.

GBHA Policy
The GBHA will consider the following factors before deciding whether to terminate the lease for any of the HUD required lease provisions or for any other reasons:

The seriousness of the offending action, especially with respect to how it would affect other residents

The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor, a person with disabilities, or (as discussed further in section 13-III.F) a victim of domestic violence, dating violence, sexual assault or stalking

The effects that the eviction will have on other family members who were not involved in the action or failure to act

The effect on the community of the termination, or of the GBHA's failure to terminate the tenancy

The effect of the GBHA's decision on the integrity of the public housing program

The demand for housing by eligible families who will adhere to lease responsibilities

The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action

The length of time since the violation occurred, the family's recent history, and the likelihood of favorable conduct in the future

In the case of program abuse, the dollar amount of the underpaid rent and whether or not a false certification was signed by the family

Consideration of Rehabilitation
[24 CFR 966.4(l)(5)(vii)(D)]

HUD authorizes the GBHA to take into consideration whether a household member who had used illegal drugs or abused alcohol and is no longer engaging in such use or abuse is participating in or has successfully completed a supervised drug or alcohol rehabilitation program.

GBHA Policy
In determining whether to terminate the lease for illegal drug use or a pattern of illegal drug use, or for abuse or a pattern of abuse of alcohol, by a household member who is no longer engaging in such use or abuse, the GBHA will consider whether such household member has successfully completed a supervised drug or alcohol rehabilitation program.

For this purpose, the GBHA will require the tenant to submit evidence of the household member's successful completion of, a supervised drug or alcohol rehabilitation program.

Reasonable Accommodation
[24 CFR 966.7]
If the family includes a person with disabilities, the GBHA's decision to terminate the family's lease is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

GBHA Policy

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of lease, the GBHA will determine whether the behavior is related to the disability. If so, upon the family's request, the GBHA will determine whether alternative measures are appropriate as a reasonable accommodation. The GBHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed lease termination. See Chapter 2 for a discussion of reasonable accommodation.

Nondiscrimination Limitation
[24 CFR 966.4(l)(5)(vii)(F)]
The GBHA's eviction actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105.

13-III.F. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

This section addresses the protections against termination of tenancy that the Violence Against Women Act of 2013 (VAWA) provides for public housing residents who are victims of domestic violence, dating violence, sexual assault, or stalking. For general VAWA requirements and GBHA policies pertaining to notification, documentation, and confidentiality, see section 16-VII of this ACOP, where definitions of key VAWA terms are also located.

VAWA Protections against Termination [24 CFR 5.2005 (c)]

VAWA provides that "criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy of, occupancy rights of, or assistance to the victim, if the tenant or affiliated individual of the tenant is the victim" [24CFR 5.2005(c)(2)].

VAWA further provides that incidents of actual or threatened domestic violence, dating violence, or stalking may not be construed either as serious or repeated violations of the lease by the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence [24CFR 5.2005(c)(1)].

Limits on VAWA Protections
[24 CFR 5.2005(d) and (e)]
While VAWA prohibits the GBHA from using domestic violence, dating violence, sexual assault or stalking as the cause for a termination or eviction action against a public housing tenant who is the victim of the abuse, the protections it provides are not absolute. Specifically:

- VAWA does not limit the GBHA's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, sexual assault or stalking providing that the GBHA does not subject the victim to a more demanding standard than other tenants.
- VAWA does not limit the GBHA's authority to terminate the tenancy of any public housing tenant if the GBHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's residency is not terminated.

HUD regulations define actual and imminent threat to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result

in death or serious bodily harm [24CFR 5.2005(d)(2) and (e)]. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:
* the duration of the risk
* the nature and severity of the potential harm
* the likelihood that the potential harm will occur
* the length of time before the potential harm would occur [24CFR 5.2005(e)]

Even when a victim poses an actual and imminent threat, however, HUD regulations authorize the GBHA to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat" [24CFR 5.2005(d)(3)].

GBHA Policy

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, the GBHA will consider the following, and any other relevant, factors:

Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, or stalking

Whether the threat is a physical danger beyond a speculative threat

Whether the threat is likely to happen within a short period of time

Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the tenant wishes to contest the GBHA's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

Documentation of Abuse [24CFR 5.2007]

GBHA Policy

When an individual facing termination of tenancy for reasons related to domestic violence, dating violence, sexual assault, or stalking claims protection under VAWA, the GBHA will request that the individual provide documentation supporting the claim in accordance with the policies in section 16-VII.D of this ACOP.

The GBHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases, the GBHA will document the waiver in the individual's file.

Terminating or Evicting a Perpetrator of Domestic Violence

Although VAWA provides protection from termination for victims of domestic violence, it does not provide protection for perpetrators. In fact, VAWA gives the GBHA the explicit authority to bifurcate a lease, or to remove a household member from a lease, "in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupancy and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or

lawful occupant." [24CFR 5.2009(a)] Moreover, HUD regulations impose on the GBHA the obligation to consider lease bifurcation in any circumstances involving domestic violence, dating violence, sexual assault or stalking [24CFR 966.4(e)(9)].
Specific lease language affirming the GBHA's authority to bifurcate a lease is not necessary, and the authority supersedes any local, state or federal law to the contrary. However, if the GBHA chooses to exercise its authority to bifurcate a lease, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law for eviction, lease termination, or termination of assistance. This means that the GBHA must follow the same rules when terminating or evicting an individual as it would when terminating or evicting an entire family [3/16/07 *Federal Register* notice on the applicability of VAWA to HUD programs].

GBHA Policy
The GBHA will bifurcate a family's lease and terminate the tenancy of a family member if the GBHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, non-culpable family members.

In making its decision, the GBHA will consider all credible evidence, including, but not limited to, a signed certification (for HUD-50066) or other documentation of abuse submitted to the GBHA by the victim in accordance with this section. The GBHA will also consider the factors in section 13-III.E. Upon such consideration, the GBHA may, on a case-by-case basis, choose not to bifurcate the lease and terminate the tenancy of the culpable family member.

If the GBHA does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP. If necessary, the GBHA will also take steps to ensure that the remaining family members have a safe place to live during the termination process. For example, the GBHA may offer the remaining family members another public housing unit if available; it may help them relocate to a confidential location; or it may refer them to a victim service provider or other agency with shelter facilities.

PART IV: NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES, AND RECORD KEEPING

13-IV.A. OVERVIEW
HUD regulations specify the requirements for the notice that must be provided prior to lease termination. This part discusses those requirements and the specific requirements that precede and follow termination for certain criminal activities which are addressed in the regulations. This part also discusses specific requirements pertaining to the actual eviction of families and record keeping.

13-IV.B. CONDUCTING CRIMINAL RECORDS CHECKS [24 CFR 5.903(e)(ii) and 24 CFR 960.259
HUD authorizes the GBHA to conduct criminal records checks on public housing residents for lease enforcement and eviction. GBHA policy determines when the GBHA will conduct such checks.

GBHA Policy
The GBHA will conduct criminal records checks when it has come to the attention of the GBHA, either from local law enforcement or by other means that an individual has engaged in the destruction of property, engaged in violent activity against another person, or has interfered with the right to peaceful enjoyment of the premises of other residents. Such checks will also include

sex offender registration information. In order to obtain such information, all adult household members must sign consent forms for release of criminal conviction and sex offender registration records on an annual basis.

The GBHA may not pass along the costs of a criminal records check to the tenant.

13-IV.C. DISCLOSURE OF CRIMINAL RECORDS TO FAMILY
[24 CFR 5.903(f), 24 CFR 5.905(d) and 24 CFR 966.4(l)(5)(iv)]
In conducting criminal records checks, if the GBHA uses the authority of 24 CFR 5.903 and 5.905 to obtain such information, certain protections must be afforded the tenant before any adverse action is taken. In such cases, if the GBHA obtains criminal records information from a state or local agency showing that a household member has been convicted of a crime, or is subject to a sex offender registration requirement, relevant to lease enforcement or eviction, the GBHA must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

GBHA Policy
In all cases where criminal record or sex offender registration information would result in lease enforcement or eviction, the GBHA will notify the household in writing of the proposed adverse action and will provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

The family will be given 10 business days from the date of the GBHA notice, to dispute the accuracy and relevance of the information. If the family does not contact the GBHA to dispute the information within that 10 business day period, the GBHA will proceed with the termination action.

Should the tenant not exercise their right to dispute prior to any adverse action, the tenant still has the right to dispute in the grievance hearing or court trial.

13-IV.D. LEASE TERMINATION NOTICE
[24 CFR 966.4(l)(3)]

Forms, Delivery, and Content of the Notice
Notices of lease termination must be in writing. The notice must state the specific grounds for termination, the date the termination will take place, the resident's right to reply to the termination notice, and their right to examine GBHA documents directly relevant to the termination or eviction. If the GBHA does not make the documents available for examination upon request by the tenant, the GBHA may not proceed with the eviction [24 CFR 996.4(m)].

When the GBHA is required to offer the resident an opportunity for a grievance hearing, the notice must also inform the resident of their right to request a hearing in accordance with the GBHA's grievance procedure. In these cases, the tenancy shall not terminate until the time the tenant can request a grievance hearing has expired and the grievance procedure has been completed.

When the GBHA is not required to offer the resident an opportunity for a grievance hearing because HUD has made a due process determination and the lease termination is for criminal activity that threatens health, safety, or right to peaceful enjoyment or for drug-related criminal activity, the notice of lease

termination must state that the tenant is not entitled to a grievance hearing on the termination. It must specify the judicial eviction procedure to be used by the GBHA for eviction of the tenant, and state that HUD has determined that the eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations. The notice must also state whether the eviction is for a criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the GBHA, or for a drug-related criminal activity on or off the premises.

GBHA Policy
The GBHA will attempt to deliver notices of lease termination directly to the tenant or an adult member of the household. If such attempt fails, the notice will be sent by first-class mail the same day.

All notices of lease termination will include information about the protection against termination provided by the Violence Against Women Actof 2013 (VAWA) for victims of domestic violence, dating violence, sexual assault, or stalking (see section 16-VII.C). The GBHA will also include a copy of the form HUD-50066. Any family member who claims that the cause for termination involves (a) criminal acts of physical violence against family members or others or (b) incidents of domestic violence, dating violence, sexual assault, or stalking of which a family member is the victim will be given the opportunity to provide documentation in accordance with the policies in Sections 13-III.F and 16-VII.D.

Timing of the Notice
[24 CFR 966.4(l)(3)(i)]
The GBHA must give written notice of lease termination of:

- 14 calendar days in the case of failure to pay rent

- A reasonable period of time considering the seriousness of the situation (but not to exceed 30 calendar days)

  If the health or safety of other residents, GBHA employees, or persons residing in the immediate vicinity of the premises is threatened

  If any member of the household has engaged in any drug-related criminal activity or violence criminal activity

  If any member of the household has been convicted of a felony

- 28 calendar days in any other case, except that if a state or local law allows a shorter notice period, such shorter period shall apply

  GBHA Policy
  The GBHA will give written notice of 14 calendar days for nonpayment of rent. For all other lease terminations the GBHA will give 28 days' written notice or, if state or local law allows less than 28 days, such shorter notice will be given.

The Notice to Vacate that may be required under state or local law may be combined with or run concurrently with the notice of lease termination.

Notice of Nonrenewal Due to Community Service Noncompliance
[24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)]
When the GBHA finds that a family is in noncompliance with the community service requirement, the tenant and any other noncompliant resident must be notified in writing of this determination. Notices of noncompliance will be issued in accordance with the requirements and policies in Section 11-I.E.

> GBHA Policy
> If after receiving a notice of initial noncompliance the family does not request a grievance hearing, or does not take either corrective action required by the notice within the required timeframe, a termination notice will be issued in accordance with the policies above.
>
> If a family agreed to cure initial noncompliance by signing an agreement, and is still in noncompliance after being provided the 12-month opportunity to cure, the family will be issued a notice of continued noncompliance. The notice of continued noncompliance will be sent in accordance with the policies in Section 11-I.E. and will also serve as the notice of termination of tenancy.

Notice of Termination Based on Citizenship Status
[24 CFR 5.514(c) and (d)]
In cases where termination of tenancy is based on citizenship status, HUD requires the notice of termination to contain additional information. In addition to advising the family of the reasons their assistance is being terminated, the notice must also advise the family of any of the following that apply: the family's eligibility for proration of assistance, the criteria and right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal, and the family's right to request an informal hearing with the GBHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.

Please see Chapter 14 for the GBHA's informal hearing procedures.

13-IV.E. EVICTION
[24 CFR 966.4(l)(4) and 966.4(m)]
Eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The GBHA may only evict the tenant from the unit by instituting a court action, unless the law of the jurisdiction permits eviction by administrative action, after a due process administrative hearing, and without a court determination of the rights and liabilities of the parties.

> GBHA Policy
> When a family does not vacate the unit after receipt of a termination notice, by the deadline given in the notice, the GBHA will follow state and local landlord-tenant law in filing an eviction action with the local court that has jurisdiction in such cases.
>
> If the eviction action is finalized in court and the family remains in occupancy beyond the deadline to vacate given by the court, the GBHA will seek the assistance of the court to remove the family from the premises as per state and local law.

The GBHA may not proceed with an eviction action if the GBHA has not made available the documents to be used in the case against the family, and has not afforded the family the opportunity to examine and copy such documents in accordance with the provisions of 24 CFR 966.41(l)(3) and (m).

13-IV.F. NOTIFICATION TO POST OFFICE
[24 CFR 966.4(l)(5)(iii)(B)]
When the GBHA evicts an individual or family for criminal activity, including drug-related criminal activity, the GBHA must notify the local post office serving the dwelling unit that the individual or family is no longer residing in the unit.

13-IV.G. RECORD KEEPING
For more information concerning general record keeping, see Chapter 16.

GBHA Policy
A written record of every termination and/or eviction will be maintained by the GBHA at the development where the family was residing, and will contain the following information:

Name of resident, number, and identification of unit occupied

Date of the notice of lease termination and any other notices required by state or local law; these notices may be on the same form and will run concurrently

Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail (other than any criminal history reports obtained solely through the authorization provided in 24 CFR 5.903 and 5.905)

Date and method of notifying the resident

Summaries of any conferences held with the resident including dates, names of conference participants, and conclusions

Chapter 14

GRIEVANCES AND APPEALS

INTRODUCTION

This chapter discusses grievances and appeals pertaining to GBHA actions or failures to act that adversely affect public housing applicants or residents. The policies discussed are in the following three parts:

> Part I: Informal Hearings for Public Housing Applicants. This part outlines the requirements and procedures for informal hearings for public housing applicants.
>
> Part II: Informal Hearings with Regard to Noncitizens. This part discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and tenant grievances.
>
> Part III: Grievance Procedures for Public Housing Residents. This part outlines the requirements and procedures for handling grievances for public housing residents.

Note that this chapter is not the GBHA's grievance procedure. The grievance procedure is a document separate from the ACOP. This chapter of the ACOP provides the policies that drive the grievance procedure.

PART I: INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS

14-I.A. OVERVIEW

When the GBHA makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal hearing. HUD regulations do not provide a structure for or maintain requirements regarding informal hearings for applicants (except with regard to citizenship status, to be covered in Part II). This part discusses the GBHA policies necessary to respond to applicant appeals through the informal hearing process.

14-I.B. INFORMAL HEARING PROCESS [24 CFR 960.208(a) and PH Occ GB, p. 58]

Informal hearings are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program, but is not yet a tenant in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to public housing are not entitled to the same hearing process afforded tenants under the GBHA grievance procedures [24 CFR 966.53(a) and PH Occ GB, p.58].

Informal hearings provide applicants the opportunity to review the reasons for denial of admission and to present evidence to refute the grounds for denial.

Use of Informal Hearing Process

While the GBHA must offer the opportunity of an informal hearing to applicants who have been determined as ineligible for admission, the GBHA could make the informal hearing process available to applicants who wish to dispute other GBHA actions that adversely affect them.

> GBHA Policy
> The GBHA will only offer informal hearings to applicants for the purpose of disputing denial of admission.

Notice of Denial [24 CFR 960.208(a)]

The GBHA must give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for the GBHA decision, and must also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.

When denying eligibility for admission, the PHA must provide the family a notice of VAWA rights as well as the HUD VAWA self-certification form (form HUD-50066) in accordance with the Violence against Women Reauthorization Act of 2013, and as outlined in 16-VII.C. The notice and self-certification form must accompany the written notification of the denial of eligibility determination.

Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial. See Section 3-III.G for details concerning this requirement.

Scheduling an Informal Hearing

GBHA Policy
A request for an informal hearing must be made in writing and delivered to the GBHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the GBHA's notification of denial of admission.

The GBHA will schedule and send written notice of the informal hearing within 10 business days of the family's request.

Conducting an Informal Hearing [PH Occ GB, p.58]

GBHA Policy
The informal hearing will be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person.

The applicant will be provided an opportunity to present written or oral objections to the decision of the GBHA.

The person conducting the informal hearing will make a recommendation to the GBHA staff, but the GBHA staff is responsible for making the final decision as to whether admission should be granted or denied.

Informal Hearing Decision [PH Occ GB, p.58]

GBHA Policy
The GBHA will notify the applicant of the GBHA's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, the GBHA will evaluate the following matters:

Whether or not the grounds for denial were stated factually in the notice.

The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in GBHA policy, then the decision to deny assistance will be overturned. See Chapter 3 for a detailed discussion of the grounds for applicant denial.

The validity of the evidence. The GBHA will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, the GBHA will uphold the decision to deny admission.

If the facts prove the grounds for denial, and the denial is discretionary, the GBHA will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.

The GBHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed, with return receipt requested, within 10 business days of the informal hearing, to the applicant and his or her representative, if any.

If the informal hearing decision overturns the denial, processing for admission will resume.

If the family fails to appear for their informal hearing, the denial of admission will stand and the family will be notified of such.

Reasonable Accommodation for Persons with Disabilities [24 CFR 966.7]
Persons with disabilities may request a reasonable accommodation for participation in the informal hearing process, and the GBHA must consider such accommodations. The GBHA must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person's disability. See Chapter 2 for more detail pertaining to reasonable accommodation requests.

PART II: INFORMAL HEARINGS WITH REGARD TO NONCITIZENS

14-II.A. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the GBHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the GBHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]
As discussed in Chapter 3 and 13, the notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance
- In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with the GBHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(c)]
After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that the GBHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the GBHA notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

Informal Hearing Officer
The GBHA must provide an informal hearing before an impartial individual, other than the person who made or approved the decision under review, and other than the person who is a subordinate of whoever made or approved the decision.

Evidence
The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of the GBHA pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

> GBHA Policy
> The family will be allowed to copy any documents related to the hearing at a cost of $0.25 per page. The family must request discovery of GBHA documents no later than 12:00 p.m. on the business day prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by the GBHA, and to confront and cross-examine all witnesses on whose testimony or information the GBHA relies.

Representation and Interpretive Services
The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, or the GBHA, as may be agreed upon by the two parties. If the family does not arrange for their own interpreter, the GBHA is still obligated to provide oral translation services in accordance with its LEP Plan.

Recording of the Hearing
The family is entitled to have the hearing recorded by audiotape. The GBHA may, but is not required to, provide a transcript of the hearing.

GBHA Policy
The GBHA will not provide a transcript of an audio taped informal hearing.

Hearing Decision
The GBHA must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The notice must state the basis for the decision.

Retention of Documents [24 CFR 5.514(b)]
The GBHA must retain for a minimum of five (5) years the following documents that may have been submitted to the GBHA by the family, or provided to the GBHA as part of the USCIS appeal or the GBHA informal hearing process:

- The application for assistance
- The form completed by the family for income re-examination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]
After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, a resident family may request that the GBHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the GBHA notice of termination, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as any grievance under the grievance procedures for resident families found in Part III below.

PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS

14-III.A. REQUIREMENTS [24 CFR 966.52]
The GBHA must have a grievance procedure in place through which residents of public housing are provided an opportunity to grieve any GBHA action or failure to act involving the lease or GBHA policies which adversely affect their rights, duties, welfare, or status. The PHA must not only meet the

minimal procedural due process requirements provided under the regulations, but must also meet any additional requirements imposed by local, state or federal law.

The GBHA grievance procedure must be included in, or incorporated by reference in, the lease.

> GBHA Policy
> The GBHA grievance procedure will be incorporated by reference in the tenant lease.

The GBHA must provide at least 30 days notice to tenants and resident organizations setting forth proposed changes in the GBHA grievance procedure, and provide an opportunity to present written comments. Comments submitted must be considered by the GBHA before adoption of any changes to the grievance procedure by the GBHA.

> GBHA Policy
> Residents and resident organizations will have 30 calendar days from the date they are notified of any proposed changes in the GBHA grievance procedure to submit written comments to the GBHA.

The GBHA must furnish a copy of the grievance procedure to each tenant and to resident organizations upon request.

14-III.B. DEFINITIONS [24 CFR 966.53[24 CFR 966.51(a)(2)(i)]

There are several terms used by HUD with regard to public housing grievance procedures, which take on specific meanings different from their common usage. These terms are as follows:

Grievance—any dispute which a tenant may have with respect to GBHA action or failure to act in accordance with the individual tenant's lease or GBHA regulations which adversely affect the individual tenant's rights, duties, welfare or status.

Complainant—any tenant whose grievance is presented to the GBHA or at the project management office.

Due Process Determination—a determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides that basic elements of due process before eviction from the dwelling unit.

Expedited Grievance – a procedure established by the PHA for any grievance or termination that involves:

- Any criminal activity that threatens the health, safety, or right to peaceful enjoyment or the PHA's public housing premises by other residents or employees of the PHA; or
- Any drug-related criminal activity on or off the premises

Elements of Due Process—an eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:

- Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction
- Right of the tenant to be represented by counsel

- Opportunity for the tenant to refute the evidence presented by the GBHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have
- A decision on the merits

Hearing Officer/Panel— an impartial person or persons selected by the PHA, other than the person who made or approved the decision under review, or a subordinate of that person. The individual or individuals do not need legal training.

Tenant—the adult person (or persons) (other than a live-in aide)

- Who resides in the unit, and who executed the lease with the GBHA as lessee of the dwelling unit, or, if no such person now resides in the unit,
- Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit

Resident Organization—includes a resident management corporation

14-III.C. APPLICABILITY [24 CFR 966.51]

Grievances could potentially address most aspects of a GBHA's operation. However, there are some situations for which the grievance procedure is not applicable.

The grievance procedure is applicable only to individual tenant issues relating to the GBHA. It is not applicable to disputes between tenants not involving the GBHA. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of the GBHA.

If HUD has issued a due process determination, the GBHA may exclude from the grievance procedure any grievance concerning a termination of tenancy of eviction that involves:

- Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the GBHA
- Any violent or drug-related criminal activity on or off such premises

In states without due process determinations, PHAs must grant opportunity for grievance hearings for all lease terminations, regardless of cause, with the following exception: the GBHA may use expedited grievance procedures for the excluded categories listed above. These expedited grievance procedures are described in Section 14-III.E. below.

If HUD has issued a due process determination, the GBHA may evict through the state/local judicial eviction procedures. In this case, the GBHA is not required to provide the opportunity for a hearing under the GBHA's grievance procedure as described above.

<u>GBHA Policy</u>
The GBHA is not located in a due process state, therefore it must grant opportunity for grievance hearings for all lease terminations, regardless of cause.

See Chapter 13 for related policies on the content of termination notices.

14-III.D. INFORMAL SETTLEMENT OF GRIEVANCE [24 CFR 966.54]

HUD regulations state that any grievance must be personally presented, either orally or in writing, to the GBHA office or to the office of the housing development in which the complainant resides so that the grievance may be discussed informally and settled without a hearing.

> GBHA Policy
> The GBHA will accept requests for an informal settlement of a grievance either orally or in writing, to the GBHA office within 10 business days of the grievable event. Within 10 business days of receipt of the request, the GBHA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.
>
> If a tenant fails to attend the scheduled meeting without prior notice, the GBHA will reschedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities.
>
> *Good cause* is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

HUD regulations require that a summary of such discussion will be prepared within a reasonable time and one copy will be given to the tenant and one retained in the GBHA's tenant file.

The summary must specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and will specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

> GBHA Policy
> The GBHA will prepare a summary of the informal settlement within five (5) business days; one copy to be given to the tenant and one copy to be retained in the GBHA's tenant file.

For PHAs who have the option to establish an expedited grievance procedure, and who exercise this option, the informal settlement of grievances is not applicable to those grievances for which the expedited grievance procedure applies.

14-III.E. PROCEDURES TO OBTAIN A HEARING [24 CFR 966.55]

Requests for Hearing and Failure to Request

> GBHA Policy
> The resident must submit a written request for a grievance hearing to the GBHA within five (5) business days of the tenant's receipt of the summary of the informal settlement.
>
> If the complainant does not request a hearing, the GBHA's disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest the GBHA's action in disposing of the complaint in an appropriate judicial proceeding .

Scheduling of Hearings [24 CFR966.56(a)]

If the complainant has complied with all requirements for requesting a hearing as described above, a hearing must be scheduled by the hearing officer/panel promptly for a time and place reasonably

convenient to both the complainant and the GBHA. A written notification specifying the time, place, and the procedures governing the hearing must be delivered to the complainant and the appropriate GBHA official.

GBHA Policy

Within 10 business days of receiving a written request for a hearing, the hearing officer will schedule and send written notice of the hearing to both the complainant and the GBHA.

The GBHA may wish to permit the tenant to request to reschedule a hearing for good cause.

GBHA Policy

The tenant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. *Good cause* is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, the GBHA may request documentation of the "good cause" prior to rescheduling the hearing.

Expedited Grievance Procedure [24 CFR 966.52(a)]

The GBHA may establish an expedited grievance procedure for any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the GBHA, or
- Any drug-related criminal activity on or near such premises

In such expedited grievances, the informal settlement of grievances as discussed in 14-III.D is not applicable.

The GBHA may adopt special procedures concerning expedited hearings, including provisions for expedited notice or scheduling, or provisions for expedited decision on the grievance.

GBHA Policy

The GBHA will follow expedited grievance procedures for any grievance concerning a termination of tenancy or eviction that involves any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the GBHA, or any drug-related criminal activity on or near such premises.

Such procedures will provide for an expedited notice of hearing request, an expedited scheduling of the hearing, and for an expedited decision on the grievance. The tenant will have three (3) business days to make their hearing request. The hearing officer will have three (3) business days to schedule the hearing, and three (3) business days to render a decision. All other aspects of the expedited grievance process shall be the same as for other grievances.

14-III.F SELECTION OF HEARING OFFICER/PANEL [24 CFR 966.55(b)]

The grievance hearing must be conducted by an impartial person or persons appointed by the GBHA, other than the person who made or approved the GBHA action under review, or a subordinate of such person.

GBHA Policy

GBHA grievance hearings will be conducted by a single hearing officer and not a panel. The GBHA has designated the following to serve as hearing officers:

- Housing Administrator or,
- Upon the Housing Administrator's absence, a designee by the Administrator.

The GBHA must determine the methodology for appointment of the hearing officer and it must be stated in the grievance procedure.

GBHA Policy
The GBHA will appoint a person who has been selected in the manner required under the grievance procedure. Efforts will be made to assure that the person selected is neither a friend nor enemy of the complainant, that they do not have a personal stake in the matter under dispute, and will otherwise not appear to lack impartiality.

The GBHA must consult with resident organizations before a person is appointed as a hearing officer or hearing panel member. Comments from the resident organizations must be considered before making the appointment.

14-III.G. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56]

Rights of Complainant [24 CFR 966.56(b)]
The complainant will be afforded a fair hearing. This includes:

- The opportunity to examine before the grievance hearing any GBHA documents, including records and regulations that are directly relevant to the hearing. The tenant must be allowed to copy any such document at the tenant's expense. If the GBHA does not make the document available for examination upon request by the complainant, the GBHA may not rely on such document at the grievance hearing.

  GBHA Policy
  The tenant will be allowed to copy any documents related to the hearing at a cost of $0.25 per page. The family must request discovery of GBHA documents no later than 12:00 p.m. on the business day prior to the hearing.

- The right to be represented by counsel or other person chosen to represent the tenant, and to have such person make statements on the tenant's behalf.

  GBHA Policy
  Hearings may be attended by the following applicable persons:

  A GBHA representative(s) and any witnesses for the GBHA

  The tenant and any witnesses for the tenant

  The tenant's counsel or other representative

  Any other person approved by the GBHA as a reasonable accommodation for a person with a disability

- The right to a private hearing unless the complainant requests a public hearing.
- The right to present evidence and arguments in support of the tenant's complain, to controvert evidence relied on by the GBHA or project management, and to confront and cross-examine all witnesses upon whose testimony or other information the GBHA or project management relies.
- A decision based solely and exclusively upon the facts presented at the hearing.

Decision without Hearing [24 CFR 966.56(c)]
The hearing officer may render a decision without proceeding with the hearing if the hearing officer determines that the issue has been previously decided in another proceeding.

Failure to Appear [24 CFR 966.56(d)]
If the complainant or the GBHA fails to appear at a scheduled hearing, the hearing officer may make a determination that the party has waived his/her right to a hearing. Both the complainant and the GBHA must be notified of the determination by the hearing officer, provided that a determination that the complainant has waived his/her right to a hearing will not constitute a waiver of any right the complainant may have to contest the GBHA's disposition of the grievance in an appropriate judicial proceeding.

There may be times when a complainant does not appear due to unforeseen circumstances which are out of their control and are no fault of their own.

> GBHA Policy
> If the tenant does not appear at the scheduled time of the hearing, the hearing officer will wait up to 30 minutes. If the tenant appears within 30 minutes of the scheduled time, the hearing will be held. If the tenant does not arrive within 30 minutes of the scheduled time, they will be considered to have failed to appear.
>
> If the tenant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact the GBHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer will reschedule the hearing only if the tenant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.
>
> *Good cause* is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

General Procedures [24 CFR 966.56(e), (f), and (g)]
At the hearing, the complainant must first make a showing an entitlement to the relief sought and thereafter the GBHA must sustain the burden of justifying the GBHA action or failure to act against which the complaint is directed [24 CFR 966.56(e)].

The hearing must be conducted informally by the hearing officer. The GBHA and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint, and to question any witnesses. In general, all evidence is admissible and may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings [24 CFR 966.56(f)].

> GBHA Policy

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

Oral evidence: the testimony of witnesses

Documentary evidence: a writing which is relevant to the case, for example, a letter written to the GBHA. Writings include all forms of recorded communication or representation, including letters, emails, words, pictures, and sounds, videotapes, or symbols or combinations thereof.

Demonstrative evidence: evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

Real evidence: a tangible item relating directly to the case.

Hearsay Evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.

If the GBHA fails to comply with the discovery requirements (providing the tenant with the opportunity to examine the GBHA documents prior to the grievance hearing), the hearing officer will refuse to admit such evidence.

Other than the failure of the GBHA to comply with discovery requirements, the hearing officer has the authority to overrule any objections to evidence.

The hearing officer must require the GBHA, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate [24 CFR 966.56(f)].

The complainant of the GBHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript [24 CFR 966.56(g)].

<u>GBHA Policy</u>
If the complainant would like the GBHA to record the proceeding by audiotape, the request must be made to the GBHA by 12:00 p.m. on the business day prior to the hearing.

The GBHA will consider that an audio tape recording of the proceedings is a transcript.

Accommodations of Persons with Disabilities [24 CFR 966.56(h)]
The GBHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified language interpreters, readers, accessible locations, or attendants.

If the tenant is visually impaired, any notice to the tenant which is required in the grievance process must be in an accessible format.

See Chapter 2 for a thorough discussion of the GBHA's responsibilities pertaining to reasonable accommodation.

14-III.H. DECISION OF THE HEARING OFFICER [24 CFR 966.57]

The hearing officer must issue a written decision, stating the reasons for the decision, within a reasonable time after the hearing. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the decision must be sent to the tenant and the GBHA. The GBHA must retain a copy of the decision in the tenant's folder. A copy of the decision, with all names and identifying references deleted, must also be maintained on file by the GBHA and make available for inspection by a prospective complainant, his/her representative, or the hearing officer [24 CFR 966.57(a)].

GBHA Policy

In rendering a decision, the hearing officer will consider the following matters:

PHA Notice to the Family: The hearing officer will determine if the reasons for the GBHA's decision are factually stated in the notice.

Discovery: The hearing officer will determine if the family was given the opportunity to examine any relevant documents in accordance with GBHA policy.

GBHA Evidence to Support the GBHA Decision: The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support the GBHA's conclusion.

Validity of Grounds for Termination of Tenancy (when applicable): The hearing officer will determine if the termination of tenancy is for one of the grounds specified in the HUD regulations and GBHA policies. If the grounds for termination are not specified in the regulations or in compliance with GBHA policies, then the decision of the GBHA will be overturned.

The hearing officer will issue a written decision to the family and the GBHA no later than 10 business days after the hearing. The report will contain the following information:

Hearing Information:

Name of the complainant

Date, time and place of the hearing

Name of the hearing officer

Name of the GBHA representative(s)

Name of the family representative(s)

Names of witnesses (if any)

Background: A brief, impartial statement of the reason for the hearing and the date(s) on which the informal settlement was held, who held it, and a summary of the results of the informal settlement. Also includes the date the complainant requested the grievance hearing.

Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support his/her testimony and that are admitted into evidence.

Findings of Fact: The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold the GBHA's decision.

Order: The hearing report will include a statement of whether the GBHA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct the GBHA to change the decision in accordance with the hearing officer's determination. In the case of termination of tenancy, the hearing officer will instruct the GBHA to restore the family's status.

Procedures for Further Hearing

GBHA Policy

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of the GBHA will take effect and another hearing will not be granted.

Final Decision [24 CFR 966.57(b)]

The decision of the hearing officer is binding on the GBHA which must take the action, or refrain from taking the action cited in the decision unless the GBHA Board of Commissioners determines within a reasonable time, and notifies the complainant that:

- The grievance does not concern GBHA action or failure to act in accordance with or involving the complainant's lease on GBHA policies which adversely affect the complainant's rights, duties, welfare, or status; or
- The decision of the hearing officer is contrary to Federal, state, or local law, HUD regulations or requirements of the annual contributions contract between HUD and the GBHA

GBHA Policy

When the GBHA considers the decision of the hearing officer to be invalid due to the reasons stated above, it will present the matter to the GBHA Board of Commissioners within 10 business days of the date of the hearing officer's decision. The Board has 30 calendar days to consider the decision. The Board must notify the complainant within 10 business days of the decision.

A decision by the hearing officer, or Board of Commissioners in favor of the GBHA or which denies the relief requested by the complainant in whole or in part must not constitute a waiver of any rights the complainant may have to subsequent trial or judicial review in court [24 CFR 966.57(c)].

Chapter 15
PROGRAM INTEGRITY

INTRODUCTION

The GBHA is committed to ensuring that funds made available to the GBHA are spent in accordance with HUD requirements.

This chapter covers HUD and GBHA policies designed to prevent, detect, investigate and resolve instances of program abuse or fraud. It also describes the actions that will be taken in the case of unintentional errors and omissions.

Part I: Preventing, Detecting, and Investigating Errors and Program Abuse. This part presents GBHA policies related to preventing, detecting, and investigating errors and program abuse.

Part II: Corrective Measures and Penalties. This part describes the corrective measures the GBHA must and may take when errors or program abuses are found.

PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE

15-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

GBHA Policy

The GBHA anticipates that the vast majority of families and GBHA employees intend to and will comply with program requirements and make reasonable efforts to avoid errors.

To ensure that the GBHA's program is administered effectively and according to the highest ethical and legal standards, the GBHA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

The GBHA will provide each applicant and resident with a copy of "Is Fraud Worth It?" (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse.

The GBHA will provide each applicant and resident with a copy of "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19. In addition, the GBHA will require the head of each household to acknowledge receipt of the guide by signing a copy for retention in the family file.

The GBHA will require mandatory orientation sessions for all prospective residents either prior to or upon execution of the lease. The GBHA will discuss program compliance and integrity issues. At the conclusion of all program orientation sessions, the family representative will be required to sign a program briefing certificate to confirm that all rules and pertinent regulations were explained to them.

The GBHA will routinely provide resident counseling as part of every re-examination interview in order to clarify any confusion pertaining to program rules and requirements.

GBHA staff will be required to review and explain the contents of all HUD- and GBHA-required forms prior to requesting family member signatures.

The GBHA will place a warning statement about the penalties for fraud (as described in 18 U.S.C. 1001 and 1010) on key GBHA forms and form letters that request information from a family member.

The GBHA will provide each GBHA employee with the necessary training on program rules and the organization's standards of conduct and ethics.

At every regular reexamination the GBHA staff will explain any changes in HUD regulations or GBHA policy that affect residents.

For purposes of this chapter, the term *error* refers to an unintentional error or omission. *Program abuse* or *fraud* refers to a single act or pattern of actions that constitute a false statement, omission, or concealment of a substantial fact, made with the intent to deceive or mislead.

15-I.B. DETECTING ERRORS AND PROGRAM ABUSE

In addition to taking steps to prevent errors and program abuse, the GBHA will use a variety of activities to detect errors and program abuse.

Quality Control and Analysis of Data

GBHA Policy

The GBHA will employ a variety of methods to detect errors and program abuse, including:

The GBHA will routinely use EIV and other non-HUD sources of up-front income verification. This includes any private or public databases available to the GBHA.

At each annual re-examination, current information provided by the family will be compared to information provided at the last annual re-examination to identify inconsistencies and incomplete information.

The GBHA will compare family-reported income and expenditures to detect possible unreported income.

Independent Audits and HUD Monitoring

OMG Circular A-133 requires all PHAs that expend $500,000 or more in federal awards annually to have an independent audit (IPA). In addition, HUD conducts periodic on-site and automated monitoring of PHA activities and notifies the GBHA of errors and potential cases of program abuse.

GBHA Policy

The GBHA will use the results reported in an IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the GBHA's error detection and abuse prevention efforts.

Individual Reporting of Possible Errors and Program Abuse

GBHA PolicyThe GBHA will encourage staff, residents, and the public to report possible program abuse.

15-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE

When the GBHA Will Investigate

GBHA Policy
The GBHA will review all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation. In order for the GBHA to investigate, the allegation must contain at least one independently-verifiable item of information, such as the name of an employer or the name of the unauthorized household member.

The GBHA will investigate when inconsistent or contradictory information is detected through file reviews and the verification process.

Consent to the Release of Information [24 CFR 960.259]

The GBHA may investigate possible instances of error or abuse using all available GBHA and public records. If necessary, the GBHA will require families to sign consent forms for the release of additional information.

Analysis and Findings

GBHA Policy
The GBHA will base its evaluation on a preponderance of evidence collected during its investigation.

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence that as a whole shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

For each investigation, the GBHA will determine (1) whether an error or program abuse has occurred, (2) whether any amount of money is owed the GBHA, and (3) what corrective measures or penalties will be assessed.

Consideration of Remedies

All errors and instances of program abuse must be corrected prospectively. Whether the GBHA will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

GBHA Policy
In the case of family-caused errors or program abuse, the GBHA will take into consideration (1) the seriousness of the offense and the extent of participation or culpability of individual family members, (2) any special circumstances surrounding the case, (3) any mitigating circumstances related to the disability of a family member, (4) the effects of a particular remedy on family members who were not involved in the offense.

Notice and Appeals

GBHA Policy
The GBHA will inform the relevant party in writing of its findings and remedies within 10 business days of the conclusion of the investigation. The notice will include (1) a description of the error or program abuse, (2) the basis on which the GBHA determined the error or program abuses, (3) the remedies to be employed, and (4) the family's right to appeal the results through an informal hearing or grievance hearing (see Chapter 14).

PART II: CORRECTIVE MEASURES AND PENALTIES

15-II.A. UNDER- OR OVERPAYMENT

An under- or overpayment includes an incorrect tenant rent payment by the family, or an incorrect utility reimbursement to a family.

Corrections
Whether the incorrect rental determination is an overpayment or underpayment, the GBHA must promptly correct the tenant rent and any utility reimbursement prospectively.

GBHA Policy
Increases in the tenant rent will be implemented on the first of the month following a written 30-day notice.

Any decreases in tenant rent will become effective the first of the month following the discovery of the error.

Reimbursement
Whether the family is required to reimburse the GBHA or the GBHA is required to reimburse the family depends upon which party is responsible for the incorrect payment and whether the action taken was in error or program abuse. Policies regarding reimbursement are discussed in the three sections that follow.

15-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE
General administrative requirements for participating in the program are discussed throughout the ACOP. This section deals specifically with errors and program abuse by family members.

An incorrect rent determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, or expenses, but also would include instances in which the family knowingly allows the GBHA to use incorrect information provided by a third party.

Family Reimbursement to GBHA

GBHA Policy
In the case of family-caused errors or program abuse, the family will be required to repay any amounts of rent underpaid. The GBHA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the amount owed, the GBHA will terminate the family's lease in accordance with the policies in Chapter 13.

GBHA Reimbursement to Family

GBHA Policy

The GBHA will not reimburse the family for any overpayment of rent when the overpayment clearly is caused by the family.

Prohibited Actions
An applicant or resident in the public housing program must not knowingly:

- Make a false statement to the GBHA [Title 18 U.S.C. Section 1001]
- Provide incomplete or false information to the GBHA [24 CFR 960.259(a)(4)]
- Commit fraud, or make false statements in connection with an application for assistance or with re-examination of income [24 CFR 966.4(l)(2)(iii)(C)].

  GBHA Policy
  Any of the following will be considered evidence of family program abuse:

  - Offering bribes or illegal gratuities to the GBHA Board of Commissioners, employees, contractors, or other GBHA representatives
  - Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to the GBHA on the family's behalf
  - Use of a false name or the use of falsified, forged, or altered documents
  - Intentional misreporting of family information or circumstances (e.g., misreporting of income or family composition)
  - Omitted facts that were obviously known by a family member (e.g., not reporting income)
  - Admission of program abuse by an adult family member

  The GBHA may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this chapter.

Penalties for Program Abuse
In the case of program abuse caused by a family the GBHA may, at its discretion, impose any of the following remedies.

- The GBHA may require the family to repay any amounts owed to the program (see 15-II.B., Family Reimbursement to GBHA).
- The GBHA may require, as a condition for receiving or continuing assistance, that a culpable family member not reside in the unit. See policies in Chapter 3 (for applicants) and Chapter 13 (for residents).
- The GBHA may deny admission or terminate the family's lease following the policies set forth in Chapter 3 and Chapter 13 respectively.
- The GBHA may refer the family for state or federal criminal prosecution as described in section 15-II.D.

15-II.C. GBHA-CAUSED ERRORS OR PROGRAM ABUSE
The responsibilities and expectations of GBHA staff with respect to normal program administration are discussed throughout the ACOP. This section specifically addresses actions of a GBHA staff member that are considered errors or program abuse related to the public housing program. Additional standards of conduct may be provided in the GBHA personnel policy.

GBHA-caused incorrect rental determinations include (1) failing to correctly apply public housing rules regarding family composition, income, assets, and expenses, and (2) errors in calculation.

Repayment to the GBHA
The family is not required to repay an underpayment of rent if the error or program abuse is caused by GBHA staff.

GBHA Reimbursement to Family

GBHA Policy
The GBHA will reimburse a family for any family overpayment of rent, regardless of whether the overpayment was the result of staff-caused error or staff program abuse.

Prohibited Activities

GBHA Policy
Any of the following will be considered evidence of program abuse by GBHA staff:

Failing to comply with any public housing program requirements for personal gain

Failing to comply with any public housing program requirements as a result of a conflict of interest relationship with any applicant or resident

Seeking or accepting anything of material value from applicants, residents, vendors, contractors, or other persons who provide services or materials to the GBHA

Disclosing confidential or proprietary information to outside parties

Gaining profit as a result of insider knowledge of GBHA activities, policies, or practices

Misappropriating or misusing public housing funds

Destroying, concealing, removing, or inappropriately using any records related to the public housing program

Committing any other corrupt or criminal act in connection with any federal housing program

15-II.D. CRIMINAL PROSECUTION

GBHA Policy
When the GBHA determines that program abuse by a family or GBHA staff member has occurred and the amount of underpaid rent meets or exceeds the threshold for prosecution under local or state law, the GBHA will refer the matter to the appropriate entity for prosecution. When the amount of underpaid rent meets or exceeds the federal threshold, the case will also be referred to the HUD Officer of Inspector General (OIG).

Other criminal violations related to the public housing program will be referred to the appropriate local, state, or federal entity.

15-II.E. FRAUD AND PROGRAM ABUSE RECOVERIES

If the GBHA enters into a repayment agreement with a family to collect rent owed, initiate litigation against the family to recover rent owed, or begin eviction proceedings against a family, they may retain 100 percent of program funds that is recovered [PIH Notice 2005-7 (HA)].

If the GBHA does none of the above, all amounts that constitute an underpayment of rent must be returned to HUD.

The family must be afforded the opportunity for a hearing through the GBHA's grievance process.

Chapter 16
PROGRAM ADMINISTRATION

INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this ACOP. The policies are discussed in seven parts as described below:

Part I: Setting Utility Allowances. This part describes how utility allowances are established and revised. Also discussed are the requirements to establish surcharges for excess consumption of GBHA-furnished utilities.

Part II: Establishing Flat Rents and Public Housing, Maximum Rents. This part describes the requirements and policies related to establishing and updating flat rent amounts and public housing maximum rents.

Part III: Repayment of Family Debts. This part contains policies for recovery of monies that have been underpaid by families, and describes the circumstances under which the GBHA will offer repayment agreements to families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part IV: Public Housing Assessment System (PHAS). This part describes the PHAS indicators, how PHAs are scored under PHAS, and how those scores affect the GBHA.

Part V: Record-Keeping. All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies the GBHA will follow.

Part VI: Reporting and Record Keeping for Children with Environmental Intervention Blood Lead Level. This part describes the GBHA's reporting responsibilities related to children with environmental intervention blood lead levels that are living in public housing.

Part VII: Violence Against Women Act (VAWA): Notification, Documentation, Confidentiality. This part contains key terms used in VAWA and describes requirements related to notifying families about their rights and responsibilities under VAWA; requesting documentation from victims of domestic violence, dating violence sexual assault, and stalking; and maintaining the confidentiality of information obtained from victims.

PART I: SETTING UTILITY ALLOWANCES [24 CFR 965 Subpart E]

16-I.A. OVERVIEW

The GBHA must establish allowances for GBHA-furnished utilities for all check metered utilities and for resident-purchased utilities purchased directly by residents from a utility supplier [24 CFR 965.502(a)].

The GBHA must also establish surcharges for excess consumption of GBHA –furnished utilities [24 CFR 965.506].

The GBHA must maintain a record that documents the basis on which utility allowances and scheduled surcharges are established and revised, and the record must be made available for inspection by residents [24 CFR 965.502(b)].

16-I.B. UTILITY ALLOWANCES

The GBHA must establish separate allowances for each utility and for each category of dwelling units the GBHA determines to be reasonably comparable as to factors affecting utility usage [24 CFR 965.503].

The objective of the GBHA establishing utility allowances for each dwelling unit category and unit size is to approximate a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment [24 CFR 965.505].

Utilities include gas, electricity, fuel for heating, water, sewerage, and solid waste disposal for a dwelling unit. In addition, if the GBHA does not furnish a range and refrigerator, the family must be granted a utility allowance for the range and refrigerator they provide [24 CFR 965.505].

Costs for telephone, cable/satellite TV, and internet services are not considered utilities [PH Occ GB, p.138].

Utility allowances amounts will vary by the rates in effect, size, and type of unit, climatic location and sitting of the unit, type of construction, energy efficiency of the dwelling unit, and other factors related to the physical condition of the unit. Utility allowance amounts will also vary by residential demographic characteristics affecting home energy usage [PH Occ GB, p.138].

Chapter 14 of the *PH Occupancy Guidebook* provides detailed guidance to the GBHA about establishing utility allowances.

Air Conditioning

"If a PHA installs air conditioning, it shall provide, to the maximum extent economically feasible, systems that give residents the option of choosing to use air conditioning in their units. The design of systems that offer each resident the option to choose air conditioning shall include retail meters or check meters, and residents shall pay for the energy used in its operation. For systems that offer residents the option to choose air conditioning but cannot be check metered, residents are to be surcharged in accordance with 965.506. If an air conditioning system does not provide for resident option, residents are not to be charged, and these systems should be avoided whenever possible." [24 CFR 965.505(e)]

> <u>GBHA Policy</u>
> The GBHA makes installation of air conditioners available to all Mason Manor residents for a pre-determined standard fee. The installation of air conditioners is not made available to Scattered Site residents.

Utility Allowance Revisions [24 CFR 965.507]

The GBHA must review at least annually the basis on which utility allowances have been established and must revise the allowances if necessary in order to adhere to the standards for establishing utility allowances that are contained in 24 CFR 965.505.

The GBHA may revise its allowances for resident-purchased utilities between annual reviews if there is a rate change, and is required to do so if such change, by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which the allowance was based.

Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account became effective.

GBHA Policy
Between annual reviews of utility allowances, the GBHA will only revise its utility allowances due to a rate change, when required to do so by regulation.

16-I.C. SURCHARGES FOR GBHA-FURNISHED UTILITIES [24 CFR 965.506]
For dwelling units subject to allowances for GBHA-furnished utilities where check meters have been installed, the GBHA must establish surcharges for utility consumption in excess of the allowances. Surcharges may be computed on a straight per unit of purchase basis or for stated blocks of excess consumption, and must be based on the GBHA's average utility rate. The basis for calculating the surcharges must be described in the GBHA's schedule of allowances. Changes in the amount of surcharges based directly on changes in the GBHA's average utility rate are not subject to the advance notice requirements discussed under 16-I.D.

For dwelling units served by GBHA-furnished utilities where check meters have not been installed, the GBHA must establish schedules of surcharges indicating additional dollar amounts residents will be required to pay by reason of estimated utility consumption attributable to resident-owned major appliances or to optional functions of GBHA-furnished equipment. The surcharge schedule must state the resident-owned equipment (or functions of GBHA-furnished equipment) for which surcharges will be made and the amounts of such charges. Surcharges must be based on the cost to the GBHA of the utility consumption estimated to be attributable to reasonable usage of such equipment.

GBHA Policy
The GBHA provides the following utilities for each project:

Mason Manor- electric, gas, water, sewer, trash collection
Scattered Sites- water, sewer, trash collection

16-I.D. NOTICE REQUIREMENTS [24 CFR 965.502]
The GBHA must give notice to all residents of proposed allowances and schedule surcharges, and revisions thereof. The notice must be given in the manner provided in the lease and must:

- Be provided at least 60 days before the proposed effective date of the allowances, scheduled surcharges, or revisions.
- Describe the basis for determination of the allowances, schedule surcharges, or revisions, including a statement of the specific items of equipment and function whose utility consumption requirements were included in determining the amounts of the allowances and schedule of surcharges.
- Notify residents of the place where the GBHA's documentation on which allowances and surcharges are based is available for inspection.
- Provide all residents an opportunity to submit written comments during a period not less than 30 days before the proposed effective date of the allowances, schedule surcharges, or revisions.

16-I.E. REASONABLE ACCOMMODATION [24 CFR 965.508]

On request from a family that includes a disabled or elderly person, the GBHA must approve a utility allowance that is higher than that applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to an usable by the family [PH Occ GB, p.172].

Likewise, residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p.172].

See Chapter 2 for policies regarding the request and approval of reasonable accommodations.

PART II: ESTABLISHING FLAT RENTS AND PUBLIC HOUSING MAXIMUM RENTS

16-II.A. OVERVIEW

Flat rents are designed to encourage self-sufficiency and to avoid creating incentives for continued residency by families who are attempting to become economically self-sufficient.

Public housing maximum rents are needed to prorate assistance for a mixed family. A mixed family is one whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status [24 CFR 5.504].

This part discusses how the GBHA establishes and updates flat rents and public housing maximum rents. Policies related to the use of flat rents, family choice of rent, flat rent hardships, and public housing maximum rents are discussed in Chapter 6.

16-II.B. FLAT RENTS [24 CFR 960.253(b) and Notice PIH 2014-12]

Establishing Flat Rents

Flat rents for public housing units are based on the market rent charged for comparable units in the private unassisted rental market. The flat rent should be equal to the estimated rent for which the GBHA could promptly lease the public housing unit after preparation for occupancy.

The GBHA must use HUD's rent reasonableness methodology to determine flat rents. In determining flat rents, the GBHA must consider the following:

- Location
- Quality
- Unit size
- Unit type
- Age of property
- Amenities at the property and in immediate neighborhood
- Housing services provided
- Maintenance provided by the GBHA
- Utilities provided by the GBHA

Notice PIH 2014-12 specifies that after the GBHA has determined flat rent amounts using HUD's rent reasonableness methodology, the GBHA must then compare this amount to 80 percent of the FMR and must set the flat rent at no less than 80 percent of the FMR, subject to utility adjustments.

The GBHA is now required to apply a utility allowance to flat rents. Flat rents set at 80 percent of the FMR must be reduced by the amount of the unity's utility allowance, if any.

Review of Flat Rents
The GBHA must ensure that flat rents continue to mirror market rent values [24 CFR 960.253(b) and Notice pIH 2014-12]. No later than 90 days after HUD publishes new annual FMRs, the GBHA must revise flat rents as necessary based on the rent reasonableness analysis and changes to the FMR. The GBHA must offer changes to the flat rent to all new admissions and to existing families at the next annual rent option.

If the FMR falls from year to year, the GBHA may, but is not required to, lower the flat rent to 80 percent of the current FMR.

> GBHA Policy
> If the FMR is lower than the previous year, the GBHA will reduce flat rents to 80 percent of the current FMR.

If the GBHA determines that reasonable rents would be less than 60 percent of the applicable FMR, the GBHA may choose to complete a rent reasonableness study once every three years, rather than annually [Notice PIH 2014-12].

> GBHA Policy
> If the GBHA determines that reasonable rents would be less than 60 percent of the applicable FMR, the GBHA will conduct a rent reasonableness study once every three years.

Posting of Flat Rents

> GBHA Policy
> The GBHA will publicly post the schedule of flat rents in a conspicuous manner in the applicable GBHA or project office.

Documentation of Flat Rents [24 CFR 960.253(b)(5)]
The GBHA must maintain records that document the method used to determine flat rents that show how flat rents were determined by the GBHA in accordance with this method.

16-II.C. PUBLIC HOUSING MAXIMUM RENTS

Establishing Public Housing Maximum Rents
The GBHA is prohibited from making financial assistance available to persons who are not citizens or nationals of the United States, and to those who do not have eligible immigration status [24 CFR 5.500]. Therefore, in order to assist mixed families, the GBHA must prorate assistance. Public housing maximum rents are needed in order to calculate the tenant rent for a mixed family.

The public housing maximum rent is based on value of the 95th percentile of the total tenant payment (TTP) for each tenant within the GBHA. The GBHA may calculate a maximum rent on either a GBHA- or project wide basis. A separate maximum rent can be provided for each separate project or projects may be combined into logical groups, if appropriate. HUD recommends that a single project basis be avoided for a project unless at least 50 dwelling units are involved.

The GBHA may use the "direct comparison" or the "unit distribution" method for establishing the public housing maximum rents for each unit size. Appendix H, of Guidebook 7465.G, Restrictions on Assistance to Noncitizens provides detailed guidance on how to establish public housing maximum rents using the methodologies identified above.

Review of Public Housing Maximum Rents

GBHA Policy
The GBHA will recalculate the public housing maximum rents on an annual basis.

Posting of Public Housing Maximum Rents

GBHA Policy
The GBHA will publicly post the schedule of public housing maximum rents in a conspicuous manner in the applicable GBHA or project office.

Documentation of Public Housing Maximum Rents

GBHA Policy
The GBHA will maintain records that document how the GBHA determined the 95th percentile of TTP, whether the maximum rent was determined GBHA-wide, project-wide, or with groupings of projects, and the methodology used to determine maximum rents for each unit size.

PART III: FAMILY DEBTS TO THE GBHA

16-III.A. OVERVIEW

This part describes the GBHA's policies for recovery of monies that have been underpaid by families.

GBHA Policy
When an action or inaction of a resident family results in the underpayment of rent or other amounts, the GBHA holds the family liable to return any underpayments to the GBHA.

The GBHA will enter into repayment agreements in accordance with the policies contained in this part as a means to recover overpayments.

When a family refuses to repay monies owed to the GBHA, the GBHA will utilize other available collection alternatives including, but not limited to, the following:

Collection agencies

Small claims court

Civil law suit

State income tax set-off program

16-III.B. REPAYMENT POLICY

Family Debts to the GBHA

GBHA Policy
Any amount owed to the GBHA by a public housing family must be repaid. If the family is unable to repay the debt within 30 days, the GBHA will offer to enter into a repayment agreement in accordance with the policies below.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the GBHA will terminate the family's tenancy in accordance with the policies in Chapter 13. The GBHA will also pursue other modes of collection.

General Repayment Agreement Guidelines

Down Payment Requirement

GBHA Policy
Before executing a repayment agreement with a family, the GBHA will generally require a down payment of 10 percent of the total amount owed. If the family can provide evidence satisfactory to the GBHA that a down payment of 10 percent would impose an undue hardship, the GBHA may, in its sole discretion, require a lesser percentage or waive the requirement.

Payment Thresholds

GBHA Policy
If a family is paying less than 40 percent of its monthly adjusted income (MAI) in rent, the minimum monthly payment amount will be the greater of the following two (2) amounts:

The difference between 40 percent of the family's MAI and TTP at the time the agreement is executed; or

$25

If a family can provide evidence satisfactory to the GBHA that a monthly payment amount of $25 would impose an undue hardship, the GBHA may, in its sole discretion, require a lower monthly payment amount.

If the family's income increases or decreases during the term of a repayment agreement, either the GBHA or the family may request that the monthly payment amount be adjusted accordingly.

Execution of the Agreement

GBHA Policy
Any repayment agreement between the GBHA and a family must be signed and dated by the GBHA and by the head of household and spouse/co-head (if applicable).

Due Dates

GBHA Policy
All payments are due by the close of business on the 15th day of the month. If the 15th does not fall on a business day, the due date is the close of business on the first business day after the 15th.

Late or Missed Payments

GBHA Policy
If a payment is not received by the end of the business day on the due date, and prior approval for the missed payment has not been given by the GBHA, the GBHA will send the family a delinquency notice giving the family 10 business days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and the GBHA will terminate tenancy in accordance with the policies in Chapter 13.

If a family receives three delinquency notices for unexcused late payments in a 12-month period, the repayment agreement will be considered in default, and the GBHA will terminate tenancy in accordance with the policies in Chapter 13.

No Offer of Repayment Agreement

GBHA Policy
The GBHA generally will not enter into a repayment agreement with a family if there is already a repayment agreement in place with the family, or if the amount owed by the family exceeds the federal or state threshold for criminal prosecution.

Repayment Agreements Involving Improper Payments
Notice PIH 2010-19 requires certain provisions to be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:

- A reference to the items in the public housing lease that state the family's obligation to provide true and complete information at every re-examination and the grounds on which the GBHA may terminate assistance because of a family's action or failure to act

- A statement clarifying that each month the family not only must pay to the GBHA the monthly payment amount specified in the agreement but must also pay to the owner the family's monthly share of the rent to owner

- A statement that the terms of the repayment agreement may be renegotiated if the family's income decreases or increases

- A statement that late or missed payments constitute default of the repayment agreement and may result in termination of tenancy

PART IV: PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS)

16-IV.A. OVERVIEW
The purpose of the Public Housing Assessment System (PHAS) is to improve the delivery of services in public housing and enhance trust in the public housing system among PHAs, public housing residents, HUD and the general public by providing a management tool for effectively and fairly measuring the performance of a public housing agency in essential housing operations.

16-IV.B. PHAS INDICATORS [24 CFR 902 Subparts A, B, C, D, and E]

The table below lists each of the PHAS indicators, the points possible under each indicator, and a brief description of each indicator. The GBHA's performance is based on a combination of all four indicators.

Indicator 1: Physical condition of the GBHA's properties **Maximum Score: 30** • The objective of this indicator is to determine the level to which the GBHA is maintaining its public housing in accordance with the standard of decent, safe, sanitary, and in good repair. • To determine the physical condition of the GBHA's properties, inspections are performed of the following five major areas of public housing: site, building exterior, building systems, dwelling units, and common areas. The inspections are performed by an independent inspector arranged by HUD, and include a statistically valid sample of the units in the GBHA's public housing portfolio.
Indicator 2: Financial condition of the GBHA **Maximum Score: 30** • The objective of this indicator is to measure the financial condition of the GBHA for the purpose of evaluating whether it has sufficient financial resources and is capable of managing those financial resources effectively to support the provision of housing that is decent, safe, sanitary, and in good repair. • The GBHA financial condition is determined by measuring the GBHA's entity-wide performance in each of the following components: current ratio, number of months expendable fund balance, tenant receivable outstanding, occupancy loss, expense management/utility consumption, and net income or loss divided by the expendable fund balance.
Indicator 3: Management operations of the GBHA **Maximum Score: 30** • The objective of this indicator is to measure certain key management operations and responsibilities of the GBHA for the purpose of assessing the GBHA's management operations capabilities. • The GBHA's management operations are assessed based on the following sub-indicators: vacant unit turnaround time, capital fund, work orders, GBHA annual inspection of units and systems, security, and economic self-sufficiency
Indicator 4: Resident service and satisfaction **Maximum Score: 10** • The objective of this indicator is to measure the level of resident satisfaction with living conditions at the GBHA. • The GBHA's score for this indicator is based on the results of resident surveys and the level of implementation and follow-up or corrective actions the GBHA takes based on the results of the survey.

16-IV.C. PHAS SCORING [24 CFR 902, Subpart F]

HUD's Real Estate Assessment Center (REAC) issues overall PHAS scores, which are based on the scores of the four PHAS indicators, and the components under each indicator. PHAS scores translate into a designation for each PHA as higher performing, standard, or troubled.

A higher performer is a PHA that achieves a score of at least 60 percent of the points available under each of the four indicators, and achieves an overall PHAS score of 90 or greater.

A standard performer is a PHA that has an overall PHAS score between 60 and 89, and does not achieve less than 60 percent of the total points available under one of the following Indicators: 1, 2, or 3.

A troubled performer is a PHA that achieves an overall PHAS score of less than 60, or achieves less than 60 percent of the total points available under more than one of the following indicators: 1, 2, or 3.

These designations can affect a PHA in several ways:

- High-performing PHAs are eligible for incentives including relief from specific HUD requirements and bonus points in funding competitions [24 CFR 902.71].
- PHAs that are standard performers may be required to submit an improvement plan to eliminate deficiencies in the PHA's performance [24 CFR 902.73(a)].
- PHAs with an overall rating of "troubled" are subject to additional HUD oversight, and are required to enter into a memorandum of agreement (MOA) with HUD to improve PHA performance [24 CFR 902.75].
- PHAs that fail to execute or meet MOA requirements may be referred to the Departmental Enforcement Center [24 CFR 902.77].

PHAs must post a notice of its final PHAS score and status in appropriate conspicuous and accessible locations in its offices within two weeks of receipt of its final score and status.

PART V: RECORD KEEPING

16-V.A. OVERVIEW

The GBHA must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. All such records must be made available to HUD or the Comptroller General of the United States upon request.

In addition, the GBHA must ensure that all applicant and participant files are maintained in a way that protects an individual's privacy rights.

16-V.B. RECORD RETENTION [24 CFR 908.101 and 24 CFR 982.158]

GBHA Policy

During the term of each public housing tenancy, and for at least four (4) years thereafter, the GBHA will keep all documents related to a family's eligibility, tenancy, and termination.

In addition, the GBHA will keep the following records for at least four (4) years:

An application from each ineligible family and notice that the applicant is not eligible

Lead-based paint records as required by 24 CFR 35, Subpart B

Documentation supporting the establishment of utility allowances and surcharges

Documentation supporting PHAS scores

Accounts and other records supporting GBHA budget and financial statements for the program
Other records as determined by the GBHA or as required by HUD

If a hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents. For specific requirements, see Section 14-II.A.

16-V.C. RECORDS MANAGEMENT

The GBHA must maintain applicant and participant files and information in accordance with the regulatory requirements described below.

GBHA Policy
All applicant and participant information will be kept in a secure location and access will be limited to authorized GBHA staff.

GBHA staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

Privacy Act Requirements [24 CFR 5.212 and Form-9886]

The collection, maintenance, use, and dissemination of Social Security Numbers (SSN), employer identification numbers (EIN), any information derived from those numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law.

Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or the GBHA may release the information collected.

Upfront Income Verification (UIV) Records

PHAs that access UIV data through HUD's Enterprise Income Verification (EIV) system are required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper). These requirements are contained in the HUD issued document, *Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification (UIV) Data*.

GBHA Policy
Prior to utilizing HUD's EIV system, the GBHA will adopt and implement EIV security procedures required by HUD.

Criminal Records

The GBHA may only disclose the criminal conviction records which the GBHA receives from a law enforcement agency to officers or employees of the GBHA, or to authorized representatives of the GBHA who have a job-related need to have access to the information [24 CFR 5.903(e)].

The GBHA must establish and implement a system of records management that ensures that any criminal record received by the GBHA from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been

accomplished, including expiration of the period for filing a challenge to the GBHA action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903]. The GBHA must establish and implement a system of records management that ensures that any sex offender registration information received by the GBHA from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the GBHA action without institution of a challenge or final disposition of any such litigation. However, a record of the screening, including the type of screening and the date performed must be retained [Notice PIH 2012-28].This requirement does not apply to information that is public information, or is obtained by a PHA other than under 24 CFR 5.905.

Medical/Disability Records
The GBHA is not permitted to inquire about the nature or extent of a person's disability. The GBHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the GBHA receives a verification document that provides such information, the GBHA should not place this information in the tenant file. The document should be destroyed.

Domestic Violence/Disability Records
For requirements and GBHA policies related to management of documentation obtained from victims of domestic violence, dating violence, sexual assault, or stalking, see section 16-VII.E.

PART VI: REPORTING REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL

16-IV.A. REPORTING REQUIREMENTS [24 CFR 35.1130(e)]
The GBHA has certain responsibilities relative to children with environmental intervention blood lead levels that are living in public housing.

The GBHA must report the name and address of a child identified as having an environmental intervention blood lead level to the public health department within five (5) business days of being so notified by any other medical health care professional. The GBHA must also report each known case of a child with an environmental intervention blood lead level to the local HUD field office.

> GBHA Policy
> The GBHA will provide the public health department written notice of the name and address of any child identified as having an environmental intervention blood lead level.
>
> The GBHA will provide written notice of each known case of a child with an environmental intervention blood level to the local HUD field office within five (5) business days of receiving the information.

PART VII: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, AND CONFIDENTIALITY

16-VII.A. OVERVIEW
The Violence against Women Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, and stalking who are applying for or receiving assistance under the public housing program. If state or local laws provide greater protection for such victims, those laws take precedence over VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and GBHA policies in three areas: notification, documentation, and confidentiality.

16-VII.B. DEFINITIONS [24 CFR 5.2003]

As used in VAWA:

- The term *affiliated individual* means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
  - Any individual, tenant or lawful occupant living in the household of that individual.
- The term *bifurcate* means, with respect to a public housing lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated 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.
- The term *sexual assault* means:
  - Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent.
- The term *stalking* means:
  - To follow, purus,e or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
  - To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
  - 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 (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

16-VII.C. NOTIFICATION

Notification to the Public

The GBHA adopts the following policy to help ensure that all actual and potential beneficiaries of its public housing program are aware of their rights under VAWA.

<u>GBHA Policy</u>

The GBHA will post the following information regarding VAWA in its offices and on its website. It will also make the information readily available to anyone who requests it.

A summary of the rights and protections provided by VAWA to public housing applicants and residents who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (see sample notice in Exhibit 16-1)

The definitions of *domestic violence, dating violence, sexual assault,* and *stalking* provided in VAWA (included in Exhibit 16-1)

An explanation of the documentation that the GBHA may require from an individual who claims the protections provided by VAWA (included in Exhibit 16-1)

A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking

A statement of the GBHA's obligation to keep confidential any information that it receives from a victim unless (1) the GBHA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibit 16-1)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibit 16-1)

Contact information for local victim advocacy groups or service providers

Notification to Applicants and Tenants [24 CFR. 5.2005(a)(1)]
The GBHA is required to inform public housing applicants and tenants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

GBHA Policy
The GBHA will provide all applicants with information about VAWA at the time they request an application for housing assistance. The GBHA will also include such information in all notices of denial of assistance (see section 3-III.F).

The GBHA will provide all tenants with information about VAWA at the time of admission (see section 8-I.B) and at annual re-examination. The GBHA will also include such information in all lease termination notices (see section 13-IV.D).

The VAWA information provided to applicants and tenants will consist of the notice in Exhibit 16-1 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.

The GBHA is not limited to providing VAWA information at the times specified in the above policy. If the GBHA decides to provide VAWA information to a tenant following an incident of domestic violence, Notice PIH 2006-42 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases the GBHA make alternative delivery arrangements that will not put the victim at risk.

GBHA Policy

Whenever the GBHA has reason to suspect that providing information about VAWA to a public housing tenant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim.

16-VII.D. DOCUMENTATION [24 CFR 5.2007]

If the GBHA is presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, or stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. The GBHA may extend this time period at its discretion [24CFR 5.2007(a)]

The individual may satisfy the GBHA's request by providing any one of the following three forms of documentation [24CFR 5.2007(b)]:

(1) A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim
(2) A federal, state, tribal, territorial, or local police report or court record
(3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional. Acceptable documentation also includes a record of an administrative agency, and documentation from a mental health professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The GBHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third- party documentation [VAWA final rule].

GBHA Policy

Any request for documentation of domestic violence, dating violence, sexual assault, or stalking will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

The GBHA may, in its discretion, extend the deadline for 10 business days. Any extension granted by the GBHA will be in writing.

Conflicting Documentation [24 CFR 5.2007(e)]

In cases where the GBHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the GBHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). The GBHA must honor any court orders issued to protect the victim or to address the distribution of property.

GBHA Policy

If presented with conflicting certification documents (two or more forms HUD-50066) from members of the same household, the GBHA will attempt to determine which is the true victim by

requiring each of them to provide third-part documentation in accordance with 24 CFR 5.2007 (b)(2) or (3) and by following any HUD guidance on how such determinations should be made.

Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]
The GBHA has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24CFR 5.2007(b).

GBHA Policy
If the GBHA accepts an individual's statement or other corroborating evidence of domestic violence, dating violence, sexual assault, or stalking, the GBHA will document acceptance of the statement or evidence in the individual's file.

Failure to Provide Documentation [24 CFR 5.2007 (C)]
In order to deny relief for protection under VAWA, the GBHA must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as the GBHA may allow, the GBHA may deny relief for protection under VAWA.

16-VII.E. CONFIDENTIALITY [24 CFR 5.2007 (b)(4)
All information provided to the GBHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that the GBHA (1) may not enter the information into any share database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have an eed to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

GBHA Policy
If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the GBHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

EXHIBIT 16-1: SAMPLE NOTICE TO PUBLIC HOUSING APPLICANTS AND RESIDENTS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

This sample notice was adopted from a notice prepared by the National Housing Law Project.

A federal law that went into effect in 2013 protects individuals who are victims of domestic violence, dating violence, sexual assault, or stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your rights under VAWA.

Protections for Victims

If you are eligible for public housing, the housing authority cannot refuse to admit you to the public housing program solely because you are a victim of domestic violence, dating violence, sexual assault, or stalking.

If you are a victim of domestic violence, dating violence, sexual assault, or stalking, the housing authority cannot evict you based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking, that are caused by a member of your household or a guest, can't be the reason for evicting you if you were the victim of the abuse.

Reasons You Can Be Evicted
The housing authority can still evict you if they can show that there is an actual and imminent (immediate) threat to other tenants or housing authority staff if you are not evicted. Also, the housing authority can evict you for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking against you. The housing authority cannot hold you to a more demanding set of rules than are applied to tenants who are not victims.

Removing the Abuser from the Household
The housing authority may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the public housing unit. If the housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, the housing authority must follow federal, state, and local eviction procedures.

Proving that You Are a Victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
The housing authority can ask you to prove or "certify" that you are a victim of domestic violence, dating violence, sexual assault, or stalking. In cases of termination or eviction, the housing authority must give you at least 14 business days (i.e. Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority is free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the housing authority. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time, and location of the incident of violence, and a description of the violence. You are only required to provide the name of the abuser if it is safe to provide and you know their name.
- Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of your must state that you are signing "under penalty of perjury."
- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within the required time, the housing authority may evict you.

Confidentiality
The housing authority must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the housing authority to release the information

- The housing authority needs to use the information in an eviction proceeding, such as to evict your abuser
- A law requires the housing authority to release the information

If releasing the information would put your safety at risk, you should inform the housing authority.

VAWA and Other Laws
VAWA does not limit the housing authority's duty to honor court orders about access to or control of a public housing unit. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

For Additional Information
If you have any questions regarding VAWA, please contact the Housing Authority at (920) 448-3400.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

Definitions
For purposes of determining whether a public housing applicant or tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines domestic violence to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- 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

VAWA defines dating violence as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines sexual assault as "any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent" (42 U.S.C. 13925(a)).

VAWA defines stalking as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (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 that person.

GLOSSARY

A. ACRONYMS USED IN PUBLIC HOUSING

ACC	Annual contributions contract
ACOP	Admissions and continued occupancy policy
ADA	Americans with Disabilities Act of 1990
AIDS	Acquired immune deficiency syndrome
AMI	Area median income
AMP	Asset management project
BR	Bedroom
CDBG	Community Development Block Grant (Program)
CFP	Capital fund program
CFR	Code of Federal Regulations (published federal rules that define and implement laws; commonly referred to as "the regulations")
COCC	Central office cost center
CPI	Consumer price index (published monthly by the Department of Labor as an inflation indicator)
EID	Earned income disallowance
EIV	Enterprise income verification
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration (HUD Office of Housing)
FHEO	Fair Housing and Equal Opportunity (HUD Office of)
FICA	Federal Insurance Contributions Act (established Social Security taxes)
FMR	Fair market rent
FR	Federal Register
FSS	Family Self-Sufficiency (Program)
FY	Fiscal year
FYE	Fiscal year end
GAO	Government Accountability Office
HA	Housing authority or housing agency
HCV	Housing choice voucher
HERA	Housing and Economic Recovery Act of 2008
HOPE VI	Revitalization of Severely Distressed Public Housing Program
HUD	Department of Housing and Urban Development
HUDCLIPS	HUD Client Information and Policy System
IMS	Inventory Management System
IPA	Independent public accountant
IRA	Individuals retirement account
IRS	Internal Revenue Service
JTPA	Job Training Partnership Act
LBP	Lead-based paint
LEP	Limited English proficiency
LIHTC	Low-income housing tax credit
MTW	Moving to work
NOFA	Notice of funding availability
OGC	HUD's Office of General Counsel
OIG	HUD's Office of Inspector General
OMB	Office of Management and Budget
PASS	Plan to Achieve Self- Support
PHA	Public housing agency

PHAS	Public Housing Assessment System
PIC	PIH Information Center
PIH	(HUD Office of) Public and Indian Housing
QC	Quality control
QHWRA	Quality Housing and Work Responsibility Act of 1998 (also known as the Public Housing Reform Act)
REAC	(HUD) Real Estate Assessment Center
RFP	Request for proposals
RIGI	Regional inspector general for investigation (handles fraud and program abuse matters for HUD at the regional office level)
ROSS	Resident Opportunity and Supportive Services
SSA	Social Security Administration
SSI	Supplemental security income
SWICA	State wage information collection agency
TANF	Temporary assistance for needy families
TR	Tenant rent
TTP	Total tenant payment
UA	Utility allowance
UFAS	Uniform Federal Accessibility Standards
UIV	Upfront income verification
UPCS	Uniform Physical Condition Standards
URP	Utility reimbursement payment
VAWA	Violence Against Women Reauthorization Act of 2013
VCA	Voluntary Compliance Agreement

B. GLOSSARY OF PUBLIC HOUSING TERMS

Accessible. The facility or portion of the facility can be approached, entered, and used by persons with disabilities.

Adjusted income. Annual income, less allowable HUD deductions and allowances.

Affiliated individual. With respect to an individual, a spouse, parent brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis (in the place of a parent), or any individual, tenant, or lawful occupant living in the household of that individual.

Annual contributions contract (ACC). The written contract between HUD and a PHA under which HUD agrees to provide funding for a program under the 1937 Act, and the PHA agrees to comply with HUD requirements for the program.

Annual income. The anticipated total income of an eligible family from all sources for the 12-month period following the date of determination of income, computer in accordance with the regulations.

Applicant (applicant family). A family that has applied for admission to a program but is not yet a participant in the program.

As-paid states. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

Assets. (See new family assets)

Auxiliary aids. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving federal financial assistance.

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

Ceiling rent. The highest rent amount the GBHA will require a family to pay, for a particular unit size, when the family is paying an income-based rent.

Child. A member of the family other than the family head or spouse who is under 18 years of age.

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 computer, but only where such care is necessary to enable aq family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Citizen. A citizen or national of the United States.

Cohead. An individual in the household who is equally responsible for the lease with the head of household. A family may have a cohead or spouse but not both. A cohead never qualifies as a dependent. The cohead must have legal capacity to enter into a lease.

Confirmatory review. An on-site review performed by HUD to verify the management performance of a PHA.

Consent form. Any consent form approved by HUD to be signed by assistance applicants and participants to obtain income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and retirement income); and return information for unearned income from the IRS. Consent forms expire after a certain time and may authorize the collection of other information to determine eligibility or level of benefits.

Covered families. Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which federal, state, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

Dating Violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

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.

Dependent child. In the context of the student eligibility restrictions, a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* as specified above.

Disability assistance expenses. Reasonable expenses that are anticipated, during the period for which annual income is computer, 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 that neither paid to a member of the family nor reimbursed by an outside source.

Disabled family. A family whose head, cohead, 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.

Disabled person. See *person with disabilities*.

Disallowance. Exclusion from annual income.

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

Domestic Violence. 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 cohabitating with or has cohabitated 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.

Domicile. The legal residence of the household head or spouse as determined in accordance with state and local law.

Drug-related criminal activity. The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.

Economic self-sufficiency program. Any program designed to encourage, assist, train, or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse or mental health treatment). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d). Also see 24CFR 5.603(c).

Effective date. The "effective date" of an examination or reexamination refers to: (i) in the case of an examination for admission, the date of initial occupancy and (ii) in the case of reexamination of an existing tenant, the date the redetermined rent becomes effective.

Elderly family. A family whose head, cohead, 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.

Elderly person. An individual who is at least 62 years of age.

Eligible family (Family). A family that is income eligible and meets the other requirements of the 1937 Act and Part 5 of 24CFR.

Employer identification number (EIN). The nine-digit taxpayer identifying number that is assigned to an individual, trust, estate, partnership, association, company, or corporation.

Evidence of citizenship or eligible status. The documents which must be submitted as evidence of citizenship or eligible immigration status. (See 24CFR 5.508(b))

Extremely low-income family. A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area as determined by HUD, whichever number is higher, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30 percent of median income if HUD finds such variations are necessary due to unusually high or low family incomes. (See 24 CFR 5.603)

Facility. All or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock, or other real or personal property or interest in the property.

Fair Housing Act. Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Fair market rent (FMR). The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe, and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the Federal Register in accordance with 24CFR Part 888.

Family. Includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, and can be further defined in GBHA policy.

- A family with or without children (the temporary absence of a child from the home due to placement in foster care is not considered in determining family composition and family size)
- An elderly family or near-elderly family
- A displaced family
- The remaining member of a tenant family
- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Family self-sufficiency program (FSS program). The program established by a PHA in accordance with 24CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

Federal agency. A department of the executive branch of the federal government.

Flat rent. Established by the PHA for each public housing unit; a rent based on the market rent charged for comparable units in the unassisted rental market, set at no less than 80 percent of the applicable Fair Market Rent (FMR), and adjusted by the amount of the utility allowance, if any.

Foster child care payment. A payment to eligible households by state, local, or private agencies appointed by the state to administer payments for the care of foster children.

Full-time student. A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended). (See 24CFR 5.603)

Gender identity. Actual or perceived gender-related characteristics.

Handicap. Any condition or characteristic that renders a person an individual with handicaps. (See person with disabilities)

Head of household. The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Household. A household includes additional people other than the family who, with the PHA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

Housing agency (HA). See public housing agency.

HUD. The U.S. Department of Housing and Urban Development.

Imputed asset. An asset disposed of for less than fair market value during the two years preceding examination or reexamination.

Imputed asset income. The PHA-established passbook rate multiplied by the total cash value of assets. The calculation is used when net family assets exceed $5,000.

Imputed welfare income. An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction, but is included in the family's annual income and therefore reflected in the family's rental contribution.

Income. Income from all sources of each member of the household, as determined in accordance with criteria established by HUD.

Income-based rent. A tenant rent that is based on the family's income and the PHA's rent policies for determination of such rents.

Income information means information relating to an individual's income, including:

- All employment income information known to current or previous employers or other income sources
- All information about wages, as defined in the state's unemployment compensation law, including any social security number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, employer identification number of an employer reporting wages under a state unemployment compensation law
- Whether an individual is receiving, has received, or has applied for unemployment compensation, and the amount and the period received
- Unearned IRS income and self-employment wages and retirement income
- Wage, social security, and supplemental security income data obtained from the Social Security Administration

Individual with handicaps. See *person with disabilities*.

Jurisdiction. The area in which the PHA has authority under state and local law to administer the program.

Lease. A written agreement between the PHA and a tenant family for the leasing of a public housing unit. The lease establishes the legal relationship between the PHA and the tenant family.

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

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

Local preference. A preference used by the PHA to select among applicant families.

Low-income families. A family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80 percent for areas with unusually high or low incomes.

Medical expenses. Medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance (a deduction for elderly or disabled families only). These allowances are given when calculating adjusted income for medical expenses in excess of 3 percent of annual income.

Minimum rent. An amount established by the PHA of zero to $50.

Minor. A member of the family household other than the family head or spouse, who is under 18 years of age.

Mixed family. A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Monthly adjusted income. One twelfth of adjusted income.

Monthly income. One twelfth of annual income.

National. A person who owes permanent allegiance to the United States, for example, as a result of birth in the United States territory or possession.

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; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

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

- In cases where a trust fund has been established and the rust 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 under §5.609.

- In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

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

PHA Plan. The annual plan and the 5-year plan as adopted by the PHA and approved by HUD.

Participant (participant family). A family that has been admitted to the PHA program and is currently assisted in the program.

Person with disabilities. *For the purposes of program eligibility*. A person who has a disability as defined under the Social Security Act or Developmental Disabilities Care Act, or a person who has a physical or mental impairment expected to be of long and indefinite duration and whose ability to live independently is substantially impeded by that impairment but could be improved by more suitable housing conditions. This includes persons with AIDS or conditions arising from AIDS but excludes persons whose disability is based solely on drug or alcohol dependence. *For the purposes of reasonable accommodation*, a person with a physical or mental impairment that substantially limits one or more major life activities, a person regarded as having such impairment, or a person with a record of such impairment.

Premises. The building or complex in which the dwelling unit is located, including common areas and grounds.

Previously unemployed. With regard to the earned income disallowance, a person with disabilities who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Public assistance. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by federal, state, or local governments.

Public housing agency (PHA). Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under 1937 Act.

Qualified family. A family residing in public housing:

- Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment.
- Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or
- Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance, provided that the total amount over a six-month period is at least $500.

Reasonable accommodation. A change, exception, or adjustment to a rule, policy, practice, or service to allow a person with disabilities to fully access the PHA's programs or services.

Recertification. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported.

Remaining member of the tenant family. The person left in assisted housing who may or may not normally qualify for assistance on their own circumstances (i.e., an elderly spouse dies, leaving widow age 47 who is not disabled).

Residency preference. A PHA preference for admission of families that reside anywhere in as specified area, including families with a member who works or has been hired to work in the area (See *residency preference area*).

Residency preference area. The specified area where families must reside to qualify for a residency preference.

Responsible entity. For the public housing the PHA administering the program under an ACC with HUD.

Secretary. The Secretary of Housing and Urban Development.

Security Deposit. A dollar amount (maximum set according to the regulations) which can be used for unpaid rent or damages to the PHA upon termination of the lease.

Sexual assault. Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent (42 U.S.C. 13925(a))

Sexual orientation. Homosexuality, heterosexuality, or bisexuality.

Single person. A person living alone or intending to live alone.

Social security number (SSN). The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

Specified welfare benefit reduction. Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

Spouse. The marriage partner of the head of household.

Stalking. To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and 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 (1) that person, (2) a member of the immediate family of that person, or (3) the spouse of intimate partner of that person.

State wage information collection agency (SWICA). The state agency, including any Indian tribal 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.

Tenant. The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Tenant rent. The amount payable monthly by the family as rent to the PHA.

Total tenant payment (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

Utilities. Water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection, and sewage services. Telephone services is not included.

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 or approved by a PHA of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement. The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment (TTP) for the family occupying the unit.

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

Violence Against Women Reauthorization Act (VAWA) of 2013. Prohibits denying admission to the project to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Violent criminal activity. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Waiting list. A list of families organized according to HUD regulations and PHA policy who are waiting for a unit to become available.

Welfare assistance. Income assistance from federal or state welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families. For the FSS program (984.103(b)), welfare assistance includes only cash maintenance payments from federal or state programs designed to meet a family's ongoing basic needs, but does not include food stamps, emergency rental and utilities assistance, SSI, SSDI, or social security.