Public Housing Admissions and Occupancy Policy

STATEMENT OF POLICIES GOVERNING ADMISSION TO AND CONTINUED OCCUPANCY OF HUD-ASSISTED PUBLIC HOUSING

December 23, 2013
HOUSING AUTHORITY OF THE CITY OF ERIE
ERIE COUNTY, PENNSYLVANIA

LOW-INCOME PUBLIC HOUSING
ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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STATEMENT OF POLICIES GOVERNING ADMISSION TO AND CONTINUED OCCUPANCY OF HUD HOUSING OWNED AND OPERATED BY THE HOUSING AUTHORITY OF THE CITY OF ERIE

1. PROGRAM APPROACH AND OBJECTIVES

A. HACE POLICY STATEMENT

The Housing Authority of the City of Erie exists to provide safe, decent, and affordable housing for lower-income families, elderly, and persons with disabilities; and to foster among the residents we serve, economic self-sufficiency and a sense of community and pride in the neighborhoods where they reside.

B. PURPOSE OF THE ADMISSIONS AND OCCUPANCY POLICY

This Public Housing Admissions and Occupancy Policy (“Policy”) establishes the Housing Authority of the City of Erie’s (“HACE”) discretionary policies and procedures that will be used in the administration of the Public Housing program in accordance with U.S. Department of Housing and Urban Development (“HUD”) requirements. The approach to program functions contained in this Policy is applicable to admission and continued occupancy in the low-income Public Housing program.

This Public Housing Admissions and Occupancy Policy is governed by the provisions of 24 CFR 960, 966 and Part 5, HUD Memos, PIH Notices, HUD guidelines and other applicable law. If any amendments to HUD’s rules, regulations or guidelines conflict with this Policy, such rules, regulations or guidelines will control.

Pet ownership by families residing in properties owned by HACE is regulated by its Pet Policies. The requirements for filing a grievance with the HACE are found in the HACE’s Lease and Grievance Policy which is a separate document. Applicants and residents, who require a reasonable accommodation, may refer to the HACE Reasonable Accommodation Policy, which is a separate document that can be found at www.hace.org. Other Policies and Plans that are used in the administration of HACE programs can also be found at www.hace.org.

C. OVERALL PROGRAM OBJECTIVES

The overall objectives for the Housing Authority of the City of Erie Public Housing program are intended to achieve the following:

- Provide decent, safe and sanitary housing at affordable cost to very-low-income families;
- Encourage self-sufficiency of program participants; and
- Assure compliance with the HUD regulations, Equal Housing Opportunity requirements, and the HACE’s policies.
D. MARKETING/OUTREACH

The HACE will conduct outreach in an effort to obtain and maintain a well-balanced application pool. Outreach efforts will take into consideration the level of vacancy in the HACE’s units, unit availability through turnover, and waiting list characteristics. The HACE will periodically assess these factors in order to determine the need and scope of the marketing effort.

The HACE will continue to publicize and disseminate information concerning the availability of housing assistance for low-income families. However, when the waiting list indicates a need for additional families the Housing Authority of the City of Erie will make known, through publication in newspapers of general circulation, minority media, and all other suitable means, the availability of housing assistance for very-low-income families, unless application taking has been suspended according HUD regulations.

Marketing efforts will be designed to attract applicants from appropriate segments of the low, very-low, and extremely-low-income populations. The HACE will use its marketing program to achieve a more representative income mix of low-income families among those on the waiting list and thereby attain a broad range of incomes in its developments as required by federal law.

E. NOTIFICATION OF CHANGES

Schedules of special charges for services, repairs, and rules and regulations, which are required to be incorporated in the lease by reference, shall be publicly posted in a conspicuous manner in the community office, and shall be furnished to applicants and tenants on request. Such schedules, rules and regulations may be modified from time to time, provided that at least thirty days’ written notice is given to each affected tenant setting forth the proposed modification, the reasons therefore, and providing the tenant an opportunity to present written comments which shall be taken into consideration prior to the proposed modifications becoming effective. A copy of such notice shall be:

1. Delivered directly or sent by first class mail to each tenant; or

2. Posted in a conspicuous place within each community in which the affected dwelling units are located, as well as in a conspicuous place at the community office, if any, or if none, a similar central business location within the community.

F. EQUAL OPPORTUNITY REQUIREMENTS

It is the policy of the Housing Authority of the City of Erie to comply fully with all applicable federal, state and local nondiscrimination and equal opportunity laws including the Fair Housing Act, Title VI of the Civil Rights Act of 1964; Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063; Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and any legislation protecting the individual rights of tenants, applicants or staff which may subsequently be enacted.
The Public Housing program requires compliance with all equal opportunity requirements imposed by contract or federal law, including the authorities cited at 24 CFR 5.105(a) and Title II of the Americans with Disabilities Act, 42 U.S.C. 12101, et. seq.

The HACE shall not automatically deny admission to a particular group or category of otherwise eligible applicants (e.g., unwed mothers, families with children born out of wedlock, elderly pet owners, persons with a disability requiring an assistance animal, or families whose head or spouse is a student). Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

The HACE’s administrative office is accessible to persons with physical disabilities. Hearing impaired individuals may contact HACE at their TTD/TTY telephone number of (814) 455-1797.

**Special Needs and Reasonable Accommodation:**

The HACE will make every effort to reasonably accommodate persons with documented special needs as mandated by the Americans with Disabilities Act 42 U.S.C. 12101 et seq. These efforts will be made for all persons with whom the HACE conducts business including both applicants and tenants in accordance with 24 CFR Part 8, Section 504 of the Rehabilitation Act of 1973 as amended and the HACE’s Reasonable Accommodation Policy.

Additional actions, which may be taken, include but are not limited to:

- Additional telephone calls to accommodate the special needs.
- Scheduling additional appointments.
- Contacting a family member, case worker or other person who assists the family with the applicant/participant’s prior permission.
- Providing alternate equally effective forms of communication.
- Home visits.
- The use of a TTD/TTY telephone number.
- The use of the AT&T National Relay Service:
  - 1-800-855-2880 to have the call read to receiving party;
  - 1-800-855-2881 to “vocally” speak to a TTY user; or
  - 1-800-855-2882, for a computer to voice number.
- Communication using email or text messaging.

*Documented Special Need* - must be a signed statement, from a qualified professional who is familiar with the individual (applicant or resident) and his/her disability, indicating that the individual would benefit from the accommodation.
The Housing Authority of the City of Erie is committed to the Fair Housing Act, which among other things, prohibits discrimination against persons with disabilities. In accordance with our statutory responsibilities and management policies, we will make reasonable accommodations in our rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to be able to use and enjoy their housing community.

The HACE 504 Reasonable Accommodation Policy states the process to request a reasonable accommodation and can be found at www.hace.org.

G. DECONCENTRATION STATEMENT
The HACE has, within its policies contained herein, adopted admission criteria designed to provide for deconcentration of poverty and income mixing, by bringing higher income families into lower income Public Housing communities and bringing lower income families into higher income Public Housing communities in accordance with HACE’s Deconcentration Policy.

H. PRIVACY STATEMENT
It is the policy of the HACE to facilitate the privacy of individuals conferred under the Privacy Act of 1974, and to ensure the protection of such individuals’ records maintained under the HACE’s Public Housing program.

Therefore, the HACE shall not disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested gives the HACE written consent to such disclosure.

This privacy policy in no way limits the HACE’s ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant’s suitability for tenancy.
2. ELIGIBILITY, ADMISSION AND LEASING

A. APPLICANT ELIGIBILITY

To be eligible for admission to the HACE Low-Income Public Housing Program, an applicant family must meet the criteria for eligibility as defined by HUD, plus all additional criteria established by the Housing Authority of the City of Erie. The eligibility criteria used are defined in this chapter in the following categories, and will not be verified until selection from the applicant pool for housing assistance is made:

- Family Composition;
- Income Limits;
- Citizenship (and eligible non-citizen status); and
- Screening/Selection Criteria (as defined by the HACE and HUD).

1. Family Composition

Each applicant must meet the definition of “family” as required by HUD and as indicated in this Plan. A family is defined as any of the following:

a. A single person who is:
   (1) elderly, a person with disabilities, or a displaced person as defined by HUD;
   (2) a pregnant woman with no other children; or
   (3) any other single person.

b. A family with or without a child or children.

c. A group of persons consisting of two or more elderly persons (“elderly family”) or persons with disabilities (“disabled family”) living together, or one or more elderly persons or persons with disabilities with one or more live-in aides.

d. A group of persons regularly living together evidencing a stable relationship, and/or related by blood, marriage, adoption, guardianship, or operation of law.

Other individuals, including foster children, live-in aides, and members temporarily absent, may be considered to be a part of the family group if they are living or will live regularly with the family. (Refer to Chapter 7 of this policy.)

2. Income Limits

Applicants must qualify for admission to the Public Housing program based upon total annual income for all members of the household family. Eligibility is determined using the following income categories:
a. *Extremely-low-income families* (Income Targeting requirement)

Families whose incomes, at the time of admission do not exceed 30% of the area median income. Forty percent (40%) of all new admissions to the Public Housing program will be in this category.

b. *Very-low-income families*

Families whose incomes, at the time of admission, do not exceed the very-low-income limits established by HUD, but are greater than the extremely low-income limit.

c. *Low-income families*

Families whose incomes, at the time of admission, do not exceed the low-income limit established by HUD and for reasons identified in 24 CFR 5.607.

3. **Citizenship**

An applicant must be eligible as a Citizen of the United States or a Non-Citizen who has eligible immigration status as determined in accordance with 24 CFR part 5 Subpart E. Citizens of the Republic of Marshall Islands, the Federated States of Micronesia, and the Republic of Palau who are eligible for assistance, are entitled to receive a preference for housing assistance, except that within Guam, such persons are not entitled to housing assistance in preference to any United States Citizen or national resident.

A Declaration of Citizenship Status form must be signed for all family members, including children. Verification of eligible citizenship status will be conducted upon receipt of the application and Declaration of Citizenship Status form.

B. **SCREENING AND TENANT SELECTION CRITERIA**

1. **The Screening Process**

Information to be considered in completing tenant screening shall be reasonably related to assessing the conduct of the applicant, other family members or live-in aide(s) listed on the application, in present or prior housing. The history of applicant conduct must demonstrate that the applicant family is not likely to:

a. Interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare; or

b. Adversely affect the physical environment or the financial stability of the project.
2. Other Criteria

All applicants and residents of the Public Housing program must meet other specific eligibility criteria. The Housing Authority of the City of Erie will deny program assistance to an applicant (or will terminate participation for a resident) if:

a. Any member of the family has been evicted from any Public Housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity as defined in 24 CFR 960.205 and 24 CFR 966.4, or if any member of the family has been evicted from Public Housing for any other reason in the past seven (7) years. The seven-year period shall begin on the date of such eviction. The HACE will obtain verification from the Public Housing Authority (“PHA”) or the owner of federally assisted housing if applicable;

b. Any PHA has terminated program assistance for violating family obligations or program regulations under the lease of an assisted housing program for any family member in the past seven (7) years. The HACE will obtain verification from the PHA if applicable;

c. Any member of the family has committed drug-related criminal activity or violent criminal activity within the past seven (7) years as defined in 24 CFR 960.205 and 24 CFR 966.4. The HACE obtains Criminal Background Checks on each applicant family. Police reports may also be used for verification;

d. Any member of the family, in the last 7 years, has demonstrated a pattern of the abuse of alcohol or a pattern of illegal use of a controlled substance that may interfere with the health, safety or right to peaceful enjoyment of persons residing in the immediate vicinity of the residence. If the HACE has reason to believe that a detrimental pattern exists, additional inquiry may be initiated through such resources as police and medical records (if available) to determine if there is a threat to the health, safety, or right to peaceful enjoyment of neighbors;

e. Any family member has ever been convicted of manufacturing or producing methamphetamine (“speed”) on the premises of a federally assisted housing development or unit in violation of any federal or state law. These individuals will be permanently denied admission to the HACE Public Housing Program;

f. Any member of the family commits serious violent crimes as follows:
   - Any member has ever been convicted of a major felony such as, murder, rape, or terrorism, but not necessarily limited to these items, shall be denied housing for a period of twenty (20) years from date of such incarceration;
• Has ever been convicted of any form of sexual crime, or crimes against minor children, or have a history of arrests for any form(s) of sexual crime or crimes against minor children shall be denied housing for a period of twenty (20) years from date of such conviction; or

• Any member has ever been convicted as a sex offender and subject to the lifetime registration with federal, state or local law enforcement agencies. These individuals will be permanently denied admission by the HACE.

The HACE will perform necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided, in accordance with 24 CFR 5.856.

g. Any member of the family has ever engaged in or threatened abusive or violent behavior toward HACE personnel; or,

h. The family or any of its members has a record of disturbance of neighbors, destruction of property, or, living or housekeeping habits at prior residences which may adversely affect the health, safety and welfare of other residents or neighbors; or

i. Any member of the family has committed any fraud, bribery or other corrupt or criminal act in connection with any federal housing program;

j. The family currently owes and/or has failed to pay an outstanding balance consisting of uncollected rent and/or other amounts owed to the HACE or any other federally funded housing program. In this case, the family will be permitted to complete an application, but will be found to be ineligible until the balance has been paid in full and acceptable evidence is provided to the HACE;

k. The family has breached an agreement with the HACE to pay amounts owed to the HACE, or amounts paid to an owner by the HACE under a tenant-based program;

l. The family has not reimbursed a PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;

m. An applicant's past performance indicates difficulty in meeting financial obligations, especially rent and utilities. A former HACE tenant (otherwise eligible) who applies while owing a balance for uncollected rent and/or miscellaneous charges will not be considered for housing until all debts are resolved. This standard is also applicable to outstanding balances owed to other federally funded housing programs; or

n. Any member of the family fails to sign and submit the required consent forms for obtaining information, including form HUD 9886;
o. Other reasons as required by HUD regulations or other applicable law.

In the event the HACE receives unfavorable information with respect to the applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors which may indicate a reasonable probability of favorable future conduct or financial prospects (e.g., evidence of rehabilitation).

3. Evidence of Criminal Activity

The HACE will deny assistance to a family based upon drug-related criminal activity, violent criminal activity, or alcohol abuse if the preponderance of evidence indicates that a family member has engaged in such activity, regardless whether the family member has been arrested or convicted.

The HACE will use the preponderance of evidence definition in Black’s Law Dictionary, which is:

“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.”

4. Eligibility Exceptions

a. In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature and extent of the applicant’s conduct and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects. For example:

(1) Evidence of successful rehabilitation; or participation in a supervised drug or alcohol rehabilitation program.

(2) Evidence of the applicant’s participation in or willingness to participate in social service or other appropriate counseling service.

(3) Evidence of successful and sustained modification of previous disqualifying behavior.

However, the HACE shall permanently deny admission to Public Housing units for any individuals convicted of manufacturing or producing Methamphetamine (speed).

b. The HACE will not deny the admission to the Public Housing program for a family member’s drug-related criminal activity, violent criminal activity or alcohol abuse if the family member involved in such activity or abuse is no longer a member of the household.
5. Eligible and Ineligible Applicants

Verified information will be analyzed and a determination made with respect to:

a. Eligibility of the applicant as a family;

b. Eligibility of the applicant with respect to income limits for admission as established by HUD;

c. Unit size required for the family;

d. Proof of citizenship and/or eligible non-citizen status; and

e. Suitability of the applicant with respect to the Tenant Selection Screening Criteria.

Applicants who are determined to be ineligible or unsuitable for admission will be notified promptly by mail or other suitable means such as e-mail, of the HACE’s decision. These applicants will receive a Notice of Ineligibility from the HACE stating the basis for such determination. The HACE shall provide such applicants with an opportunity for an informal hearing of the determination. The applicant must contact the HACE in writing within ten (10) working days of receipt of the Letter of Ineligibility. Upon timely receipt of the applicant’s request for review, the HACE will schedule an informal hearing. The review shall occur within a reasonable time frame following the determination of ineligibility or unsuitability. The Letter of Ineligibility to the applicant will include the reason for the determination.

During the informal review the applicant family will be afforded the opportunity to present documented evidence with respect to:

- Eligibility issues; and
- Information pertaining to rehabilitation in the area of Tenant Selection or Screening (suitability).

In the event the family is ineligible due to non-citizen status, the HACE will notify them, in writing, of ineligibility. The letter will advise the family of their right to an DHS appeal and/or PHA informal hearing.

The informal hearing for rejected applicants is not a Grievance Hearing. The purpose of the hearing is to permit the applicant to hear the details of the reasons for rejection, present evidence to the contrary if available, and claim mitigating circumstances if possible. The person who made the original decision to reject, or a subordinate of that person, may not conduct the hearing. A written record of the hearing decision should be mailed to the applicant and placed in the applicant's file. If the hearing decision overturns the rejection, processing for admission should resume (24 CFR § 960.208).

Applicants determined ineligible for violent criminal activity or drug related activity as a result of the informal hearing, will be considered ineligible to reapply for a period of one year. Applicants denied for other reasons may reapply based upon the decision issued at the hearing.
After ineligibility period has expired, applicants may reapply for housing subject to the conditions described in these policies.

If the HACE's original decision is upheld, the applicant may exercise their right to pursue his/her case in Common Pleas Court.

6. **Victims of Domestic Violence**

The HACE will ensure that any denial of admission to the programs and any termination of assistance, tenancy, or occupancy rights under the programs complies with the provisions of Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA). In decisions relating to the admission, occupancy and termination of assistance, the following will apply:

- Being a victim of domestic violence, dating violence, or stalking, as these terms are defined in the law (hereafter collectively referred to as “abuse”), is not a basis for denial of assistance or admission to public or assisted housing if the applicant otherwise qualifies for assistance or admission;

- Incidents or threats of abuse will not be construed as serious or repeated violations of the lease or other “good cause” for termination of the assistance, tenancy, or occupancy rights of a victim of abuse; and

- Criminal activity directly relating to abuse, 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 assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse.

C. **PROCESSING APPLICATIONS FOR ADMISSION**

1. **Applications**

The policy of the HACE is to treat all applicants in a fair and consistent manner. All families who are interested in applying for any of the HACE’s programs must obtain an application from the HACE’s main office when the waiting list is open. The HACE will also make reasonable accommodations to assist those applicants whose disabilities do not allow them to complete an application using the standard HACE process.

Any family who has failed to pay an outstanding balance consisting of uncollected rent and/or miscellaneous charges owed to the HACE or any other federally funded housing program will be permitted to complete an application. However, an initial determination of ineligibility will be made based upon such debts owed. Only after all debts are satisfied, the family may re-apply.

2. **Requirements to Apply**

To participate in the Low Income Public Housing program, families must make an application to the HACE using the forms prescribed by the HACE and HUD.
Any prospective applicant can complete an application at the HACE Public Housing application office during normal working hours.

The application must be completed and signed by the head-of-household, spouse and all other adult members. Applicants who submit applications or related documents that are incomplete and/or unsigned will be considered to be ineligible for placement on the waiting list.
Application documents will consist of the following information:

a. A HACE application form;
b. Criminal Background Check;
c. Release of Information/Privacy Statements (form HUD 9886), signed by the head-of-household, spouse and all other members of the household 18 years of age or older;
d. Asset form completed by the head-of-household and by any other member of the household who has assets of any form or amount;
e. Credit information;
f. Claim of any preference; and
g. Other forms that the HACE determines necessary.

Applicants will be required to provide the following information at application:

- Annual Income
- Asset Information
- Family Composition and proof of age of all family members
- Social Security Numbers for all members as prescribed by HUD
- Verification of citizenship and/or eligible non-citizen status
- Verification of disability status
- Two forms of identification, of all adult members of household. One form of identification should include a photograph; and
- Other information the HACE may require to determine eligibility

An application and related documents must be completed and signed by the head-of-household, spouse and all other adult members.

Applicants must inform the HACE of any changes to information listed on the application (e.g., address, income, family composition, or preferences). Failure to notify the HACE of such changes may result in the applicant’s removal from the waiting list.

3. Notification of Eligibility

Once all information has been received by the HACE, the applicant will be placed on a waiting list based on size and type of unit required, the HACE’s preferences for tenant selection, and the date and time of completion of the application processing and determination of eligibility.

Upon completion of the application and the information contained therein, the applicant will be sent one of the following within thirty (30) days:
a. If the applicant meets the eligibility criteria, he/she will be sent a letter, which will indicate that, based upon the application submitted, he/she appears to be qualified for participation in the Public Housing program.

b. Applicants who are determined to be ineligible or unsuitable for admission will be notified promptly by mail or other suitable means, of the HACE’s decision, such as e-mail. These applicants will receive a Notice of Ineligibility from the HACE stating the basis for such determination. The HACE shall provide such applicants with an opportunity for an informal hearing of the determination. The applicant must contact the HACE in writing within ten (10) working days of receipt of the Letter of Ineligibility. Upon timely receipt of the applicant's request for review, the HACE will schedule an informal hearing. The review shall occur within a reasonable time frame following the determination of ineligibility or unsuitability. The Letter of Ineligibility to the applicant will include the reason for the determination.

c. Determination of eligibility for regular and preference waiting list will be completed within a reasonable time with all applicants being notified by mail of apparent eligibility based on the processing of the application. If determined ineligible, the applicant will be notified of his/her rights to an informal hearing.

d. Applicants determined ineligible for violent criminal activity or drug related activity as a result of the informal hearing, will be considered ineligible to reapply for a period of one year. Applicants denied for other reasons may reapply based upon the decision issued at the hearing. After the ineligibility period has expired, applicants may reapply for housing subject to the conditions described in these policies.

e. In the event the family is ineligible due to non-citizen status, the HACE will notify the family in writing of ineligibility. The letter will inform them of their right to a Department of Homeland Security (DHS) appeal and/or PHA Informal Hearing and other applicable requirements of 24 CFR 5.5.

D. WAITING LIST MANAGEMENT

1. Waiting List Maintenance

The HACE maintains a waiting list for its Public Housing program. (A separate waiting list is used for the Section 8 Housing Choice Voucher Program.) Each application is positioned on the waiting list based upon information submitted by the applicant, preference, date and time of application and unit size, as defined in this Policy.
Applicants must inform the HACE of any changes of information listed on the application (e.g., address, income, family composition, or preferences). Failure to notify the HACE of such changes may result in the applicant’s removal from the waiting list.

At minimum, the waiting list will contain the following applicant information:

a. Applicant name;
b. Family unit size (based upon occupancy standards);
c. Preference;
d. Date and time of application; and
e. Racial or ethnic designation of head of household.

2. Cross Listing

If the HACE’s waiting list for the Section 8 Housing Choice Voucher Program is open when an applicant is placed on the waiting list for its Public Housing program, the applicant can request to be placed on the waiting list for Section 8.

3. Opening and Closing Waiting List

In order to maintain a balanced application pool, the HACE, at its discretion, may restrict application taking and close waiting lists in whole or in part. The HACE will also purge the waiting list by removing names of those who are no longer interested in or no longer qualify for housing. If the HACE has too many applications, it may elect to: (a) close the waiting list completely; (b) close the list during certain times of the year; or (c) restrict intake by type of project or by size and type of dwelling unit.

Decisions about the waiting list will be based on the number of applications available for a particular size and type of unit; and the ability of the HACE to house an applicant in an appropriate unit within a reasonable period of time. Closing the waiting list, restricting intake, or opening the waiting list will be publicly announced.

During the period when the waiting list is closed, the HACE will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

4. Removal of Applicants from the Waiting List

The HACE will not remove an applicant’s name from the waiting list unless:

a. The applicant requests in writing that his/her name be removed;
b. The applicant has failed to advise HACE of his/her continued interest in Public Housing. The HACE requires applicants to notify HACE annually of any change in family status or change in mailing address;
c. The HACE has made reasonable efforts to contact the applicant to determine continued interest but has been unsuccessful. Correspondence mailed to the latest address will constitute documentation of reasonable effort to contact the applicant;
d. The HACE notified the applicant of its intention to remove the applicant's name because the applicant no longer qualifies for Public Housing;
e. The HACE has made reasonable efforts to contact the applicant to (i) schedule interviews necessary to complete the application process; or (ii) obtain information necessary to process the application, and the applicant has failed to respond. It is the responsibility of the applicant to attend the scheduled interview. If the applicant cannot attend on the date scheduled by the HACE, the applicant must notify the HACE within ten (10) calendar days to reschedule the interview in advance and in accordance with the HACE’s notice requirements. If the applicant fails to reschedule or misses two (2) scheduled meetings, the HACE has the right to reject the application and remove the family from the waiting list. Such notification will be in writing, and will include a statement of the applicant’s right to an Informal Hearing; or
f. The applicant fails to pay an outstanding balance owed to the HACE or any other subsidized program within the time specified.

If an applicant’s failure to respond to a request for information or update was caused by his/her disability, the HACE will provide reasonable accommodation to give him/her an opportunity to respond.

5. Change in Preference Status While On the Waiting List

Occasionally, families on the waiting list who do not qualify for a preference at the time of application intake will experience a change in circumstances which qualifies them for a preference. In such instances, it will be the family’s responsibility to contact the HACE to certify they are eligible for a Preference. If eligible, the applicant will be moved to the Preference Waiting List by date and time of the original application. The family will then be informed in writing, as to how the change in status has affected their place on the waiting list. The family must recertify their claim for a preference at the time they are offered a Public Housing unit.

E. SELECTION AND TARGETING

All information on the application will be verified when the HACE estimates that an applicant can be housed within 60 days. A family will not be selected for admission until verification of all required information including Local Preferences and Citizenship has been provided.
To assure compliance with §513 of the Quality Housing and Work Responsibilities Act of 1998, families will be selected from the waiting list based upon Income Targeting requirements as defined in this Policy and in accordance with the following:

1. Selection will be made based upon the HACE’s obligation that forty percent (40%) of all new admissions to the Public Housing program not have incomes that exceed 30% of the area median income.

2. The HACE will monitor admissions every three (3) months to determine compliance with the 40% Income Targeting requirement.

3. The HACE will admit families to the Public Housing program to comply with the Income Targeting requirement, and may adjust the waiting list selection to do so.

F. DECONCENTRATION POLICY

It is Housing Authority of the City of Erie’s policy to provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments. Toward this end we will skip families on the waiting list to reach other families with a lower or higher income. This will be accomplished in a uniform and non-discriminating manner.

The Housing Authority of the City of Erie will affirmatively market its housing to all eligible income groups. Lower income families will not be steered toward lower income developments and higher income families will not be steered toward higher income developments.

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

G. DECONCENTRATION INCENTIVES

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

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

H. LOCAL PREFERENCE

Eligible applicants who qualify for a local preference are entitled to be placed on the waiting list and receive a preference in selection of housing. Families, who qualify as local preference holders, as defined in this section, will be admitted prior
to families who do not have a local preference within either the Federal Income Targeting Eligible or Federal Income Targeting Ineligible categories of the waiting list. All local preferences will be rated as equal, having no individual weight or aggregate value for multiple preferences.

The HACE will place families on the waiting list as either Federal Income Targeting Eligible or Federal Income Targeting Ineligible, by time and date of application, and by any Local Preference as described below:

**Working Families Preference**

*Any applicant family that includes a head and/or spouse who is/are gainfully employed.* Employment must be for the 90-day period immediately prior to the time the preference is claimed. The employment must provide a minimum of 20 hours of work per week for the family member claiming the preference.

1. Employment periods may be interrupted, but to keep the preference, a family must have had an employed family member prior to the actual offer of housing as described above.

2. A family member who leaves a job will be asked to document the reasons for the termination. Someone who quits work after receiving benefit of the preference (as opposed to layoff, or taking a new job) will be considered to have misrepresented the facts to the HACE and will have his/her assistance terminated.

3. The amount earned shall not be a factor in granting this local preference. This local preference shall also be available to a family if the head, spouse, or sole member is 62 years of age or older, or is a person with a disability.

4. This preference category shall be used for up to fifty percent (50%) of all family admissions on an annual basis.

**Residency Preference:**

*Any applicant family who qualifies as a resident of the City of Erie.* A resident is defined as a family or single person who lives in or previously resided in the City of Erie, or whose head of household or spouse works in, or has been given a bona fide offer of employment in Erie. Third-party written verification of this preference will be utilized. At the option of the HACE, leases, utility bills, employer records, school records, driver's licenses, voter registration records, or credit reports also may be used to verify residency.

There is no minimum amount of time that the family must have resided in the City of Erie to qualify for a residency preference. The use of the residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based upon the race, color, ethnic origin, gender, religion, disability or age of any member of the applicant's family.
This preference shall apply if the HACE’s vacancy rate is less than 3%.

**Elderly/Disabled Singles Preference:**

*Any applicant family which consists of a single person who is elderly or near elderly, or a one or two person disabled family.* Elderly and one or two-person disabled families shall be given a preference over single persons who are not elderly or disabled, regardless of preferences. Near-elderly shall be given preference over single persons if there are insufficient numbers of elderly or disabled applicants. Near-elderly is defined by the HACE as a person 55 years of age or older.

2. **Definitions Relating to the Preference(s)**

   a. The following definitions are offered to explain the categories of the Elderly / Singles Preference:

      (1) **Elderly Families**: A family whose head or spouse (or sole member) is at least 62 years of age, or a person with disabilities.

      (2) **Displaced Persons**: A family (or sole member) who has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under Federal disaster relief laws.

      (3) **Near-Elderly Families**: A family whose head or spouse (or sole member) is at least 55 years of age but below the age of 62.

      (4) **Other Single Persons**: Those who live alone or intend to live alone, and who are not at least 62 years old, a person with disabilities, displaced or the remaining member of a tenant family.

   b. The following ordered method of selection will be used for units in communities for elderly families:

      (1) Elderly Families

      (2) Near-Elderly Families

      (3) Other single persons

**NOTE:** In no event may any single person be provided a housing unit assisted under this Act of two bedrooms or more unless required as a reasonable accommodation.

I. **PREFERENCE DENIAL**

A preference does not guarantee admission. The applicant must meet all HACE tenant screening criteria before being selected as a tenant.
If the applicant's preference cannot be verified, the applicant will be placed on the non-preference waiting list and notified of the preference denial and given the opportunity for an informal hearing.

a. Has successfully completed an approved rehabilitation program;

b. Clearly did not participate in or know about the drug-related criminal activity; or

c. No longer participates in any drug-related activity.

If the applicant's preference cannot be verified, the applicant will be notified of the preference denial and given the opportunity for an informal hearing.

**J. SPECIAL ADMISSIONS (NON-WAITING LIST SELECTION)**

A special admission is the admission of an applicant who is not on the HACE's waiting list or is admitted without considering the applicant's waiting list position. The HACE will admit families as special admissions for the following:

1. Any move-in mandated by court orders related to desegregation or Fair Housing and Equal Opportunity will take precedence over all other applicants.

2. The HACE will admit a family who is part of a HUD Office of Inspector General (OIG) witness protection program, provided that the OIG furnishes a written threat assessment that recommends re-housing the family to avoid or minimize a risk of violence against family members as a reprisal for providing such information.

**K. BEDROOM OCCUPANCY STANDARDS**

1. The following standards will govern the number of bedrooms required to accommodate a family of a given size and composition. Reasonable exceptions to these standards may be made at the discretion of the Executive Director or his/her designee.

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2. An unborn child will not be counted as a person except for determining unit size.
3. Dwelling units will be so assigned that to the greatest extent feasible:
   
a. It shall not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom.
   
b. For verified reasons of health (age, physical disability, etc.), a separate bedroom may be provided for an individual family member upon admission or transferred to an appropriate-sized unit upon approval of the Executive Director or his/her designee.
   
c. The living room will not be regularly used as a bedroom, except in the case of an efficiency unit.
   
d. A single head of household parent shall not be required to share a bedroom with his/her children.
   
e. Reassignment of transfers to other dwelling units shall be made in compliance with the HACE’s non-discrimination policy.

In determining the bedroom size, the following also will apply:

- Consideration will be given for a child who is away at school but returns to the unit during recesses;
- Consideration will be given due to age of same sex children;
- A child who is temporarily placed in foster care will be considered a member of the family household;
- Any live-in aide approved by the HACE to reside in the unit to care for a family member who is disabled or at least 50 years of age will be permitted a separate sleeping room;
- To avoid vacancies, a unit that is larger than that suggested by the above guidelines may be provided to a family provided that the family will move to a smaller unit when another family needs the unit and a suitable smaller unit is available; and
- Larger units may be offered in order to improve marketing of a development suffering a high vacancy rate.

L. LEASING OF DWELLING UNITS

1. A lease agreement shall be signed by the head, spouse, and all other adult members of the household accepted as a tenant family and by the Executive Director or his/her designee prior to actual admission. A security deposit of $75.00 or the amount of the total tenant payment, whichever is less, and the first month’s rent will be required at the time the lease agreement is executed.

2. The HACE will accept a money order or a check from a social service agency for the security deposit and first months rent. Personal checks or cash will not be accepted by the HACE at initial occupancy. All rent
payments are to be made at designated banks accepting HACE rent; by the Department of Public Welfare’s Voluntary Vendor Program; or by Automatic Bank Account Debit. A complete listing of banks is available from the HACE. If payments are made by check at the bank and there are insufficient funds to cover the check, a service fee will be assessed by the bank.

3. If a tenant family transfers, a new lease will be executed.

4. If at any time during the life of the lease agreement a change in tenant’s status results in the need for changing or amending any provision of the lease:
   a. A new lease agreement will be executed;
   b. A Notice of Rent Adjustment will be sent; or
   c. An appropriate rider will be prepared and made a part of the existing lease, or appropriate insertions will be made within the lease. All copies of such riders or inserts are to be dated and signed by the tenant and the Executive Director or other authorized representative of the HACE.

5. Only those persons listed on the most recent certification form shall be permitted to occupy a dwelling unit, unless there is a birth to a family member, court-ordered custody, adoption or other addition which has been authorized by the HACE’s designee in writing.

Following receipt of a family’s request for approval to add a new person to the lease, the HACE will conduct a pre-admission screening of the proposed new occupant. The results of the screening shall be used to determine whether the HACE will approve admitting the new occupant. Residents who fail to notify the HACE of additions to the household, or who permit persons to join the household without undergoing screening, are in violation of the lease. Such persons will be considered to be unauthorized occupants by the HACE and the entire household will be subject to eviction.

   a. Family members over the age of 18 who move from the dwelling unit to establish new households shall be removed from the lease. These individuals must apply as a new applicant or an adult addition to a unit.
   b. Overnight adult guests are permitted to visit for up to 14 days in a twelve month period with HACE approval. Overnight guests may be permitted in a dwelling unit, provided that the family has reported the guest(s), in writing, to the Housing Manager prior to or within 72 hours of their arrival. Visitors are not members of the family. If the person is a visitor and does not intend to become a "permanent" member of the family, the HACE does not have to consider this to be a change in family composition.
If the visitor remains for more than 14 consecutive calendar days in a calendar year, without prior approval, it will be considered to be a violation of the Public Housing program and the Lease, and grounds for eviction of the family.

c. Roomers and lodgers shall not be permitted to occupy a dwelling unit, nor shall they be permitted to move in with any family occupying a dwelling. Only tenants are permitted to use the address of the complex.

d. Tenants will not be given permission to allow a former tenant of the HACE who has been evicted to occupy the unit for any period of time.

6. Legal profit making activities may be conducted in the dwelling unit but will be incidental to primary residential use and shall commence only with written consent of the HACE. All income derived from said activities must be reported to the HACE.

M. UNIT INSPECTIONS

Unit inspections are required at three times: prior to move-in, upon move-out, and at least once annually. The HACE will provide notice to the tenant at least 48 hours in advance of an inspection of an occupied unit. Inspections are conducted to assure compliance with applicable HUD standards and will be administered in accordance with the following:

1. Pre-Occupancy Inspections (Move-in):
   a. The HACE and the tenant or his/her representative will inspect the dwelling unit prior to occupancy by the tenant. The HACE will provide the tenant with a copy of the inspection form showing the condition of the premises, interior and exterior as applicable, and any equipment provided with the unit.

   b. The inspection form shall be signed by the HACE staff member and tenant, and a copy of the form will be retained in the tenant’s file. Any deficiencies noted on the inspection form will be corrected by the HACE and at no charge to the tenant.

2. Housekeeping Inspections:
   a. Within 90 days following move-in, the HACE will conduct a housekeeping inspection to assess the new resident’s housekeeping habits. This inspection serves as a basis to provide guidance to the resident, if necessary, to improve his/her cleaning habits.
3. **Annual Inspections:**
   a. The PHA will inspect all units at least annually. More frequent inspections will be conducted as required by unit conditions. Tenants will be notified as to the date and time of inspection in accordance with the lease.
   
   b. In addition to the HUD-required standards, annual inspections will evaluate: housekeeping conditions, safety conditions, tenant care of the dwelling unit, and compliance with other obligations under the lease. As such, the tenant will be informed of deficiencies and notified of any action required by the tenant or the HACE to correct deficiencies.
   
   c. Where tenant action is required, re-inspections will be conducted as required.

4. **Termination Inspection (Move-out):**
   a. The HACE will inspect the unit at the time the tenant vacates the unit and give the tenant a written statement of the charges, if any, for which the tenant is responsible. The tenant and/or a representative may join in such inspection, unless the tenant vacates without notice to the HACE.

In cases of emergencies, the HACE may enter a leased unit without providing 48 hours notice to the tenant. In such instances, the HACE will notify the family as soon as possible.
3. VERIFICATION PROCESS

A. VERIFICATION POLICY

1. Third-Party Verification

The HACE will require that all applicants and participants sign HUD and HACE-required Release and Consent forms for the purpose of obtaining independent verifications pertaining to eligibility and rent determinations. Third-party written verification will be requested by the HACE to the extent that such verification is possible. In cases where appropriate third-party verifications cannot be used, the HACE will document the file as to why another method was used. The HACE will attempt to obtain all verifications for the purpose of determining anticipated income and expenses for the subsequent 12-month period. Enterprise Income Verification (EIV) as accessed in accordance with HUD requirements shall be the first source of third-party verification to the extent that such information is available. The HACE, at its discretion, may use other HUD-allowed variations applicable to this verification policy.

In accordance with 24 CFR §982.516(a)(2), the HACE will make every reasonable attempt to obtain and document in the applicant/participant file third party verification of the following factors:

- Reported family annual income;
- The value of assets;
- Expenses related to deductions from annual income; and
- Other factors that affect the determination of adjusted income.

The HACE will use the most effective third party verification techniques available and will apply them in the priority order listed below:

a. **Upfront Income Verification (UIV) (Priority 1)**: The verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals.

HUD’s Enterprise Income Verification (EIV) system shall be the first choice of Upfront Income Verification to be used in its entirety to verify tenant income and employment information.

The HACE may use other UIV resources as needed, including, but not limited to:

- Private sector databases (e.g., The Work Number)
- State government databases

b. **Written Third Party Verification (Priority 2)**: An original or authentic document generated by a third party source dated either
within the 60-day period preceding the reexamination or HACE request date. Such documentation may be in the possession of the tenant (or applicant), and is commonly referred to as tenant-provided documents. The HACE may, at its discretion, reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information.

Examples of acceptable tenant-provided documentation (generated by a third party source) include, but are not limited to: such as pay stubs, government award letters, medical bills, income tax documents, checks, bank statements, payroll reports, or other documents that would provide information as to applicable current or ongoing amounts received or disbursed by the family. The HACE staff member will review and determine the validity and/or accuracy of the document. The HACE will make a photocopy and document the applicable information on a form prescribed by the HACE after viewing the original. Government checks will not be photocopied but will be documented by HACE. In all instances, current acceptable tenant-provided documents must be used for income and rent determinations.

The HACE will obtain at a minimum, two current and consecutive pay stubs for determining annual income from wages. For new income sources or when two pay stubs are not available, the HACE may project income based on the information from a traditional written third party verification form or the best available information.

**Note:** Documents older than 60 days are acceptable for confirming effective dates of income.

c. **Written Third Party Verification Form (Priority 3):** Also, known as traditional third party verification, it is a standardized form to collect information from a third party source. The form is completed by the third party by hand (in writing or typeset). HACE shall send the form directly to the third party source by mail, fax, or email.

- **Mail documentation** of a request by HACE, mailed directly to an appropriate individual authorized to report applicable information of the family member, and returned directly to the HACE.
- **Facsimile-transmitted documentation** directly issued to the HACE which has been signed or certified by an appropriate individual authorized to complete such verification.
- **E-mail documentation** directly transmitted to the HACE that contains an identifiable e-mail address from which it originated, and indicates the appropriate individual and entity requested to verify the information; or an attached file that contains the requested information that clearly indicates authenticity.
This verification method will be used by the HACE where UIV and Written Third Party Verification (Priority 2) information is not available, or to obtain additional information necessary to accurately verify information received in higher priority categories.

d. **Oral Third Party Verification (Priority 4):** through contacts made by telephone or in person, to an appropriate third party. The HACE staff member will document the facts obtained, the date and time of the contact, the specific party who provided the information, and other data on a form prescribed by the HACE.

This verification method is used in the event that either two attempts have been made to obtain any written third-party verification without success, or third-party verification is not possible.

2. **Non-Third-Party Verification**

Where third party verification is not available or where the HACE has made numerous attempts to obtain the required verifications with no success, or in instances where it may not be cost effective to obtain third party verification of income, assets, or expenses, when the impact on total tenant payment is minimal, the HACE will document in the family file as to the reason(s) why third party verification was not available. The tenant will then be required to submit the following:

a. **Self-Certification:** by the applicable family member who provides a notarized statement or affidavit that indicates the item(s) to be verified. This form of verification will be used when all other methods are not possible. The information must be specific and certified to before a Notary Public.

3. **Citizenship Verification**

If the Declaration of Citizenship/eligible non-citizen status indicates that verification must be done, the HACE will request information from the Department of Homeland Security (DHS). This information will be requested first through the “SAVE” procedure, then secondary verification if “SAVE” does not verify eligible status. This verification is only to be done prior to admission unless a new member joins the family.

If it is determined that a family has an ineligible family member, assistance will be offered on a pro-rata basis in accordance with HUD Handbook 7465.7. Failure to accept pro-rated assistance will result in denial of assistance and the family will be removed from the waiting list. The verification of citizenship will occur only once for each member of the household.
B. INCOME, ASSETS, & INCOME EXCLUSIONS

1. Income
For the purpose of determining tenant rent in the Public Housing program, income is considered to be the annual income of all family members, monetary or not, which go to, or are on behalf of, the family, head or spouse, or any other family member; or are anticipated to be received from a source outside their family during the 12-month period following admission or annual reexamination effective date; and as defined in 24 CFR 5.609. This definition includes income earned on tangible and intangible asset(s) held by any family member, such as interest, dividends, and other net income of any kind from real or personal property.

2. Assets
Other than income, assets are also used to determine an applicant’s rent. Assets included the following but are not limited to:

- Savings accounts;
- Checking accounts;
- Contents of safety deposit boxes;
- Equity in real property;
- Stocks, bonds and treasury notes; and/or
- Whole life insurance policies.

Any asset valued at $1,000 or less will not require written third-party verification by the HACE. However, verification of the asset value can be made through any third-party or non third-party means in accordance with section A of this chapter.

3. Income Deductions/Exclusions
Certain income will be excluded/deducted when determining annual income of the family. The HACE will exclude/deduct from its annual income determinations those amounts identified in 24 CFR 5.609(c) and those amounts established by HUD in the following categories:

**Deductions:**

- Exemption for elderly or disabled families;
- Medical expenses for elderly or disabled families;
- Auxiliary apparatus and attendant care expense for a disabled member of the family;
- Child care expenses; and
- Exemption for minors, students or persons with disabilities.
Exclusions:

- Earned income of minors;
- Income of an eligible live-in aide; and
- Other amounts as defined in 24 CFR 5.609(c).

4. HACE Permissive Deductions

In addition, the HACE will deduct the following amounts from income determinations for working families:

a. State and Local taxes;
b. Social Security taxes;
c. Medicare Tax; and
d. Health insurance premiums through payroll deduction.

The HACE will limit the permissive tax deduction amounts as listed above to a percentage of annual income as established by the HACE Executive Director.

C. TOTAL TENANT PAYMENT AND MINIMUM RENT

1. Total Tenant Payment (TTP)

The HACE will calculate the TTP of all participants in the Public Housing program in accordance with 24 CFR 5.613.

2. Minimum Rent

The HACE has established a minimum rent of fifty dollars ($50) for Public Housing participants at this time. The HACE will grant an exemption from the minimum rental amount in cases of family hardship for any of the following:

a. The family has lost eligibility, or is awaiting an eligibility determination, for a federal, state or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled for public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;
b. The family would be evicted as a result of the imposition of the minimum rent requirement;
c. The income of the family has decreased because of changed circumstance, including loss of employment;
d. A death in the immediate family has occurred; or
e. Other valid reasons approved by the HACE on a case-by-case basis.

Families will be eligible for the hardship exemption only if the hardship is reported in writing to the HACE. The HACE will exempt the family beginning the month following the month in which the exemption was requested. Verification will be conducted and the HACE will determine eligibility based upon the above-listed factors and HUD regulations.

3. **Zero Income**

In any instance, if a family reports that it has no income being received by family members, the HACE will require that the family report and certify every 30 days following the initial reporting date as to the total household income. The HACE may make further investigation into the family’s information, if it appears that the family is receiving unreported income as defined in 24 CFR 5.609.

To establish any non-monetary contributions received by the family, the HACE will require the completion of the “Zero Income Checklist and Worksheet”.

4. **Resident-Paid Utilities**

The following requirements apply to residents living in, or applicants being admitted to, developments with resident-paid utilities:

a. In developments with resident-paid utilities, each resident will receive a monthly utility allowance that reflects a reasonable amount of utilities for the specific size and type of unit occupied.

b. When a resident’s Total Tenant Payment is less than the utility allowance, the HACE will pay a utility allowance to the utility company on the resident’s behalf. In no case will a utility reimbursement be paid to the resident.

c. When a resident makes application for utility service in his/her own name, he/she shall sign a third-party notification agreement so that the HACE will be notified if the resident fails to pay the utility bill.

d. If an adult family member is unable to get utilities connected in his/her name because of a previous balance owed the utility company at a prior address, the resident/applicant will not be permitted to move into a unit with resident-paid utilities.

e. Paying the utility bill is the resident’s obligation under the HACE’s lease. Failure to pay utilities is grounds for eviction.

5. **Excess Utility Charges**

a. Residents in units with master meters shall be charged for excess utilities if resident-supplied appliances or equipment are used in the
unit beyond those expected for all residents. A standard schedule of excess utility charges is maintained in the HACE project office.

b. In buildings that are check-metered, residents shall have consumption based utility allowances that reflect the size and type of units and the actual equipment provided by the HACE. Periodically, the check-meters shall be read by the HACE and each tenant charged for any consumption in excess of the utility allowance.

6. Administrative Charges (Late Fees)

The tenant shall pay an administrative charge of $25.00 if the rent is not paid on or before the 10th day of the month provided that, if the 10th day falls on Saturday, Sunday or legal holiday, the tenant may pay the rent without penalty on the next business day thereafter. The HACE shall notify the tenant of any such charges which are due on their monthly rent statement.
4. TENANT SELECTION AND ASSIGNMENT PLAN

A. ORGANIZATION OF THE WAITING LIST

Each applicant shall be assigned his/her appropriate place on a waiting list in sequence based upon the date and time the application was received, suitable type or size of unit, and factors affecting preference or priority established by the HACE’s regulations which are consistent with the objectives of Title 6 of the Civil Rights Act of 1964 and the HUD regulations and requirements pursuant thereto.

B. METHOD OF APPLICANT SELECTION AND ASSIGNMENT

In accordance with the HACE’s Admission Policy, the plan for selection of applicants and assignment of dwelling units to assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, familial status or national origin is as follows:

1. The Housing Authority of the City of Erie hereby establishes a Plan in accordance with HUD Regulations (Plan A, as per Handbook 7565.1 REV-2, Chapter 5, paragraph 5-7), under which the eligible applicant first in sequence must accept the vacancy offered or be moved to last place on the eligible applicant list.

2. If an applicant is willing to accept the unit offered, but is unable to move at the time of the offer, and presents clear evidence of his/her inability to move to the HACE’s satisfaction, refusal of the offer shall not require that the applicant be placed at the bottom of the waiting list.

3. If an applicant presents, to the satisfaction of the HACE, clear evidence that the acceptance of a suitable vacancy will result in undue hardship or handicap not related to considerations of race, color, sex, religion or national origin, such as inaccessibility to source of employment or children’s day care, refusal of the offer shall not require that the applicant be placed at the bottom of the waiting list.

C. TRANSFERS

1. New admissions shall take priority over transfers. The HACE shall maintain a transfer list to determine priority and precedence and indicate reason for the transfer. Such transfers will be approved by the HACE for the following reasons in the priority order listed:

   Priority 1: For emergencies as determined by the HACE.
   Priority 2: To permit modernization of the unit and/or building.
   Priority 3: To alleviate medical problems.
   Priority 4: To correct occupancy standards.
Priority 5: To avoid concentrations of the most economically and socially deprived families.

The HACE, at its discretion, may waive the above for over-housed families if it is sustaining a high vacancy rate. Applicants will be housed from the waiting list to alleviate this situation.

2. If the HACE has units within the same community large enough to accommodate the family’s needs but does not have a vacancy of any such unit during the first six months from the date of the increase in the family’s household composition, the HACE may transfer the family to a suitable unit in another community in accordance with the HACE’s Assignment Policy.

3. Reassignment of transfers to other dwelling units shall be made in compliance with the HACE’s non-discrimination policy.

4. Residents shall not be transferred to a dwelling unit of equal size within the community except for alleviating hardships as determined by the Executive Director or his/her designee.

5. In all cases, when an adapted/accessible unit becomes vacant, the unit will be offered in the following manner:
   a. First, to a current occupant of another unit in any community who has a disability which requires the accessibility features of the vacant unit.
   b. Second, to an eligible qualified applicant on the waiting list who has a disability which requires the accessibility features of the vacant unit.
   c. Third, to an eligible non-disabled applicant (the HACE may require the applicant to agree to move to a non-accessible unit when available if another applicant requires the accessibility features of this unit. This agreement may be incorporated into the lease).

6. Refusal by the tenant of an HACE-required transfer to an appropriate unit is grounds for termination.

7. Transfers at a tenant’s request for any reason (other than underhoused or overhoused) must meet the following minimum requirements:
   a. Complete appropriate transfer form;
   b. Be current in his/her rent/utility payments;
   c. Have made timely rent payments during the last three (3) months;
   d. Have a history of maintaining his/her unit in a safe, decent and sanitary condition during his/her residency with the HACE;
e. Have no serious lease violations in the last six (6) months which might cause the HACE to initiate legal eviction procedures for causes other than non-payment of rent; and

f. Prior to transfer, tenant must have the unit in good condition with the exception of normal wear.
5. ELIGIBILITY FOR CONTINUED OCCUPANCY/RE-EXAMINATIONS

A. ELIGIBILITY FOR CONTINUED OCCUPANCY

Residents of the HACE Public Housing Program who do not elect to pay the Flat Rent are to be charged an income-based rent at a rate not to exceed thirty percent (30%) of their monthly adjusted incomes. In this case, the minimum amount that a family must contribute toward rent and utilities, called the Total Tenant Payment (“TTP”), is the greater of the following:

- 30 percent of the monthly adjusted income. (Monthly Adjusted Income is annual income less deductions allowed by the regulations);
- 10 percent of monthly gross income; or
- a $50 minimum rent as established by the HACE.

Only those occupants who meet the following criteria will be eligible for continued occupancy:

1. Qualify as a family as defined by HUD regulations and this Policy; and
2. Are in full compliance with resident's obligations and responsibilities as listed in the resident's dwelling lease.

B. REEXAMINATIONS

The HACE will examine family income, size and composition, at admission and at least annually for the purposes of determining rent and eligibility (except for those families who choose a “flat rent option” as identified in Section I of this chapter). The examination will include that of income and other family information. Verification will be in accordance with Chapter 3 of this Policy. The family must submit documentation and verification which the HACE deems necessary for the purpose of determining annual income, adjusted income or total tenant payment; or for the purpose of auditing the family’s eligibility to receive assistance.

C. REPORTING REQUIREMENTS

1. Families who participate in the Public Housing program must report all changes in family composition or a decrease of income, and other related items within twenty (20) days of the change. Such changes must be reported in accordance with the “Reporting” requirements of this Policy. Participants who report no income will be subject to the “Zero Income” requirements of this Policy.

2. Families must supply all information requested by the HACE or HUD for use in admission of an applicant, a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements. “Information” includes any requested documentation, release or certification.
3. The HACE must approve the composition of the assisted unit including approval of the inclusion of a foster child or live-in aide.

4. Any information supplied by the family must be true and correct.

5. Failure by the family to comply with these reporting requirements is considered to be a violation of their obligations and grounds for termination of participation.

D. REPORTING EXCEPTIONS

1. Families who receive Social Security, Social Security Disability, pensions or Supplemental Security Income (SSI) are not required to report their annual increase when it occurs. The HACE will not increase the family's total tenant payment until their next regularly scheduled annual reexamination except when an interim recertification is necessary as a result of any other changes listed in the "Reporting Requirements" section of this chapter.

2. Families who elect to pay rent based upon the HACE determined flat rent, will be required to report income changes not less than once every three (3) years.

E. ZERO INCOME

In any instance, if a family reports that it has no income being received by family members, the HACE will require that the family complete a report every 30 days following the initial reporting date certifying the total household income. To establish any non-monetary contributions received by the family, the HACE will require the completion of the “Zero Income Checklist and Worksheet”.

The HACE may begin eviction procedures to a resident family that claims zero income if evidence exists that the family is receiving income as defined in 24 CFR 5.609. Any family whose participation is to be terminated under this section will be given the opportunity for an informal hearing in accordance with the Lease and Grievance Procedures.

F. ANNUAL REEXAMINATION

1. Annual Reexamination Process
   a. At least every twelve months the HACE will conduct a reexamination of the family’s income, composition and circumstances (except for those families who choose a “flat rent option” as identified in Section I of this chapter). The process will begin approximately 90 days prior to the anniversary date whereby the HACE will notify the tenant of their recertification date.
Immediately before their appointment for recertification at the HACE’s office, the family will complete an application for continued occupancy, applicable release forms and other forms deemed to be necessary by the HACE for the purpose of annual reexamination.

b. Annual reexaminations will be conducted either by mail or in-person.

c. Generally, two (2) attempts will be made to obtain the required reexamination documents from the family. Failure by the family to comply with the HACE’s requests for information or to sign consent forms will result in the termination of the family’s participation in the Public Housing program. The family will have the right to an informal hearing in accordance with the Lease and Grievance procedures.

2. Family Obligation to Recertify

a. The family will be notified that they must complete a review their current family circumstances as to income and family composition.

b. Failure to supply the required documents within the specified time period will result in the termination of the lease in 30 days for violating Lease Obligations.

c. The notice of termination will indicate that the family has violated the regulation specified and will offer the family an opportunity for an informal hearing.

d. The notice of eviction will indicate that the family has violated the regulation specified, and will offer the family an opportunity for an informal hearing in accordance with the Lease and Grievance Procedures.

3. Completion of the Annual Reexamination

a. The family’s TTP will be calculated based upon the information provided and verified during the annual reexamination. However, the HACE may determine the TTP by disallowing deductions and or allowances that it could not substantiate through reasonable verification means. Any changes will be effective on the annual reexamination effective date except as provided under paragraph G of this chapter.

4. Action Following Re-Examination

a. If there is any change in rent, the lease will be amended, or a new lease will be executed, or a Notice of Rent Adjustment will be issued.
b. If any change in unit size is required, the resident will be notified that they will be placed on a transfer list and moved to an appropriate unit when one becomes available.

c. If the resident refuses to move to an appropriate sized unit, it will constitute a violation of the lease.

d. If it is determined that a family has an ineligible non-citizen, the family will be offered pro-rated assistance. Failure to accept pro-rated assistance will require the HACE to issue to the family a termination notice. If the family requests a deferral of termination, the HACE will honor their request (not to exceed 18 months) in accordance with 24 CFR 5.518 (b)(3).

G. SELF-SUFFICIENCY INCENTIVES

1. Limits on Rent Increases

The PHA must not increase the rent of an eligible family as a result of increased income due to employment during the 12 month period beginning on the date on which the employment commenced. Eligible families are those that reside in Public Housing and:

a. Whose income increases as a result of employment of a member of the family who was previously unemployed for one year or more. For purposes of this section, “previously unemployed” includes a person who has earned, in the previous 12 months no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage;

b. Whose earned income increases during the participation of a family member in any family self-sufficiency or other job-related training program.

c. Whose annual income increases as a result of new employment or increased earnings of a family member, during or within the last 6 months after receiving assistance, benefits or services under any state program for Temporary Assistance for Needy Families (TANF) funded under Part A Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering TANF and Welfare-to-Work 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.

2. Phase in of Rent Increases

Upon expiration of the 12 month period described in paragraph (1) of this section, the rent payable by a family may be increased due to continued
employment of a family member except that for the 12 month period following expiration of the 12 month disallowance, the increase may not be greater than 50 percent of the amount of the total income increase.

3. Maximum Four-Year Disallowance

The disallowance of increased income of an individual family member, as provided in the previous paragraphs of this section (G), is limited to a lifetime 48-month period. It only applies for a maximum disallowance of twelve months for each instance, (100% disallowance under paragraph G 1 and the 50% disallowance under paragraph G 2).

A resident who does not report his/her change in income as outlined in Chapter 6 of this policy will have his/her EID made effective beginning on the initial date of employment.

H. REDUCTION OF WELFARE PROGRAM BENEFITS

Families, whose welfare assistance is reduced, specifically because of fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement, will not have their TTPs reduced based upon the benefit reduction. The HACE will obtain written verification from the welfare agency prior to denying any request for an income reexamination under this paragraph.

I. FAMILY CHOICE OF RENTAL PAYMENT

1. Family Choice of Rental Payment

Any family residing in the HACE’s Public Housing program may annually elect to pay either an income-based rent or a flat rent. Flat rents are determined by the HACE based on the rent reasonableness of the units and will be administered in accordance with HUD regulations and the HACE’s Public Housing Agency Plan.

In addition to flat rents, HACE will offer a ceiling on income based rents. "Ceiling Rents" are established by the HACE by bedroom size and unit type for each public housing community.

2. Changes in Rent Determination Due to Hardship

The HACE may switch rent determination methods for the family because of hardship circumstances experienced by the family. Such change in rent determination will be in accordance with HUD regulations and the HACE’s Public Housing Agency Plan.

J. COMMUNITY SERVICE

Each adult resident of the HACE’s Public Housing program (unless exempt under Section 512(c)(2) of the QHWRA) must contribute eight (8) hours per month of eligible community service, or participate in a qualified economic self-sufficiency program. This
requirement will be administered in accordance with HUD regulations, the HACE’s Public Housing Agency Plan and the following:

1. **HACE Annual Determinations**
   
a. For each resident subject to this requirement, the HACE will review and determine the compliance of the resident under this section at least thirty (30) days before the end of each twelve (12) month lease term.
   
b. Verification of compliance will be in accordance with the methods defined in the HACE’s Public Housing Agency Plan.

2. **Notification of Noncompliance**
   
a. Notification by the HACE to the family of noncompliance with this requirement will be subject to the HACE’s administrative grievance procedure.
6. INTERIM ADJUSTMENTS OF RENT

A. RENT DECREASES AND ADJUSTMENTS

If any change of family composition or increase/decrease of income occurs prior to scheduled recertification, the family is required to report those changes within thirty (30) days to the HACE.

1. Changes of Family Composition
   a. If members aged 18 or older are being added to the household composition they will be added to the lease and required to sign same. Any income that the new members receive will be included in the rent determination at the time the new member enters the household. An interim re-examination will be conducted by the HACE for the purpose of including the additional income.
   b. Any additions to the household members named on the lease, including live-in aides and foster children, but excluding natural births and additions as a result of court-ordered child custody and adoption, require the advance written approval of the HACE. Such approval will be granted only if the new family members pass the HACE’s screening criteria and a unit of the appropriate size is available.
   c. Resident agrees to wait for the HACE’s approval before allowing additional persons to move into the premises. Failure on the part of Resident to comply with this provision is a serious violation of the material terms of the lease, for which the HACE may terminate the lease.
   d. If a household member is leaving or has left the family unit, his/her name will be removed from the lease. Deletions (for any reason) from the household members named on the lease shall be reported to the HACE in writing within thirty (30) calendar days of the occurrence. The HACE will require a change of address for the individual who has moved out.
   e. If a minor is removed from the unit his/her name will be removed from the lease. The head of household must provide the HACE with a copy of the court order approving the removal and that their parental responsibility has been waived.

2. Changes of Income
   a. If the information received pertaining to a change of income results in a decrease of tenant rent, such decrease will be effective the first of the month following the reported change. The amount of rent will be determined only after receipt of proper verification.
b. Rent increases, as a result of an increase in the source of family income, will become effective the first day of the second month after the documented change occurs. If the increase in income is from earned income, the rent increase would not be effective until the annual re-examination. The rent increase will be in accordance with Chapter 5, Section G of this Policy.

B. REPORTING REQUIREMENT

Families must notify the HACE of all reportable changes, as defined in this chapter. Reporting of changes means that the family, without notice, must contact the HACE to report any applicable change within twenty (20) calendar days of the actual date of such change, except that any additions to the family, other than births, require prior approval by the HACE.

C. INCORRECT REPORTING AND FALSE INFORMATION

In any instance, if the HACE believes that a family has provided false, misleading or deliberately inaccurate information to the HACE, the HACE may conduct additional investigation to obtain reasonable evidence, and begin eviction proceedings with proper notice, and/or prosecute the family in accordance with the law. Where evidence of serious fraud exists, the HACE will refer all information to HUD’s Office of Inspector General for further investigation.

D. RENT ADJUSTMENT EFFECTIVE DATE

Resident will be notified in writing of any rent adjustment due to the situations described below. The notice will state the rent amount and the effective date of any adjustment.

1. Rent decreases become effective the month following the verified reported change, provided that the change in income or circumstances was reported in a timely manner.

2. In the case of a rent increase due to the annual re-certification or an interim adjustment, the family will be notified of the increase 30 days before the rent goes into effect.

3. In the case of a rent increase due to misrepresentation, failure to report a change in family composition or failure to report an increase in income at the annual re-certification the HACE shall apply the increase in rent retroactive to the first of the month following the month in which the misrepresentation occurred.
7. SPECIAL FAMILY CIRCUMSTANCES

A. FAMILY BREAKUP

If the family breaks up, the HACE must determine the eligibility of the remaining family members, and who will remain in the unit, or if the lease will be terminated. The factors to be considered in making this decision are based on the following:

- Whether the lease should remain with family members remaining in the unit;
- The interest of minor children or ill, elderly or disabled family members;
- Whether actual or threatened domestic violence was involved in the breakup; and
- If a judicial decree is issued by the courts in a divorce or separation, the HACE will be bound by the court’s determination as to which family member will continue to lease the unit.

B. REMAINING MEMBER OF THE FAMILY

A “Remaining family member” is defined as a family member of a tenant family who remains in the unit when other members of the family have moved out. A minor is not considered to be a remaining member of the family, unless:

- The minor has been declared to be emancipated; or
- A caretaker has been appointed by the courts to see to the welfare of the minor and moves into the unit.

If guardianship is awarded to the caretaker, a new lease/transfer may be required due to the change in family composition.

C. TEMPORARILY ABSENT CHILD:

For the purposes of determining family composition, a temporarily absent child is considered to be part of the assisted household. This statutory provision is intended to promote family reunification by permitting the family to rent a unit that will be large enough to accommodate the whole family when the absent child returns from foster care.

D. JOINT CUSTODY OF MINORS:

Minors must reside within the assisted household over 50% of the time to be considered a member of that household. Verification will be required through documentation provided by the court.
In the event there is joint custody, the HACE shall make a reasonable determination of family composition using the following, but not limited to, resources:

- Benefits
- School enrollment
- Limited medical records
- A notarized statement from the parents

E. LIVE-IN AIDE:

In addition to family members, a live-in aide may be considered to be part of the household for the care and well-being of one or more elderly or near-elderly persons or persons with disabilities in accordance with 24 CFR 966.4. The live-in aide must vacate the premises when the family member who requires the assistance moves from the unit and/or the live-in aide is no longer required for assistance.

The HACE will require that the live-in aide sign a certification as to his/her intent in providing necessary supportive services for the family member(s). Such certification will include statements that the live-in aide:

- Is essential to the care and well-being of the person;
- Is not obligated for the support of the person;
- Would not be living in the unit, except to provide the necessary supportive services; and
- Is not a sex offender subject to a lifetime registration.

The HACE will also require a written statement, from an appropriate professional who is familiar with the family member, indicating that a live-in aide is essential to the care and well-being of the family member. A determination of the acceptability of such statement will be made by the HACE prior to approval of the live-in aide.

F. DISAPPROVAL OF LIVE-IN AIDE

At any time HACE will withdraw the approval of a live-in aide, if the live-in aide:

1. Commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
2. Commits drug-related criminal activity or violent criminal activity; or
3. Currently owes rent or other amounts to the HACE in connection with Section 8 or Public Housing assistance under the 1937 Act; or
4. Is a sex offender subject to a lifetime registration.
If the live-in aide has his/her approval withdrawn, he/she is no longer eligible to remain in the assisted unit and will be considered to be an ineligible member of the household. If the ineligible member remains in the unit after the HACE provides notice of the ineligibility, the HACE will begin eviction procedures.
8. EXCLUSIONS TO HOUSEHOLD

A. GENERAL POLICY

Income and the Total Tenant Payment are calculated in accordance with 24 CFR Part 5, subpart F for all family members who reside in the household.

B. ABSENT FAMILY/FAMILY MEMBER

The family will need to declare a member as permanently or temporarily absent in writing to the HACE. The HACE will advise the family at that time, or at reexamination, what the options are and how they might affect the Total Tenant Payment or the unit size. The HACE will utilize the following policies in determining temporary/permanent absences:

1. Absence by the family from their unit for more than 90 days will be considered by the HACE to be abandonment of the unit. The family’s assistance will be terminated and they will be provided an opportunity to request an informal hearing. (See Section E of this chapter on abandonment)

2. If a member of the family leaves the unit for 90 days or more, they will be considered to be permanently absent. The HACE will determine if the family’s unit size must be changed to meet the occupancy standards. The HACE will review each family’s circumstances on a case-by-case basis.

3. If a single-member household is absent for more than 90 days, his/her assistance will be terminated, unless he/she requests and is granted an extension. Third-party documentation acceptable to the HACE must be submitted (such as from a hospital, hospice, etc.) that indicates that he/she will return within the next 90 days (maximum absence cannot exceed 180 days).

C. TEMPORARILY ABSENT FAMILY MEMBERS’ INCOME

The HACE will include the income of all temporarily absent family members when determining the TTP.

If the spouse or the head of household is temporarily absent, his/her entire income is counted.

D. OTHER ABSENT FAMILY MEMBERS

The following will be considered to be permanently absent family members and will not be included in the household:

- Family members in the military (excluding head, spouse or co-head); and
- Children who do not reside in the household over 50% of the time.
• Family members who have been incarcerated for more than 180 days.

E. ABANDONMENT OF UNIT

1. Abandonment of the leased premises by the Resident shall be presumed when the Resident moves out all or substantially all of the Resident’s goods and personal items from the leased premises, and (a) the rent becomes due and unpaid and a notice to terminate the lease has been served, and/or (b) notice to terminate for any other lease violation has been served, and/or (c) notice to transfer electric service has been received and/or (d) mail is undeliverable or has been returned to the HACE.

2. Upon abandonment of the leased premises by the Resident, HACE shall mail a written notice to the Resident that the HACE plans to re-enter the leased premises and take possession of the same and that HACE shall dispose of any remaining goods and personal property in the leased premises in accordance with State law. At any time five (5) days or more after HACE’s effort to serve written notice on Resident, HACE may re-enter the premises and retake possession of the same.
9. LEASE TERMINATION PROCEDURE

A. NOTICE REQUIREMENTS

No tenant shall be given a Notice of Lease Termination without being informed in writing of the reason for the termination by the HACE. The tenant must also be informed of his/her right to request a hearing in accordance with the Lease and Grievance Procedure and be given the opportunity to make such a reply as he/she may wish.

Certain actions are excluded from the Grievance Procedure:

1. Any activity, not just criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or HACE employees;

2. Any drug-related criminal activity on or off HACE premises; or

3. Any drug or alcohol abuse that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

Notices of lease termination can be served personally or posted on the apartment door in accordance with State law. If posted, the notice shall also be sent to the resident by first class mail.

B. RECORD KEEPING REQUIREMENTS

A written record of every termination and/or eviction shall be maintained by HACE and shall contain the following information:

1. Name of tenant, number and identification of unit occupied;

2. Date(s) of the 14-Day Notice of Lease Termination (HUD Requirement) and the Notice to Quit (State Law Requirement);

3. Specific reason(s) for the Notices, with lease violations, disturbances, and other facts pertinent to the issuing of the Notices described in detail;

4. Date and method of notifying the tenant; and

5. Summaries of any conferences held with the tenant, including names of conference participants and conclusions.
10. REPAYMENT AGREEMENTS

The HACE provides, in certain instances, an opportunity for families who owe money to the HACE to enter into repayment agreements and continue to participate in the Low-Income Public Housing Program. At the discretion of the HACE, and in accordance with this Admissions and Occupancy Policy, the family may be offered an opportunity to enter into a repayment agreement to pay for amounts owed to the HACE or to reimburse the HACE for overpayments of assistance resulting from unreported or misreported family information. The HACE will calculate the installment amounts and prescribe the terms of the repayment agreements.

Only one repayment agreement will be offered to families who owe the HACE money. If circumstances result in additional monies owed by the family to the HACE, such monies must be reimbursed in one payment, which will be due within no more than 60 days of the notice to the family by the HACE. Failure by the family to meet this requirement will result in the initiation of eviction proceedings by the HACE.

A. UNREPORTED OR MISREPORTED INCOME

When the HACE identifies cases where the family has erroneously reported their household income, or has not reported all of their household income, a determination will be made as to whether the family’s action or inaction by the family appears to be deliberate, and if whether any Family Obligations have been violated. A repayment agreement may be offered if the family has not:

- Committed fraud or willfully misrepresented information;
- Violated any of the Family Obligations; or
- Previously breached a repayment agreement with the HACE in the past three years.

B. OTHER AMOUNTS OWED THE HACE

A family may owe the HACE money for reasons other than overpayments from incorrect rental calculations and disbursements for special claims. Repayment agreements for other amounts owed may be offered to families by the HACE depending upon the origin of the outstanding debt and any rules governing the type of debt. The decision to offer a repayment agreement in this category will be made on an individual basis by the HACE.

C. REPAYMENT AGREEMENT POLICY

The repayment agreement will be specific, identifying the reason for the reimbursement, term of the agreement, payment frequency and due date, installment amount and other binding conditions structured by the HACE. The family’s head of household must execute a repayment agreement within thirty (30) calendar days of the offer by the HACE, otherwise it will be considered a refusal by the family. The repayment agreement policy conforms to the following:
Each installment will be due in advance without notice by the family. Payments will be made to the HACE’s main office or address identified in the repayment agreement.

A repayment agreement for a family will consist of a term of no longer than 12 months unless approved by the Executive Director or designee.

Any breach of the terms or conditions of a repayment agreement will result in the eviction of the family.

If a family is offered a repayment agreement for moneys owed the HACE, and the family refuses, the entire amount will be due immediately. Failure by the family to pay the HACE will be considered reason for eviction of the family.

Advance notice of lease termination under this paragraph and a right to an Informal Hearing will be provided to the family prior to eviction.

D. PROSECUTION FOR FRAUD

If the HACE determines that the family has committed fraud after a repayment agreement has been executed, the HACE may begin eviction procedures. In all cases involving fraud, the HACE has the right to prosecute in accordance with applicable laws.