



**HOUSING AUTHORITY OF  
THE CITY OF ERIE**

**Public Housing Admissions and  
Occupancy Policy**

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

January 1, 2019



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 the 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 HACE are found in 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](http://www.hace.org). Other policies and plans that are used in the administration of HACE programs can also be found at [www.hace.org](http://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 HACE's policies.

#### **D.     MARKETING/OUTREACH**

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 HACE's units, unit availability through turnover and waiting list characteristics. HACE will periodically assess these factors in order to determine the need and scope of the marketing effort.

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 to HUD regulations.

Marketing efforts will be designed to attract applicants from appropriate segments of the low, very-low and extremely-low-income populations. 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 and 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 modifications and the date they're 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.

HACE prohibits discrimination based on race, color, religion, gender, age, national origin, disability, or familial status and provides housing without regard to perceived sexual orientation, gender identity, or marital status.

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

### **Special Needs and Reasonable Accommodation:**

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 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 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 TTD/TDY 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 Reasonable Accommodation Policy states the process to request a reasonable accommodation and can be found at [www.hace.org](http://www.hace.org).

## **G. DECONCENTRATION STATEMENT**

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 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 HACE's Public Housing program.

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

This privacy policy in no way limits 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 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.

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

## **2. Other Criteria**

All applicants and resident of the Public Housing program must meet other specific eligibility criteria. The Housing Authority of the City of Erie may deny program assistance to an applicant (or may 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. 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. 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. 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 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 HACE has reason to believe that a detrimental pattern exists, additional inquiry may be initiated through such resources as police reports.

- e. Any family member has ever been convicted of manufacturing or producing methamphetamine 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 ten (10) 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 ten (10) 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 HACE.

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; and/or owes money to any previous private landlord as evidenced by a previous landlord judgement.
- 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 HACE or any other federally funded housing program.

- k. The family has breached an agreement with HACE to pay amounts owed to HACE, or amounts paid to an owner by 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 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. 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, HACE shall permanently deny admission to Public Housing units for any individuals convicted of manufacturing or producing Methamphetamine.

- b. 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 by 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 email, of HACE's decision. These applicants will receive a Notice of Ineligibility from HACE stating the basis for such determination. HACE shall provide such applicants with an opportunity for an informal hearing of the determination. The applicant must contact HACE in writing within fourteen (14) working days of receipt of the Letter of Ineligibility. Upon timely receipt of the applicant's request for review, HACE will schedule an informal hearing. The hearing 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 hearing 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 Section or Screening (suitability).

In the event the family is ineligible due to non-citizen status, HACE will notify them, in writing, of ineligibility. The letter will advise the family of their right to a 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 the ineligibility period has expired, applicants may reapply for housing subject to the conditions described in these policies.

If 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 Violence Against Women and Justice Department Reauthorization Act of 2013 (VAWA) is a gender-neutral protection for the victims of domestic abuse. Accordingly, victims of domestic abuse will not be discriminated against during the application process with regard to eligibility, or have penalties regarding continued participation/tenancy if household member is the victim of domestic violence, dating violence, or stalking.

HACE may not consider incidents of domestic violence, dating violence, or stalking as serious or repeated violations of the lease or "good cause" for termination of assistance, tenancy, or occupancy rights of the victim of abuse.

HACE may not consider criminal activity directly relating to abuse, engaged in or by a member of the tenant's household or any guest or other person under the tenant's control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or immediate member of the tenant's family is the victim or threatened victim of that abuse.

HACE may request, in writing, that the victim, or a family member on the victim's behalf, certify that the individual is a victim of abuse and that the form HUD-5382 Certification of Domestic Violence, Sexual Assault, or Stalking, and Alternate Documentation or other documentation as noted on the certified form, be completed and submitted within fourteen

(14) days, or an agreed upon extension date, to receive protection under VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction or the termination of rental assistance.

All HACE tenants/participants will sign a Lease Addendum (Form HUD-91067) informing them of their rights under VAWA.

## **C. PROCESSING APPLICATIONS FOR ADMISSION**

### **1. Applications**

The policy of HACE is to treat all applicants in a fair and consistent manner. All families who are interested in applying for any of HACE's programs must obtain an application from HACE's main office. 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 HACE or any other federally funded housing program will be permitted to complete an application. If debt to HACE or other federally funded program is confirmed, applicant will be determined ineligible and the family may reapply when the debts are satisfied.

### **2. Requirements to Apply**

To participate in the Low Income Public Housing program, families must make an application to HACE using forms prescribed by HACE and HUD. Any prospective applicant can complete an application at HACE's 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. HUD Form 92006 – Supplemental & Optional Contact Form
- h. What You Should Know About EIV
- i. Other forms that 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 must include a photograph; and
- Other information 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 HACE of any changes to information listed on the application (e.g., address, income, family composition or preferences). Failure to notify 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 HACE, the applicant will be placed on a site-based waiting list based on size and type of unit required, 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:

- 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 HACE's decision, such as email. These applicants will receive a Notice of Ineligibility from HACE stating the basis for such determination. HACE shall provide such applicants with an opportunity for an informal hearing of the determination. The applicant must contact HACE in writing within fourteen (14) working days of receipt of the Letter of Ineligibility. Upon timely receipt of the applicant's request for review, HACE will schedule an informal hearing. The hearing 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 site-based waiting lists 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, 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**

HACE maintains site-based 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 HACE of any changes of information listed on the application (e.g., address, income, family composition or preferences). Failure to notify 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

### **2. Cross Listing**

If 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 may apply for Section 8 through the process as described in the Section 8 Admin Policy.

### **3. Opening and Closing the Waiting List**

In order to maintain a balanced application pool, HACE, at its discretion, may restrict application taking and close waiting lists in whole or in part. 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 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 HACE to house an applicant in an appropriate unit within a reasonable period of time. Closing the waiting list, restriction intake or opening the waiting list will be publicly announced.

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

#### **4. Removal of Applicants for the Waiting List**

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

- a. The applicant's request in writing that his/her name be removed;
- b. The applicant has failed to advise HACE of his/her continued interest in Public Housing.
- c. HACE has made reasonable efforts to contact the applicant to determine continued interest but has been unsuccessful. Correspondence mailed and/or emailed to the latest address will constitute documentation of reasonable effort to contact the applicant;
- d. HACE notified the applicant of its intention to remove the applicant's name because the applicant no longer qualifies for Public Housing;
- e. HACE has made reasonable efforts to contact the applicant to (i) or (ii) obtain information necessary to process the application, and the applicant has failed to respond.
- f. The applicant fails to pay an outstanding balance owed to 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, 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 may experience a change in circumstances which qualifies them for a preference. In such instances, it will be the family's responsibility to contact HACE to certify they are eligible for a Preference. If eligible, the applicant's position on the waiting list will be adjusted accordingly 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 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 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. HACE will monitor admissions every six (6) months to determine compliance with the 40% Income Targeting requirement.
3. 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 the 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 level 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, by time and date of application, and by any Local Preference as described below:

### ***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 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 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 disable applicants. Near-elderly is defined by 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/Single 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) 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.
- (3) Disabled: Families whose head, spouse or sole member is receiving Social Security disability benefits, Supplemental Security Income (SSI) Disability benefits, or any other payments based on an individual's inability to work due to a disability. Section 223 of the Social Security Act defines disability as the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, which has lasted or can be expected to last for a continuous period of not less than 12 months. If families are not receiving disability payments, they can obtain a third-party disability form completed by their medical provider. The form can be obtained through the Housing Authority office.
- (4) Local Residents: A family who currently resides in the City of Erie.
- (5) Veteran: Families with a Head of Household, spouse, or co-applicant who is on active or reserve duty, or a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable and has served for 181 consecutive days or more. To obtain this preference, the applicant must provide documentation of their active military status of Form DD214.

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

- (1) Local Families
- (2) Elderly Families
- (3) Disabled Families
- (4) Veteran
- (5) Near-Elderly Families

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.

## **J. 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.

BEDROOM SIZE	MINIMUM NO. PERSONS	MAXIMUM NO. PERSONS
0 BR	1	1
1 BR	1	2
2 BR	2	4
3 BR	3	6
4 BR	4	8
5 BR	5	10
6 BR	6	12

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 spouse and partner, 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 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 HACE to reside in the unit to care for a family member who is elderly/disabled 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.

## **K. 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. HACE will accept a money order or a check from a social service agency for the security deposit and first month's rent. Personal checks or cash will not be accepted by HACE. All rent payments should 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 HACE. If payments should be 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; or
  - 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 his or her designee.
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 HACE's designee in writing.

Following receipt of a family's request for approval to add a new person to the lease, HACE will conduct a pre-admission screening of the proposed new occupant. The results of the screening shall be used to determine whether HACE will approve admitting the new occupant. Residents who fail to notify 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 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, HACE does not have to consider this to be a change in family composition. If the visitor remains for more than 14 consecutive 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 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 HACE. All income derived from said activities must be reported to HACE.

## **L. UNIT INSPECTIONS**

Unit inspections are required at three times: prior to move-in, upon move-out, within 90 days after move-in, and at least once annually. 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 Inspection (Move-in):
  - a. HACE and the tenant or his/her representative will inspect the dwelling unit prior to occupancy by the tenant. 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 a 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 HACE and at no charge to the tenant.
2. Housekeeping Inspections:
  - a. Within 90 days following move-in, 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. At move-in, all residents will receive a copy of the HACE acceptable housekeeping standards.

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 of HACE to correct deficiencies.
  - c. Where tenant action is required, re-inspections will be conducted as required.
4. Termination Inspection (Move-out):
  - a. 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 HACE.

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

### 3. VERIFICATION PROCESS

#### A. Third-Party Verification

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 HACE to the extent that such verification is possible. In cases where appropriate third-party verifications cannot be used, HACE will document the file as to why another method was used. 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 the HUD requirements shall be the first source of third-party verification to the extent that such information is available. HACE, at its discretion, may use other HUD-allowed variations applicable to this verification policy.

In accordance with 24 CFR §982.516(a)(2), 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.

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. EIV will also be used to verify current subsidy and Balances owed.

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 90-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. 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: pay stubs, government award letter, 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. HACE staff will review and determine the validity and/or accuracy of the document. HACE will make a photocopy and document the applicable information on a form prescribed by 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.

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, 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 90 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 HACE.
  - **Facsimile-transmitted documentation** directly issued to HACE which has been signed or certified by an appropriate individual authorized to complete such verification.

- **Email documentation** directly transmitted to HACE that contains an identifiable email 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 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.

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

## **3. Citizenship Verification**

If the Declaration of Citizenship/eligible non-citizen status indicates that verification must be done, 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;
- 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 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. 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**

HACE will deduct a permissive tax deduction equal to the amount charged by state and local taxing bodies from income determinations for working families. This amount is subject to change as the taxing bodies establish new rates. Any changes to the permissive tax deduction must be approved by the Executive Director.

HACE will also deduct a permissive deduction for any health insurance premiums paid through payroll deduction for working families only.

**C. TOTAL TENANT PAYMENT AND MINIMUM RENT**

**1. Total Tenant Payment (TTP)**

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

**2. Minimum Rent**

HACE has established a minimum rent of fifty dollars (\$50) for Public Housing participants at this time. HACE will grant an exemption from the minimum rental amount in cases of family hardships for any of the following and in accordance with 24 CFR 5.630:

- 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 to 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 HACE on a case-by-case basis.

Families will be eligible for the hardship exemption only if the hardship is reported in writing to HACE. HACE will exempt the family beginning the month following the month in which the exemption was requested. Verification will be conducted and 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, HACE will require that the family report and certify every 30 days following the initial reporting date as to the total household income. 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, HACE will require the completion of the "Zero Income Checklist and Worksheet".

### **4. Resident-Paid Utilities**

The following requirements apply to resident 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, 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 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 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 HACE. Periodically, the check-meters shall be read by 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 10<sup>th</sup> day of the month provided that, if the 10<sup>th</sup> day falls on Saturday, Sunday or legal holiday, the tenant may pay the rent without penalty on the next business day thereafter. 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 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**

HACE maintains a waiting list, which applies a preference system in the selection of applicants from the waiting list. To obtain a balanced applicant pool, HACE at its discretion, may restrict application taking, suspend application taking, or close waiting lists in whole or in part. It is the policy of HACE to administer all waiting lists in accordance with applicable Fair Housing laws and HUD regulations.

The Tenant Selection Department determines the number of applicants to pull off the waiting list, by bedroom size, in order to maintain a ready pool of applicants to fill vacant units.

In accordance with HACE's Admission Policy, the plan for selection of applicants and assignment of dwelling units to assure equal opportunity and non-discrimination on grounds race, color, religion, gender, age, national origin, disability or familial status and provides housing without regard to perceived sexual orientation, gender identity or marital status.

1. The Housing Authority of the City of Erie hereby established 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 at 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 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. SITE-BASED WAITING LISTS**

HACE Site-Based waiting list; a site-based list for certain properties with applicant names listed by bedroom size and applicable preferences. When there are insufficient applicants on a site-based waiting list, HACE will conduct outreach, which may include contacting applicants on other site-based waiting lists who may qualify for the type of housing with insufficient applicants.

### **D. TRANSFERS**

1. HACE shall maintain a transfer list to determine priority and precedence and indicate reason for the transfer. Such transfers will be approved by HACE for the following reasons:

Priority 1: For emergencies as determined by 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.

2. If 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 increase in the family's household composition, HACE may transfer the family to a suitable unit in another community in accordance with HACE's Assignment Policy.
3. Reassignment of transfers to other dwelling units shall be made in compliance with 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 (Applicant will be required to move to a non-accessible unit if an applicant or current resident requires the accessibility features of this unit. This agreement may be incorporated into the lease.)
6. Refusal by the tenant of a HACE-required transfer to an appropriate unit is grounds of 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 HACE;
  - e. Have no serious lease violations in the last twelve (12) months which might cause 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/REEXAMINATIONS**

### **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 towards 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 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**

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 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 change in 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 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. 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 lease and grounds for eviction.

#### **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. 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, 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, HACE will require the completion of the "Zero Income Checklist and Worksheet".

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 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 HACE will notify the tenant of their recertification date.

Immediately before their appointment for recertification at the manager’s office, the family will complete an application for continued occupancy, applicable release forms and other forms deemed to be necessary by 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 HACE’s requests for information or to sign a 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 of 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, 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 Reexamination**

- a. If there is any change in rent, 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 HACE to issue to the family a termination notice. If the family requests a deferral of termination, HACE will honor their request (not to exceed 18 months) in accordance with 24 CFR 5.518 (b)(3).

### **G. SELF-SUFFICIENCY INCENTIVES**

#### **1. Earned Income Disallowance**

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.

## **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 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. HACE will obtain written verification from the welfare agency prior to denying any request for an income reexamination under this paragraph.

## **I. FAMILY CHOICE RENTAL PAYMENT**

### **1. Family Choice of Rental Payment**

Any family residing in HACE's public housing program may annually elect to pay either an income-based rent or a flat rent. Flat rents are determined by HACE based on the rent reasonableness of the units and will be administered in accordance with HUD regulations and 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 HACE by bedroom size and unit type for each public housing community.

## **2. Two Changes in Rent Determination Due to Hardship**

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 HACE's Public Housing Agency Plan.

## **J. COMMUNITY SERVICE**

Each adult resident of 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, HACE's Public Housing Agency Plan and the following:

### **1. HACE Annual Determinations**

- a. For each resident subject to this requirement, HACE will review and determine the compliance of the resident under this section at recertification.
- b. Verification of compliance will be in accordance with the methods defined in HACE's Public Housing Agency Plan.

### **2. Notification of Noncompliance**

- a. Notification by HACE to the family of noncompliance with this requirement will be subject to 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 twenty (20) days to 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 reexamination will be conducted by 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 HACE. Such approval will be granted only if the new family members pass HACE's screening criteria and a unit of the appropriate size is available.
- c. Resident agrees to wait for HACE's approval before allowing additional persons to move into the premises. Failure on the part of the resident to comply with this provision is a serious violation of the material terms of the lease, for which 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 by the tenant to HACE in writing within twenty (20) calendar days of the occurrence. 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 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 reexamination. The rent increase will be in accordance with Chapter 5, Section G of this policy.

## **B. REPORTING REQUIREMENT**

Families must notify HACE of all reportable changes, as defined in this chapter. Reporting of changes means that the family, without notice, must contact 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 HACE.

## **C. INCORRECT REPORTING AND FALSE INFORMATION**

In any instance, if HACE believes that a family has provided false, misleading or deliberately inaccurate information to HACE, HACE may conduct an 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, 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 recertification 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 recertification 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, 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, 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 family member of the family, unless:

- The minor has been declared to be emancipated; or
- A caretaker has been appointed by the courts to see 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, 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.

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.

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 HACE prior to approval of the live-in aide.

## **F. DISAPPROVAL OF A 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 connections with any federal housing program;
2. Commits drug-related criminal activity or violent criminal activity; or
2. Currently owes rent or other amounts to 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 HACE provides notice of ineligibility, 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 HACE. 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. 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 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. HACE will determine if the family's unit size must be changed to meet the occupancy standards. 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 HACE must be submitted (such as a hospital, hospice, etc) that indicates that he/she will return within the next 90 days (maximum absence cannot exceed 180 days).
  - If a single member household voluntarily surrenders income while absent from the household that voluntarily surrendered income will still be used to determine Total Tenant Payment.

### **C. TEMPORARILY ABSENT FAMILY MEMBERS' INCOME**

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

If the spouse of 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. At the time a tenant has relinquished possession of the unit, the tenant shall remove from the premises all items of the tenant's personal property. For purposes of this section, a tenant shall be deemed to have relinquished possession of the unit upon any of the following:
  - a. Execution of an order of possession in favor of HACE.
  - b. Physically vacating the unit, removal of substantially all personal property and the proper written notice to HACE as detailed in the lease, of a forwarding address and/or notice stating that the tenant has vacated the premises.
  - c. The tenant vacated the unit without communicating intent or return, the rent is more than fifteen days past due and, subsequent to those events, the landlord has posted notice of the tenant's rights regarding their personal property.
2. Upon relinquishment of the premises, tenant has ten (10) days to contact HACE regarding the tenant's intent to remove any personal property remaining on the premises. If the intent is conveyed to HACE, the personal property shall be retained by HACE at a site of HACE's choosing for thirty (30) days. If no communication is made to HACE within ten (10) days, HACE will dispose of the property at its discretion. If personal property remains on the premises following the relinquishment of the premises by the tenant, the following shall apply:
  - a. HACE will not provide further notice to the tenant if their acceptance of the unit by HACE under Section 1.a. and the writ or order for possession contained notice of the provisions under Section B.

- b. If there is acceptance of the unit by HACE under Section 2.b., HACE will provide written notice to the tenant that personal property remains in the unit and must be retrieved by the tenant.
  - i. This notice will give the tenant ten (10) days from the date of the postmark of the notice to notify HACE that the tenant will be retrieving personal property. If the intent is conveyed to HACE, the personal property shall be retained by HACE at a site of HACE's choosing for thirty (30) days from the postmark of the notice.
  - ii. If no communication is made to HACE within ten (10) days, the property may be disposed of at the end of the ten days at the discretion of HACE.
  - iii. The notice shall be sent by regular mail to the tenant's forwarding address if provided, or if no forwarding address then to the formerly leased unit; or by personal delivery to the tenant.

## **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 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**

HACE provides, in certain instances, an opportunity for families who owe money to HACE to enter into repayment agreements and continue to participate in the Low-Income Public Housing Program. At the discretion of 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 HACE or to reimburse HACE for overpayments of assistance resulting from unreported or misreported family information. 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 HACE money. If circumstances result in additional monies owed by the family to 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 HACE. Failure by the family to meet this requirement will result in the initiation of eviction proceedings by HACE.

### **A. UNREPORTED OR MISREPORTED INCOME**

When 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 HACE in the past three years.

### **B. OTHER AMOUNTS OWED HACE**

A family may owe 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 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 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 HACE. The family's head of household must execute a repayment agreement within thirty (30) calendar days of the offer by HACE, otherwise it will be considered a refusal by the family. The repayment agreement policy conforms to the following:

- Each installment will be added to the monthly rent statement
- 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 monies owed HACE, and the family refuses, the entire amount will be due immediately. Failure by the family to pay 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 HACE determines that the family has committed fraud after a repayment agreement has been executed, HACE may begin eviction procedures. In all cases involving fraud, HACE has the right to prosecute in accordance with applicable laws.