



Housing Authority of the City of Erie

Public Housing
Admissions and Continued
Occupancy Policy
(ACOP)



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SECTION 1: OVERVIEW

1.1 Mission Statement

The Housing Authority of the City of Erie (HACE) 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.

1.2 Purpose of Admissions and Continuing Occupancy Policy (ACOP)

The Public Housing Admissions and Continuing Occupancy Policy (ACOP) 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 are applicable to admission and continued occupancy in the low-income Public Housing program.

The Public Housing Admissions and Continuing 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.

New HOTMA (Housing Opportunities Through Modernization Act) rules and regulations are effective January 1, 2024, but will not be implemented until software is updated and we are converted to the new HUD systems, but will be no later than December 31, 2024.

1.3 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 low-income families;
- Encourage self-sufficiency of program participants; and
- Assure compliance with HUD regulations, Equal Housing Opportunity requirements, and HACE's policies.

1.4 Equal Opportunity Requirements

It is the policy of HACE 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 residents, 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 also complies with all State, County and Local laws and ordinances.

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

HACE's administrative office and property offices are accessible to persons with physical disabilities. Hearing impaired individuals may contact HACE at their TTD/TTY telephone number of (814) 455-1797 or use 711.

1.5 De-concentration Policy

HACE has, within its policies contained herein, adopted admission criteria designed to provide for de-concentration 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 De-concentration Policy.

1.6 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 whom the 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.

SECTION 2: ELIGIBILITY, SCREENING AND VERIFICATION REQUIREMENTS

2.1 Eligibility for Admission

A. QUALIFICATIONS FOR ADMISSION

It is HACE's policy to admit eligible applicants only. An applicant is qualified if they meet the following criteria:

- Is a family as defined in this Section.
- Heads a household where at least one member of the household is either a citizen or eligible non-citizen.
- Has an Annual Income at the time of admission that does not exceed the low-income limit for occupancy established by HUD and posted separately in the HACE offices.
- Provides a Social Security number for all family members asserting citizenship or eligible noncitizen status.
- Meets Resident Selection and Suitability Criteria as set forth in this policy.

B. FAMILY COMPOSITION

A family may be a single person or a group of people. Discrimination on the basis of familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law. For occupancy standards purposes, the applicant may claim a spousal relationship.

A group of persons is defined by HACE as two or more persons who intend to share residency, whose income and resources are available to meet the family's needs, and who will live together in public housing.

The term "Family" also includes, but is not limited to, regardless of actual or perceived sexual orientation, gender identity, or marital status:

1. A single person, who may be an elderly person, displaced person, near-elderly person, or any other single person. A single person may be an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5) (H)), and is homeless or is at risk of becoming homeless at age 16 or older; or
2. A group of persons residing together, and such group includes, but is not limited to:
 - a. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family)
 - b. An elderly family
 - c. A near-elderly family
 - d. A disabled family
 - e. A displaced family
 - f. The remaining member of a resident family

In addition, for categorizing family as defined above, the terms disabled family, elderly family, and near-elderly family (per 24 CFR § 5.403) are:

1. Disabled family means a family whose head (including co-head), spouse, or sole member is a person with a disability.
2. Elderly family means a family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age.
3. Near-elderly family means a family whose head (including co-head), spouse, or sole member is a person who is at least 50 years of age but below the age of 62.

C. DEFINITIONS

1. Head of Household

The head of the household is an adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law.

Emancipated minors who qualify under State law will be recognized as head of household or co-head of household if there is a court order recognizing them as an emancipated minor.

2. Spouse, Co-Head, or Other Adult

An individual in the household who is equally responsible for the lease with the Head of Household. A household may have either a spouse/marriage partner or co-head, but not both. A co-head never qualifies as a dependent.

Spouse means the marriage partner of the head of household. That includes the partner in a “common law” marriage or legal marriage as defined in state law. The term “spouse” does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.

3. Co-head

An individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all its responsibilities under the program, but who is not a spouse. A family can have only one co-head. Minors who are emancipated under state law may be designated as co-heads.

4. Dependent

A dependent is a family member (which excludes foster children, foster adults, and live-in aides) who is under 18 years of age or a person of any age who is a person with a disability or a full-time student. Identifying each dependent in the family is important because each dependent qualifies the family for a deduction from annual income. Dependents that are subject to a joint custody arrangement will be considered a member of the family if they live with the applicant or resident family 50 percent or more of the time.

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

5. Foster Adults and Foster Children

HACE will consider Foster Adults and Foster Children as part of the Household for bedroom size qualification, but they are not considered family. The income will not be counted, and they will not receive any deductions to use for income calculation. They are not counted in the income limits by family size.

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 the household member is the victim of domestic violence, dating violence, sexual assault or stalking.

HACE may not consider incidents of domestic violence, dating violence, sexual assault 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 resident’s household or any guest or other person under the resident’s control, cause for termination of assistance, tenancy, or occupancy rights if the resident or immediate member of the resident’s family is the victim or threatened victim of that abuse.

HACE may request, in writing, that the victim, or a person affiliated with the victim on the victim’s behalf, certify that the individual is a victim of abuse and that the form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation or other documentation as noted on the certified form, be completed and submitted within fifteen (15) 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.

2.2 Income and Asset Limits

Income eligibility for the public housing program is based on the total income calculation from all sources received by any family member 18 years of age or older. Income limits are determined by HUD and subject to periodic change. HACE shall use income guidelines provided by HUD to determine program eligibility for the public housing program. These income guidelines will be posted and available for review at HACE’S management offices.

In order to qualify for Public Housing, total household income must be below the low-income limit (80% of area median income). These income limits are published annually by HUD and can be found online or at any of our offices.

If at time of application the income listed by the applicant is over the Low-Income Limit, the applicant household will be denied and not added to the waitlist(s). A letter informing the applicant(s) of such will be sent to the address on the application. The applicant(s) will not be entitled to a grievance hearing under this circumstance.

As of January 1, 2024, HUD has changed the rules for applicants applying on or after that date. No new applicant may have more than \$100,000 (adjusted annually by HUD) in assets (less any assets excluded from the calculation) and may not own real property in which they could reside in.

HACE is required to ensure that 40% of all admissions during the fiscal year qualify under the extremely low-income limit (30% of area median income).

HACE will monitor admissions every six (6) months to determine compliance with the 40% Income Targeting requirement.

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.

2.3 Citizenship/Eligible Immigration Status

All applicants in a household must disclose their Social Security Numbers to be eligible for Public Housing. HACE can give a 60-day extension to meet this requirement. A family's failure to timely disclose and document a Social Security Number as required will result in their application being denied.

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens who have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.

HACE will notify all applicants of the requirement to submit evidence of their citizenship status for each family member when applying for housing. Where feasible, the notice must be in a language that is understood by applicants not proficient in English.

A Declaration of Citizenship Status form must be completed and signed for all family members, including children. Verification of eligible citizenship status will be conducted during the move in process.

A. Mixed Families

A family must have at least one member who is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed". Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

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

B. Ineligible Families

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

HACE is required to verify eligible immigration status through the USCIS Systematic Alien Verification for Entitlements (SAVE).

Each family member (or the parent/guardian for family members under age 18) must sign a declaration of their status. Family members who do not sign a declaration of their status or provide the required supporting documentation will be considered ineligible citizens.

When HACE denies or terminates assistance due to lack of citizenship or eligible immigration status, HACE must send a written notice to the household which includes the following:

- A statement that financial assistance will be denied or terminated and the justification
- Notification that the family may be eligible for prorated assistance
- In the case of a resident, the criteria and procedures for preserving assistance
- The right to appeal the results of the secondary verification to the USCIS and the procedures to appeal, and
- The right to request an informal hearing from HACE in lieu of or after a USCIS appeal
- In the case of applicants, the notice must advise that assistance may be provided until the conclusion of the CIS appeal process; however, assistance may be placed on hold until the end of the informal hearing process.

2.4 Verification Requirements

HACE will verify all information that is used to establish the family's eligibility and level of assistance and will obtain written authorization from the family in order to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. HACE will not pass on the cost of any verification to the family.

HACE will follow the verification guidance provided by HUD. This chapter summarizes those requirements and provides supplementary HUD policies.

A. FAMILY CONSENT TO RELEASE INFORMATION

All families must supply any information that HACE or HUD determines is necessary to the administration of the program and must consent to HACE verification of that information.

B. CONSENT FORMS

It is required that all adult applicants and residents sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and HACE may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

HACE also requires a Release of Information to cover anything not included in the HUD-9886.

Effective in 2024, HUD form 9886 will only be required to be signed and completed one time for each adult family member. If a member of the household turns 18 while on the wait list or while living in Public Housing, they will be required to sign the 9886 at that time.

Currently, the 9886 must be signed every year at annual reexamination. The form will be effective until either revoked by the applicant/resident in writing or an applicant is denied/removed from the waitlist or as a resident has terminated your residency.

C. PENALTIES FOR FAILING TO CONSENT

If any family member who is required to sign a consent form fails to do so, HACE will deny admission to applicants and terminate the lease of residents. The family may request a hearing in accordance with HACE'S grievance procedures.

D. METHODS OF VERIFICATION

HUD mandates the use of the Enterprise Income Verification system, offers administrative guidance on the use of other methods to verify family information, and specifies the circumstances in which each method will be used. HACE will use the most reliable form of verification that is available and will document the reasons when HACE uses a lesser form of verification.

In order of priority, the forms of verification that HACE will use are:

- Upfront Income Verification (UIV) using HUD's EIV system.
- Upfront Income Verification (UIV) using a non-HUD system.
- Written Third-Party Verification (may be provided by applicant or resident).
- Written Third-Party Verification Form.
- Oral Third-Party Verification.
- Resident Declaration.

E. SAFE HARBOR INCOME DETERMINATIONS

Effective January 1, 2024, HACE will also have the ability to use income verifications from certain means tested forms of Federal Public Assistance. This can include, but is not limited to, TANF, Medicaid, SNAP, Earned Income Tax Program, WIC, or the Low-Income Housing Tax Credit program. These forms of verification can be used for both admissions to the program and interim or annual reexaminations.

In the case where multiple safe harbor verifications are available, HACE will use the most recent income determination.

F. MANDATORY EIV SCREENING

HACE is required to use the Enterprise Income Verification (EIV) to run an Existing Tenant Search on all applicants regardless of age and a Debts Owed to PHA's and Termination Report for all adults in the applicant household.

G. REQUIREMENTS FOR ACCEPTABLE DOCUMENTS

Any documents used for verification must be the original (not photocopies) and generally must be dated within 120 days of the date they are provided to HACE. The documents must not be damaged, altered or in any way illegible. Printouts from web pages or emails are considered original documents.

Any family self-certification must be made in a format acceptable to HACE and must be signed in the presence of a representative from the agency. Documents signed in front of a Notary will also be acceptable.

H. FILE DOCUMENTATION

HACE will document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that HACE has followed all the verification policies set forth in this ACOP. The record will be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

HACE will document, in the family file, at a minimum, the following:

- Reported family annual income.
- Value of assets.
- Expenses related to deductions from annual income.
- Other factors influencing the adjusted income or income-based rent determination.

When HACE is unable to obtain third-party verification, HACE will document in the family file the reason that third-party verification was not available.

2.5 Applicant Screening

A. SCREENING FOR SUITABILITY

HACE will screen all families seeking admission to its public housing developments for suitability based on predetermined screening criteria. HACE will consider all relevant information. Screening is important to public housing communities and program integrity, and to ensure that assisted housing is provided to those families that will adhere to lease obligations.

B. SCREENING CRITERIA

HACE will consider the family's history with respect to the following factors:

- Payment of current rent and utilities.
- Caring for a unit and premises.
- Criminal activity that is a threat to the health, safety, or welfare of others.
- Behavior of all household members as related to the grounds for denial as detailed in this policy, including lease compliance.

C. DETERMINING SUITABILITY

When unfavorable information is received, HACE will consider the time, nature, and extent of the applicant's and family members' conduct and to factors which may indicate a reasonable probability of favorable future conduct or financial prospects. The history of applicant conduct must demonstrate that the applicant family is not likely to:

1. Interfere with other residents in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety, or welfare; or
2. Adversely affect the physical environment or the financial stability of the development.

If a family member, other than the head of household, is not eligible for admission due to criminal activity or other ineligible activity stated in the Screening Criteria, the remaining family members may be offered housing provided the ineligible individual is excluded. In this instance such an individual will be removed from the housing application.

D. PAST AND CURRENT PERFORMANCE IN MEETING RENT OBLIGATIONS

1. Current landlord reference, gathering information about past performance meeting rental obligations such as rent payment record and lease termination for non-payment, resident damage to the unit, housekeeping, and whether utilities were ever disconnected in the unit.
2. For applicants with no rental history but have had utilities in their name, utility company references covering the payment and/or disconnection activity and the ability to have utilities turned on in their name. This only applies to applicants for units where there are resident-paid utilities.
3. The family has breached an agreement with HACE to pay amounts owed to HACE, or amounts paid to an owner by HACE under a resident-based program.
4. The family has not reimbursed HACE 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.
5. HACE does not screen for credit.

E. SCREENING FOR DRUG RELATED AND OTHER CRIMINAL ACTIVITY

HACE will screen all household members 18 years and older for criminal or drug related activity prior to admission. Necessary criminal history background checks will be performed in the State where the housing is located and in other States where household members are known to have resided.

Using criminal screening and conviction records, HACE will screen all household members for the following activity:

1. Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug, within the last 7 (seven) years.
2. Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage, within the last 7 (seven) years.
3. Criminal activity that may threaten the health, safety, or welfare of other residents

4. Criminal activity that may threaten the health or safety of HACE staff, contractors, subcontractors, or agents.

If any household member is currently engaged in or has engaged in any of the criminal activities listed above, within the past seven (7) years, that household member(s) may be denied admission. Remaining members of the applicant household will not be affected by the denial provided a member is eligible for and capable of assuming the role as head of household. During the review HACE will consider the time, nature, and extent of criminal conduct when considering reinstatement of eligibility for admission. HACE will perform criminal background checks through local law enforcement for all adult household members. HACE will also use the Dru Sjodin National Sex Offender database to screen applicants for admission.

F. PERMANENT PROHIBITIONS

HUD requires that HACE permanently prohibit admission to the Public Housing program for:

1. Individuals found to have manufactured or produced methamphetamine on the premises of federally assisted housing; and
2. Individuals subject to a lifetime registration requirement under a State sex offender registration program
3. HUD also requires that HACE deny admission to families who have been evicted from federally assisted housing for drug-related criminal activity within the past three (3) years, unless HACE determines that the evicted household member who engaged in the drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by HACE, or the circumstances leading to the eviction no longer exist (e.g., the household member with the criminal history has died or is imprisoned).

G. PREVIOUS BEHAVIORS AND OTHER CRITERIA

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

1. Has a pattern of unsuitable past performance in meeting financial obligations, including rent, within the past two (2) years.
2. Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past three (3) years which may adversely affect the health, safety, or welfare of other residents.
3. Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program over the past five (5) years.
4. Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent.
5. Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
6. Is currently on our Banned List of individuals.
7. Any member of the family has ever engaged in or threatened abusive behavior toward HACE personnel or contractors.
8. 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 or the owner of federally assisted housing if applicable.

9. 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 PHA if applicable.
10. 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.
11. 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.
12. 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.

2.6 Eligibility

A. ELIGIBILITY FOR PLACEMENT ON THE WAITING LIST(S)

HACE will send written notification of the preliminary eligibility determination within 30 (thirty) calendar days of receiving a completed application. If applicable, the notice will also indicate the waiting list preference(s) for which the family appears to qualify.

Applicants will be placed on site-based waiting lists by size and type of unit required, according to HACE preferences, and the date and time their completed application is received by HACE. Applicants have the right to apply for several properties with one application.

B. Ineligibility for Placement on the Waiting List

If HACE determines from the information provided that a family is ineligible, the family will not be placed on the waiting list. When a family is determined to be ineligible, HACE will send written notification of the ineligibility determination within 30 (thirty) calendar days of receipt of the completed application. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal hearing and explain the process for doing so.

If an application that has not been completed properly or does not have the required documents with it when it is submitted, it will either be returned to the applicant or held for them to come into the office to fix any issues. An applicant will not be placed on any wait list until all information is received.

2.7 Denial of Assistance

A. EVIDENCE

HACE will use the preponderance of the evidence as the standard for making all admission decisions.

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

Consideration of Circumstances

HACE will consider the following factors prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents
- The effects that denial of admission may have on other members of the family who were not involved in the action or failure
- The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future
- Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully. HACE will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully
- HACE will admit an otherwise-eligible family who was evicted from federally assisted housing within the past three (3) years for drug-related criminal activity, if HACE is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by HACE, or the person who committed the crime is no longer living in the household

B. NOTICE OF ELIGIBILITY OR DENIAL

If based on a criminal record or sex offender registration information an applicant family appears to be ineligible, HACE will notify the family in writing of the denial and provide a copy of the record to the applicant and to the subject of the record. The notice will detail how the family can request an informal hearing if they are denied.

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 HACE informal hearing.

HACE can also withdraw an application from the waitlist if we cannot accommodate their housing needs.

Applicants deemed ineligible or those denied are ineligible to reapply for a period of one year from the date of the denial or withdrawal notice.

After the ineligibility period has expired, applicants may reapply for housing subject to the conditions described in these policies.

C. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING

The Violence Against Women Act (VAWA) and the HUD regulation at 24 CFR § 5.2005(b) prohibit HACEs from denying admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

HACE must provide all applicants and residents with information about VAWA at the time of admission and at annual reexamination. This will include the Notice of Occupancy Rights Under the Violence Against Women Act, as well as a certification form, form HUD-5382, to be completed by the victim to document an incident of domestic violence, dating violence, sexual assault, or stalking, per 24 CFR § 5.2005(a). HACE will also include such information in all lease termination notices.

HACE acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment that would warrant denial under HACE's policies), and such adverse factors may be direct results of domestic violence, dating violence, sexual assault, or stalking.

If HACE makes a determination to deny admission to an applicant family, HACE will include in its notice of denial information about the protection against denial provided by VAWA in accordance with the provisions of the Act as well as including a copy of the form HUD-5382. HACE will request that an applicant wishing to claim this protection notify HACE within fifteen (15) calendar days.

Third Party Documentation: HACE may not require third-party documentation in addition to form HUD-5382, except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation. See the Violence Against Women Act (VAWA), Notice PIH2017-08 (HA), and any revised/renewed Notices or reauthorizations.

Any request for documentation of domestic violence, dating violence, sexual assault, or stalking will specify a deadline of fifteen (15) calendar days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

HACE may, at its discretion, extend the deadline for 10 calendar days. Any extension granted by HACE will be in writing.

Conflicting Documentation: If presented with conflicting certification documents (two or more forms HUD 5382) from members of the same household, HACE will attempt to determine which is the true victim by requiring each of them to provide third-party documentation and by following any HUD guidance on how such determinations should be made.

SECTION 3: APPLICATIONS, WAITING LIST(S) AND RESIDENT SELECTION

3.1 Applications

Applications for Public Housing can be picked up at our main office located at 606 Holland Street, Erie, PA 16501. An application can also be mailed, faxed, emailed to anyone requesting one. Applicants can also download an application from our website at www.hace.org.

HACE will accept new applications via our office in person, placed in the drop box in front of the office, or by mail, fax or email.

HACE uses a pre-application for new applicants. At the time of selection from the waitlist, all applicants will be required to complete a full application.

The pre-application and 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 have the application returned to them to be completed. These applicants will not be placed on the waitlist until everything is completed and signed.

Required Documents

The following documents must be submitted with the pre-application to HACE:

- Social Security Cards for each member of the Household, if applicable
- Birth Certificates for each member of the Household, if applicable
- Photo ID for each member age 18 or older
- Documentation of eligible non-citizen status, such as I-9

3.2 Leasing Orientation

The Resident Selection and Assignment Plan (TSAP) is the HACE policy that determines how applicants will be placed on the waiting list and in what priority applicants will be screened and offered housing. This policy will be applied to all interested households that apply for public housing and for all new applicants selected from any HACE waiting list. HACE will follow the policies outlined below in selecting applicants unless otherwise directed by court orders or consent decrees. This chapter of the ACOP explains the HACE waiting list and resident selection policies and constitutes the agency's TSAP.

3.3 Organization and Types of Waiting List(s)

HACE will administer its waiting list as required by HUD. The waiting list will be maintained in accordance with the following guidelines:

- The application will be a permanent file.
- Applications equal in preference will be maintained by date and time sequence.
- All applicants must meet applicable income and asset eligibility requirements as established by HUD.

HACE maintains site-based waiting lists. An applicant can apply for as many Properties as they would like.

HACE will not merge the public housing waiting list with the waiting list for any other program HACE operates. HACE will also not accept a Public Housing application for the HCV Program and vice versa.

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

3.4 Occupancy Standards

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 their designee.

| BEDROOM SIZE | MINIMUM # OF PERSONS | MAXIMUM # OF PERSONS |
|--------------|----------------------|----------------------|
| 0 bedrooms | 1 | 1 |
| 1 bedroom | 1 | 2 |
| 2 bedrooms | 2 | 4 |
| 3 bedrooms | 3 | 6 |
| 4 bedroom | 4 | 8 |
| 5 bedroom | 5 | 10 |
| 6 bedroom | 6 | 12 |

Other Occupancy Considerations

1. An unborn child, foster child(ren) or foster adult will be taken into account when determining bedroom size
2. Consideration will be given for a child who is away at school but returns to the unit during recesses
3. Consideration will be given to age of same sex children
4. A child who is temporarily placed in foster care will be considered a member of the household
5. 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

6. 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
7. Larger units may be offered in order to improve marketing of a development suffering a high vacancy rate
8. It shall not be necessary for persons of different generations or opposite sex, other than spouse and partner, to occupy the same bedroom.
9. 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 their designee
10. The living room will not be regularly used as a bedroom, except in the case of an efficiency unit
11. A single head of household parent shall not be required to share a bedroom with their children

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

At a minimum, the waiting list will contain the following information for each applicant listed:

1. Name of Head of Household
2. Unit size required (number of family members)
3. Accessibility requirement, if any
4. Date and time of application or application number
5. Household type (family, elderly, disabled)
6. Name Annual Income
7. Admission preference, if any

In all cases, when an adapted/accessible unit (including units all on the first floor) becomes vacant, the unit will be offered in the following manner:

1. First, to a current occupant of another unit in any community who has a disability which requires the accessibility features of the vacant unit.
2. Second, to an eligible qualified applicant on the waiting list who has a disability which requires the accessibility features of the vacant unit.
3. 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 their unit. Their agreement will be incorporated into the lease).

3.5 Reporting Changes in Family Circumstances

While the family is on the waiting list, the family must inform HACE within ten (14) calendar days of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted, preferably, in writing to HACE in person, by mail or by electronic methods such as email.

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

applicants on the waiting lists, who did not qualify for any preference when they applied, experience a change in circumstances that later qualifies them for a preference. The reverse may also occur. If preference status changes, applicants retain their original date and time of application or application number. If HACE determines that the applicant does now qualify for a preference, they will be moved up the waiting list in accordance with their preference(s) and their date and time of application/application number and will be informed in writing of how the change in status has affected their position on the waiting list.

The same thing will occur if a change in bedroom size is needed while on any of the waiting lists.

3.6 Change in Preference Status While on Waiting List(s)

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.

3.7 Purging the Waiting List(s)

HACE will update its waiting list as needed to ensure that all applicant information is current and timely.

To update the waiting list, HACE will send an update request via first class mail, and by email if provided by the applicant, to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that HACE has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list. If HACE has other forms of contact information, like email addresses or phone numbers, HACE staff will make a good faith effort to contact the family using the available methods of communication.

The family's response must be in writing and may be delivered in person, by mail, by email, by fax to the Resident Selection Office or left in the drop box outside of the office.

Responses should be postmarked or received by HACE not later than fourteen (14) calendar days from the date of the HACE letter.

If the family fails to respond within fourteen (14) calendar days, the family will be removed from the waiting list without further notice.

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

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have an additional fourteen (14) calendar days to respond from the date

the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.

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

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

HACE will reinstate an applicant to its former position on the waiting list if the family was removed from the waiting list due to the family's failure to respond to HACE's request for information or updates and that failure was related to a family member's disability or was on the basis or as a direct result of status as a victim of domestic violence, dating violence, sexual assault, or stalking, including an adverse factor resulting from such abuse.

3.8 Removal from Waiting List(s)

HACE will remove an applicant from the waiting list upon request by the applicant family. In such cases no informal hearing is required. If HACE determines that the family is not eligible for admission at any time while the family is on the waiting list the family will be removed from the waiting list. If a family is removed from the waiting list because HACE has determined the family is not eligible for admission, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal hearing regarding HACE's decision.

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

- A. The applicant submits a request in writing for their name to be removed
- B. The applicant has failed to advise HACE of their continued interest in Public Housing when notified by mail
- C. HACE has made reasonable efforts to contact the applicant to determine continued interest but has been unsuccessful. Correspondence mailed to the latest address and/or emailed 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 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
- G. Applicant has accepted and moved into a Public Housing unit with HACE

If an applicant's failure to respond to a request for information or update was caused by their disability, HACE will provide reasonable accommodation to give them an opportunity to respond.

3.9 Closing the Waiting List(s)

HACE, at its discretion, may close any waiting list based on the number of applications available for a particular bedroom size or type of unit; and the ability of HACE to house an applicant in an appropriate unit within a reasonable period of time.

HACE may elect to:

- A. close any waiting list completely;
- B. close a list during certain times of the year; or
- C. restrict intake by type of project or by size and type of dwelling unit.

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.

3.10 Re-Opening the Waiting List(s)

HACE will announce the reopening of a waiting list at least ten (10) calendar days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received.

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

- Local newspapers
- Neighborhood newspapers
- HACE website at www.hace.org
- Social media
- Through Social Service Agencies

The notice will contain:

- The dates, times, and the locations where families may apply.
- The system of waiting lists offered by HACE.
- The programs for which applications will be taken.
- A brief description of the program.
- A statement that Section 8 participants must submit a separate application if they want to apply for Public Housing.
- Limitations, if any, on who may apply.
- The date application intake will be suspended, if applicable

The notices will be made in an accessible format and provided as requested in accordance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA) regulations. HACE will furnish appropriate auxiliary aids and services where necessary to provide individuals with hearing and vision impairments an equal opportunity to access the notices. Notices will be made available in accessible formats for individuals with limited English proficiency, in accordance with HUD's Limited English Proficiency Guidance and 72 Fed. Reg. 2732. Notices will provide potential applicants with information

that includes HACE's address and telephone number, how to submit an application, information on eligibility requirements, a point of contact who can answer questions, any limitations on who may apply, and any other information the applicant may need to successfully submit the application.

3.11 SELECTION METHOD

HACE will use the methods described herein to select applicants for unit placement in its public housing developments. HACE has adopted the following waitlist preferences, all of which must be verified on the date of the family's selection from the list to the satisfaction of HACE. Each preference gets the designated number of points associated with it. The more preference points an applicant has, the higher the applicant's place on the waiting list. When applicant families have the same preference score, the date and time of application shall control.

Preferences

HACE will use the following preference structure:

| Preference | Points |
|---|--|
| 1. Residency (living or working) | 8 |
| 2. Elderly / Disabled | 8 |
| 3. Veteran | 8 |
| 4. NPHOI (Non public housing over income residents) currently residing in a public housing unit | Will be given preference regardless of where they are located on the wait list |

A. RESIDENCY PREFERENCE

1. Local Preference:

Any applicant family who qualifies as a resident of the City of Erie. A resident is defined as a family who lives in 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 their 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.

2. Elderly/Disabled Preference:

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

3. Veteran Preference:

Families with a Head of Household, spouse, or co-head 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. To obtain their preference, the applicant must provide documentation of their military status by supplying Form DD214.

Preference does not guarantee admission. The applicant must meet all HACE resident screening criteria before being selected as a resident.

If the applicant's preference cannot be verified, the applicant will lose the preference points.

B. NON-PREFERENCE

A family is considered non-preference if they claim no preference as outlined above.

C. SELECTING APPLICANTS FROM THE WAITING LIST

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

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

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

Factors such as de-concentration (or income mixing) and income targeting will also be considered in accordance with HUD requirements and HACE policy.

D. NOTIFICATION OF SELECTION

HACE will notify the family by first class mail and by phone, when it is selected from the waiting list. The notice will inform the family of the following:

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

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

E. APPLICANT SELECTION OUTCOME

If an eligible applicant refuses a unit for any reason other than the reasons below, they will be moved to last place on that waitlist.

After a second refusal of a unit for any reason than other what is listed below, the applicant household will be removed from the waitlist completely.

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 their 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.

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, 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.

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.

3.12 VERIFYING ELIGIBILITY

ELIGIBILITY INTERVIEW

Families selected from the waiting list are required to participate in an eligibility interview either in person or by phone or conference call.

The head of household and the spouse will be strongly encouraged to attend the interview together. However, either the head of household or the spouse may attend the interview on behalf of the family. The interview will be conducted only if the head of household or spouse provides appropriate documentation of legal identity. If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

Pending disclosure and documentation of any missing Social Security numbers, HACE will allow the family to retain its place on the waiting list. If all household members have not disclosed their SSNs at the next time a unit becomes available, HACE will remove the family from the waitlists.

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

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

Any required documents or information that the family is unable to provide at the interview must be provided within fourteen (14) calendar days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial.

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

Interviews will be conducted in English. For limited English proficient (LEP) applicants, HACE will provide interpretation services in accordance with HACE's LEP plan. To ensure effective communication with persons with disabilities in the interview process, HACE will furnish appropriate auxiliary aids and services where necessary to afford individuals with hearing and vision impairments an equal opportunity to access and participate in the program. HACE will provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, accessible online formats, assistive listening devices, and sign language interpreters.

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

3.13 Final Eligibility Determination

HACE will notify a family in writing of their eligibility within ten (10) calendar days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

HACE will expedite the administrative process for determining eligibility to the extent possible for applicants who are admitted to the public housing program as a result of an emergency transfer from another program.

If HACE determines that the family is ineligible, HACE will send written notification of the ineligibility determination within ten (10) calendar days of the determination. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal hearing.

HACE must provide the family a notice of VAWA rights (form HUD-5380) as well as the HUD VAWA self-certification form (form HUD-5382) in accordance with the Violence against Women Act of 2013, at the time the applicant is provided assistance or at the time the applicant is denied assistance. The notice and self-certification form must accompany the written notification of eligibility determination. This notice must be provided in both of the following instances: (1) when a family begins receiving assistance (lease execution) and is notified of its eligibility; or (2) when a family is notified of its ineligibility.

SECTION 4: LEASE REQUIREMENTS

4.1 Pre-Leasing Activities and Leasing Orientation

LEASING ORIENTATION

It is HACE's policy that all units must be occupied pursuant to a dwelling Lease Agreement that complies with HUD's regulations. This ACOP Chapter describes pre-leasing activities and HACE's policies pertaining to Lease execution, security deposits, other charges, and additions to the Lease.

After unit acceptance but prior to occupancy, a HACE representative will conduct a lease orientation with the family. All adult household members are required to attend.

Orientation Agenda

When families attend the lease orientation, they will be provided with:

- A copy of the lease
- A copy of HACE's grievance procedure
- A copy of the house rules
- A copy of HACE's schedule of maintenance charges
- A copy of the pamphlet Protect Your Family from Lead in Your Home
- A copy of "Is Fraud Worth It?" (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse
- A copy of "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19
- Information and Notice of Occupancy Rights for the protections afforded by the Violence Against Women Act of 2013 (VAWA) to victims of domestic violence, dating violence, sexual assault, and stalking
- A copy of the form HUD-5380 Notice of Occupancy Rights Under the Violence Against Women Act
- A copy of form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation
- A copy of HACE's smoke-free policy
- A notice that includes the procedures for requesting relief and HACE's criteria for granting requests for relief for excess utility surcharges
- A copy of the Community Service and Self-Sufficiency Requirement and a copy of the acknowledgement form

Topics to be discussed and explained to all families include:

- Applicable deposits and all other charges
- Review and explanation of lease provisions

- Unit maintenance requests and work orders
- HACE 's interim reporting requirements
- Review and explanation of occupancy forms
- Community Service and Self-Sufficiency Requirements (CSSR)
- Family choice of rent including information on minimum rent and hardship requests
- VAWA protections
- Smoke-free policies

Public Posting of Information

HACE will post a copy of the schedules of special charges and HACE rules and regulations. The documents will be posted in the central office and in three conspicuous places within each structure or building. In addition, the documents will be posted on the HACE website. The following schedules and reference documents will be posted by HACE for residents to access:

- Grievance procedures
- Rules adopted and implemented by HACE for the benefit and well-being of the housing project and the residents (e.g., house rules)
- Schedules of utilities, if used to determine charges to residents (e.g., utility allowances, excess utility charges)
- Schedules of repairs, if used to determine charges to residents (e.g., maintenance charges)
- Schedules of maintenance service charges, if used to determine charges to residents (e.g., lockout charges)
- Pet ownership rules
- The Admissions and Continued Occupancy Policy (ACOP) document
- Any other documents provided at HACE discretion

4.2 EXECUTION OF LEASE

The initial term of the Lease will be for 12 months. The Lease will be renewed automatically for 12-month terms, except for noncompliance with any section of the Lease requirements.

The Lease shall be executed by the head of household, spouse, cohead and anyone 18 years or older, and by an authorized representative of HACE, prior to admission.

All adults age 18 and over assume legal and financial responsibility for the household.

An appointment will be scheduled for the parties to execute the Lease. One executed copy of the Lease will be given to the resident, and HACE will retain one in the resident's file. The Lease document will reflect current HACE policies as well as applicable Federal, State, and local law.

Files for households that include a live-in aide will contain file documentation signed by the live-in aide, that the live-in aide is not a party to the lease and is not entitled to HACE assistance. The live-in aide is only approved to live in the unit while serving as the care attendant for the family member who requires the care.

The Lease is incorporated into this policy by reference. The following provisions govern Lease execution and amendments:

- A Lease is executed at the time of admission for all new residents.
- A new Lease is executed at the time of the transfer of a resident from one housing development unit to another (with no change in anniversary date).
- If, for any reason, the head of household ceases to be a member of the household, HACE will consider executing a Lease with the remaining adult family member(s).
- Lease signers must be persons legally eligible to execute contracts.
- The names, Social Security numbers, and date of birth of all household members are listed on the Lease at initial occupancy and on the Reexamination Form each subsequent year. Only those persons listed on the most recent certification shall be permitted to occupy a dwelling unit.
- Whenever there is a change in the family composition, a Lease amendment will be executed.
- Changes to resident rents are made upon the preparation and execution of a "Notice of Rent Adjustment" by HACE, which becomes an attachment to the Lease. Documentation will be included in the resident file to support proper notice.
- Households that include a Live-In Aide will contain file documentation and a lease provision that the Live-In Aide is not a party to the Lease and is not entitled to HACE assistance, except for occupancy while serving as the attendant for the resident family member. Only one additional bedroom can be assigned to a Live-In Aide to accommodate the Live-In Aide only.

The lease must include a Lead Disclosure Addendum that is signed and dated by HACE, any leasing agent of HACE, and the resident(s). The Lead Disclosure Lease Addendum must:

- Contain the required Lead Warning Statement;
- Disclose the presence of known lead-based paint and lead-based paint hazards;
- Disclose whether HACE has records or reports that are being provided or that there are no records or reports to disclose;
- Document the receipt by the resident of the EPA pamphlet and of records and reports on lead-based paint and lead-based paint hazards; and
- Include a statement that acknowledges that the resident received the lead disclosure statement, including any records or reports, and the pamphlet and certifies the accuracy of these statements.

The lease, lease addendum, or resident addendum must include the specific protections afforded to victims of domestic violence, dating violence, sexual assault, or stalking. This includes regulatory definitions, provisions regarding documenting Violence Against Women Act (VAWA) status and descriptions of the remedies available to victims of domestic violence, dating violence, sexual assault, or stalking as applicable to the Public Housing program, including emergency transfers.

Lease Amendments for Family Composition Modifications

The lease will be amended to reflect all changes in family composition. If, for any reason, any member of the household ceases to reside in the unit, the lease will be amended by drawing a line through the person's name. The head of household and HACE will be required to initial and date the change.

If a new household member is approved by HACE to reside in the unit, the person's name and birth date will be added to the lease. The head of household and HACE will be required to initial and date the change. If the new member of the household is an adult, they will also be required to sign and date the lease. Policies governing when and how changes in family composition must be reported are contained in the Chapter on Reexaminations.

4.3 Security Deposits

Residents must pay a security deposit to HACE at the time of admission.

The security deposit for all units is \$75.00 (through Dec 2023) and must be paid in full at the time of lease signing.

HACE will hold the security deposit for the period the family occupies the unit. HACE will not use the security deposit for rent or other charges while the resident is living in the unit.

Within 30 days of move-out, HACE will refund to the resident the amount of the security deposit (including interest earned on the security deposit), less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease.

HACE will provide the resident with a written list of any charges against the security deposit. If the resident disagrees with the amount charged, HACE will provide a meeting to discuss the charges. The meeting is offered outside of the agency's grievance process as the resident is no longer considered a current resident after they have moved out of the unit.

If the resident transfers to another unit, HACE will transfer the security deposit to the new unit. The resident will be billed for any maintenance or other charges due for the "old" unit.

4.4 Rent Payments

Families must pay the amount of the monthly resident rent determined by HACE in accordance with HUD regulations and other requirements. The amount of the resident rent is subject to change in accordance with HUD requirements.

The lease must specify the initial amount of the resident rent at the beginning of the initial lease term, and HACE must give written notice stating any change in the amount of resident rent and when the change is effective.

The resident rent is due and payable at the HACE-designated location on the first of every month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

If a family's rent changes, HACE will notify them of the new amount and the effective date by sending a "Notice of Rent Adjustment" which will become an attachment to the lease, at least 30 days before the effective date for rent increases.

4.5 Late Fees and Non-Payment of Rent

The resident rent is due and payable on the first of every month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter. Rent is considered delinquent after the tenth (10th) day of the month.

Exception to the late charge policy:

The late charge will be waived for those Residents that receive their monthly Social Security checks after the 15th of the month. Any Resident requesting this exemption must provide their Social Security award letter to HACE. If the letter is not provided, the exception will not be applied. Other exemptions may be approved at the discretion of the Executive Director, Deputy Director or their designee.

If the resident fails to pay their rent by the fifth day of the month, and HACE has not agreed to accept payment at a later date, a Notice to Vacate will be issued to the resident for failure to pay rent, demanding payment in full or the surrender of the premises. The Notice to Vacate will give the resident at least 14 days before HACE takes action to terminate the lease unless an extended time period is mandated by HUD. During periods of national emergency when Federal emergency assistance is available to residents, the Notice to Vacate may give residents at least 30 days. All residents will be notified when the longer notification timeframe is adopted.

In addition, if the resident fails to make payment by the end of office hours on the tenth (10th) day of the month, a late fee of \$25.00 will be charged. The late fee will show up on the rent statement for the following month. If the family requests a grievance hearing within the required timeframe, HACE may not take action for nonpayment of the fee until the conclusion of the grievance process. If the resident can document financial hardship, the late fee may be waived on a case-by-case basis.

When a check or ACH payment is returned for insufficient funds or is written on a closed account, the rent will be considered unpaid and a returned check fee of \$25.00 will be charged to the resident. The fee will be due and payable on the next monthly rent statement.

4.6 Excess Utility Charges

When applicable, residents will be charged for excess utility usage according to HACE's current posted schedule. Notices of excess utility charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable with the next monthly rent statement. If the resident requests a grievance hearing within the required timeframe, HACE may not take action for nonpayment of the charges until the conclusion of the grievance process.

Individual Resident Relief from Excess Electricity Utility Surcharges

HACE may grant requests for relief from surcharges for excess utility consumption of HACE-furnished utilities where HACE deems an exception is appropriate. In determining whether to grant their request, HACE will consider special factors affecting utility usage that are not within the control of the resident, such as the need for medical equipment.

Residents wishing to request relief under this provision should contact the Property Manager of the development in which the resident resides. Residents must provide written documentation to support a request for relief. Requests will not normally be acted upon without this documentation. Exceptions will be considered on a case-by-case basis. HACE has sole discretion to grant relief under this procedure without documentation. Adjustments to utility allowances will be effective beginning the month for which the request was made.

Notice of the availability of procedures for requesting relief (including HACE representative with whom initial contact may be made by the resident) and the criteria for granting requests will be included in each notice to residents of changes in utility allowances or surcharges as well as to new residents as part of the lease orientation.

Reasonable Accommodations in Adjusting the Utility Allowance

On request from a family that includes a person with a disability HACE must approve a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed to make the program accessible to and usable by the family. The policy of HACE is to adjust the amount of resident-paid utilities or HACE consumption levels for resident allowances in documented situations when a qualified family is entitled to the adjustments.

Such adjustments shall be made based on the qualification of the individual's disability-related need, and the relief granted to the resident should be commensurate with the estimated value of the utility consumption necessitated by the equipment or condition causing the excess consumption. Residents wishing to request relief under this procedure should contact the Property Manager of the development in which the resident resides. Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of a disability.

Residents who disagree with HACE's decision may request an informal hearing in accordance with the Grievance Procedure, a copy of which is maintained in the management offices.

4.7 Maintenance and Damage Charges

When applicable, families will be charged for maintenance and/or damages beyond normal wear and tear according to HACE's current schedule. Work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable).

Notices of maintenance and damage charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable with the following months rent statement. If the family requests a grievance hearing within the required timeframe, HACE may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for termination.

4.8 Modifications to the Lease

The lease may be modified at any time by written agreement of the resident and HACE.

HACE may modify its lease from time to time. However, HACE must give residents at least sixty (60) days advance notice of the proposed changes and an opportunity to comment on the changes. HACE must also consider any comments before formally adopting a new lease.

After proposed changes have been incorporated into the lease and approved by the Board, each family must be notified at least 60 days in advance of the effective date of the new lease or lease revision. A resident's refusal to accept permissible and reasonable lease modifications that are made in accordance with HUD requirements, or are required by HUD, is grounds for termination of tenancy.

The family will have 30 days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30-day timeframe, the family's tenancy will be terminated for other good cause in accordance with HACE lease termination policies.

When HACE proposes to modify or revise schedules of special charges or rules and regulations, HACE will post a copy of the notice in the central office and will mail a copy of the notice to each resident family. Documentation of proper notice will be included in each resident file.

4.9 Unit Inspections

Unit inspections are required at four 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 resident 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:

A. Pre-Occupancy Inspection (Move-in):

1. HACE and the resident or their representative will inspect the dwelling unit prior to occupancy by the resident. HACE will provide the resident 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.
2. The inspection form shall be signed by a HACE staff member and resident, and a copy of the form will be retained in the resident's file. Any deficiencies noted on the inspection form will be corrected by HACE and at no charge to the resident.

B. Housekeeping Inspections:

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 their cleaning habits. At the move-in, all residents will receive a copy of the HACE acceptable housekeeping standards.

C. Annual Inspections:

1. HACE or a subcontractor will inspect all units at least annually. More frequent inspections will be conducted as required by unit conditions. Residents will be notified at least 48 hours before the inspection as to the date and time of inspection in accordance with the lease.

2. In addition to the HUD-required standards, annual inspections will evaluate: housekeeping conditions, safety conditions, resident care of the dwelling unit and compliance with their obligations under the lease. As such, the resident will be informed of deficiencies and notified of any action required by the resident of HACE to correct deficiencies.
3. Where resident action is required, re-inspections will be conducted as required.

D. Termination Inspection (Move-out):

HACE will inspect the unit at the time the resident vacates the unit and give the resident a written statement of the charges, if any, for which the resident is responsible. The resident and/or a representative may join in such inspection unless the resident vacates without notice to HACE.

E. Emergencies

In cases of emergencies, HACE may enter a leased unit without providing 48 hours' notice to the resident. In such instances, HACE will notify the family as soon as possible. These can include instances such as a fire, gas leak, water leak or welfare check.

4.10 Lease Terminations

Termination by Resident

The resident may terminate the Lease with HACE by submitting a written 30-day advance notice as defined in the lease agreement. When a resident must give less than 30 days' notice due to circumstances beyond their control HACE, at its discretion, may waive the 30-day requirement.

The notice of lease termination must be signed by the head of household, spouse, or co-head of household.

A. TERMINATION BY HACE

Termination of tenancy will be in accordance with HACE's Lease. All HACE eviction actions must be consistent with fair housing and equal opportunity provisions.

Notice of Lease Termination – HACE shall give written Lease Termination Notices for any breach of the Lease. The number of days given for the resident to vacate the unit adhere to the Pennsylvania Resident Landlord Act and HUD guidelines, and are as follows:

1. Fourteen (14) days in the case of failure to pay rent.
2. A reasonable period of time considering the seriousness of the situation (but not to exceed 30 days):
 - a. If the health or safety of other residents, HACE employees, or person residing in the immediate vicinity of the premises is threatened; or
 - b. If any member of the household has engaged in any drug-related criminal activity or violent criminal activity; or
 - c. If any member of the household has been convicted of a felony.
3. Thirty (30) days in any other case.

The Notice of Lease Termination to the resident shall state specific grounds for termination and shall inform Resident of the Resident's right to make such reply as the Resident may wish. The notice shall also inform the resident of the right to examine HACE documents directly relevant to the termination or eviction. When HACE is required to offer Resident the opportunity for a grievance hearing, the Notice shall also inform Resident of the right to request such a hearing in accordance with HACE's Grievance Procedure. The tenancy shall not terminate (even if any Notice to Quit under State or local law has expired) until the time for the Resident to request a grievance hearing has expired, and (if a hearing was timely requested by the Resident) the grievance process has been completed.

If the Secretary of HUD determines that residents must be provided with adequate notice to secure Federal funding that is due to a Presidential declaration of a national emergency:

1. The notice of Lease termination required for failure to pay rent must provide such information as required by the Secretary; and
2. Notwithstanding section XV (E) (1) of the Lease, the notice of Lease termination for failure to pay rent must provide for at least 30 days from the date the resident receives the notice.
3. Upon the Secretary's determination in paragraph (A) above, HACE must provide notice to all residents of the requirements in paragraph (A) taking effect.

HACE may terminate tenancy, through a court action, for:

1. Serious or repeated violation of material terms of the Lease, such as the following:
 - a. Failure to pay rent or other charges when due;
 - b. Failure to fulfill household obligations, as described in Section X Resident Obligations of this Lease;
2. Being over the income limit for the program, as provided in 24 CFR 960.261 and the HACE ACOP.
3. Other good cause which includes, but is not limited to, the following:
 - a. Criminal activity or alcohol abuse;
 - b. Discovery after admission of facts that made the resident ineligible;
 - c. Discovery of material false statements or fraud by the resident in connection with an application for assistance or with reexamination of income;
 - d. Failure of a family member to comply with the service requirement provisions is grounds only for non-renewal of the Lease and termination of tenancy at the end of the twelve-month Lease; and
 - e. Failure to accept the PHA's offer of a Lease revision to an existing Lease with written notice of the offer of the revision at least 60 calendar days before the Lease revision is scheduled to take effect, and with the offer specifying a reasonable time limit within that period for acceptance by the family.
 - f. Discovery that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
 - g. Determination or discovery that a resident is a current registered lifetime sex offender.
 - h. Discovery that a Resident is fleeing to avoid prosecution, or custody, or confinement after conviction for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees (or, in the case of the State of New Jersey is a high misdemeanor) or violating a condition of probation or parole imposed under Federal or State law.

4. Such serious or repeated violation of material terms shall include but not be limited to:

- a. Failure to comply with the housekeeping standards established by HACE.
- b. Serious or repeated interference with the rights of staff or other Residents.
- c. Misrepresentation of family income, assets, or composition, or failure to report changes in family income, assets, or composition as required by this Lease.
- d. Failure to supply, in a timely fashion, any certification, release, information, or documentation on family income or composition needed to process Annual Recertifications or Interim Recertifications.
- e. Serious or repeated damage to the unit, or creation of physical hazards in the unit, common areas, grounds, or parking areas of the property.
- f. Any criminal activity by Resident, household member, guest, or other person under Resident's control, including criminal activity that threatens the health, safety or right to peaceful enjoyment of HACE's public housing unit by other residents, or the right to peaceful enjoyment of their residences by persons in the immediate vicinity of the premises, or any drug related criminal activity, whether on or off HACE property, will be subject to Lease termination. Drug-related criminal activity is defined as the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use of any controlled substance. HACE may evict the resident if it is determined that the covered person has engaged in the criminal activity, regardless of whether the person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.
- g. Illegal weapons or drugs are seized in the unit by a law enforcement officer.
- h. Alcohol abuse or pattern of abuse that HACE determines interferes with the health, safety, or right to peaceful enjoyment of the unit by other residents or is interfering with staff ability to complete their job duties.
- i. Furnishing false or misleading information concerning illegal drug use, alcohol abuse or rehabilitation of illegal drug users or alcohol abusers.
- j. Any other good cause, including a determination that Resident's actions have become a threat to the health and safety of themselves, other residents, or staff.
- k. Failure to comply with HACE's Pet Policy.
- l. Failure to comply with HACE's Smoking Policy.

B. CRITERIA FOR TERMINATING THE LEASE

HACE will use the preponderance of the evidence as the standard for making all termination decisions. Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

C. CONSIDERATION OF CIRCUMSTANCES

Although it is required that certain lease provisions exist for criminal activity and alcohol abuse, HACE may consider all circumstances relevant to a particular case to determine whether or not to terminate the lease. Such relevant circumstances can also be considered when terminating the lease for any other reason.

HACE will consider the following factors before deciding whether to terminate the lease for any of the HUD-required lease provisions or for any other reasons:

- The seriousness of the offending action, especially with respect to how it would affect other residents.
- The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor, a person with disabilities, or a victim of domestic violence, dating violence, sexual assault, or stalking.
- The effects that the eviction will have on other family members who were not involved in the action or failure to act.
- The effect on the community of the termination, or of HACE 's failure to terminate the tenancy.
- The effect of HACE 's decision on the integrity of the Public Housing program.
- The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action.
- The length of time since the violation occurred, the family's recent history, and the likelihood of favorable conduct in the future.
- In the case of program abuse, the dollar amount of the underpaid rent and whether or not a false certification was signed by the family.
- The successful completion of a supervised drug or alcohol rehabilitation program for illegal drug use or a pattern of illegal drug use, or for abuse or a pattern of abuse of alcohol, by a household member who is no longer engaging in such use or abuse. For this purpose, HACE will require the resident to submit evidence of the household member's successful completion of a supervised drug or alcohol rehabilitation program.
- If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of lease, in a manner compliant with resident medical privacy rights, HACE will determine whether the behavior is related to the disability. If so, upon the family's request, HACE will determine whether alternative measures are appropriate as a reasonable accommodation.
- Provisions of VAWA for victims of domestic violence, dating violence, sexual assault, or stalking.

D. ALTERNATIVES TO TERMINATING THE LEASE

Exclusion of Culpable Household Member

HACE will consider requiring the resident to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

As a condition of the family's continued occupancy, the head of household must certify that the culpable household member has vacated the unit.

E. REPAYMENT OF RESIDENT DEBT

Any amount owed to HACE by a public housing family must be repaid. If the family is unable to repay the debt within 30 days, HACE will offer to enter into a repayment agreement in accordance with the policies below.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, HACE will terminate the family's tenancy in accordance with the policies in this Chapter. HACE will also report any balances due to HUD. This could impact the Residents ability to rent in the future.

General repayment guidelines include:

- Before executing a repayment agreement with a family, HACE will generally require a down payment of 10 percent of the total amount owed. If the family can provide evidence satisfactory to HACE that a down payment of 10 percent would impose an undue hardship, HACE may, in its sole discretion, require a lower percentage or waive the requirement.
- The minimum monthly payment amount will be the greater of: (1) the difference between 40 percent of the family's monthly adjusted income (MAI) and the TTP at the time the agreement is executed, or (2) twenty-five dollars (\$25).
- If a family can provide evidence satisfactory to HACE that a monthly payment amount of \$25 would impose an undue hardship, HACE may, in its sole discretion, require a lower monthly payment amount.
- If the family's income increases or decreases during the term of a repayment agreement, either HACE or the family may request that the monthly payment amount be adjusted accordingly.
- Any repayment agreement between HACE and a family must be signed and dated by HACE and by all adults, age 18 or older in the household.
- If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given by HACE, HACE will send the family a delinquency notice giving the family 10 calendar days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and HACE will terminate tenancy in accordance with the policies herein.
- HACE generally will not enter into a repayment agreement with a family if there is already a repayment agreement in place with the family, or if the resident has committed fraud.

4.11 Abandonment of Unit

- A. At the time a resident has relinquished possession of the unit, the resident shall remove from the premises all items of the tenant's personal property. For purposes of this section, a resident shall be deemed to have relinquished possession of the unit upon any of the following:
 1. Execution of an order of possession through the courts
 2. 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 resident has vacated the premises.
 3. The resident vacated the unit without communicating intent or return, the rent is more than 15 calendar days past due and, subsequent to those events, HACE had posted notice of the resident's rights regarding their personal property.

- B. Upon relinquishment of the premises, the resident has ten (10) calendar days to contact HACE regarding the resident'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) calendar days. If no communication is made to HACE within ten (10) calendar 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 resident, the following shall apply:
1. HACE will not provide further notice to the resident if their acceptance of the unit by HACE under Section A.1. and the writ or order for possession contained notice of the provisions under Section 2.
 2. If there is acceptance of the unit by HACE under this Section, HACE will provide written notice to the resident that personal property remains in the unit and must be retrieved by the resident.
 - a. This notice will give the resident ten (10) calendar 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 HAVE, 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.
 - b. If no communication is made to HACE within ten (10) calendar days, the property may be disposed of at the end of the ten (10) days at the discretion of HACE.
 - c. The notice shall be sent by regular mail to the resident's forwarding address if provided, or if no forwarding address, then to the formerly leased unit, or by personal delivery to the resident.
 - d. If the personal property is stored, HACE will charge a storage fee per day to the resident.

SECTION 5: TRANSFERS

5.1 Transfer List and Priorities

HACE will maintain a centralized transfer list to ensure that transfers are processed in the correct order and that procedures are uniform across all properties.

Emergency transfers will not automatically go on the transfer list. Instead, emergency transfers will be handled immediately, on a case-by-case basis. If the emergency cannot be resolved by temporary accommodation, and the family requires a permanent transfer, the family will be placed at the top of the transfer list.

Transfers will be processed in the following order:

Priority 1: Imminent threat(s) as determined by HACE

Priority 2: To permit modernization of the unit and/or building

Priority 3: There is a verified need for a Reasonable Accommodation or a verified medical need for a different unit

Priority 4: To correct any occupancy standards

Priority 5: To avoid concentrations of the most economically and socially deprived families

Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date.

With the approval of the executive director, or their designee, HACE may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list to address the immediate need of a family in crisis.

Residents will not be transferred to a dwelling unit of equal size within the community except to alleviate a hardship as determined by the Executive Director or their designee.

Demolition and renovation transfers will gain the highest priority as necessary to allow the HACE to meet the demolition, renovation, revitalization program, or RAD schedules. In the event the next available unit is greater in size than the family requires according to occupancy standards and no suitable family is on the transfer list, HACE may transfer and temporarily over-house the family to maintain the demolition or renovation schedule. All mandatory transfers will take precedence over waiting list admissions.

5.2 Emergency Transfers

If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, HACE must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time.

The following is considered an emergency circumstance warranting an immediate transfer of the resident or family:

- Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak, no heat in the building during the winter, no water, toxic contamination, serious water leaks, or to protect the family from imminent danger by criminal activity.
- A verified incident of domestic violence, dating violence, sexual assault, or stalking. In order to request an emergency transfer under VAWA, the resident is required to submit an emergency transfer request form (HUD-5383). HACE may, on a case-by-case basis, waive the requirement and accept a verbal request to expedite the transfer process. If HACE accepts an individual's statement, staff will document acceptance of the statement in the individual's file. Transfer requests under VAWA will be processed in accordance with the VAWA Emergency Transfer Plan, which is included as an exhibit to the ACOP.

Emergency Transfer Procedures

If the transfer is necessary because of maintenance conditions or other emergency conditions, and an appropriate unit is not immediately available, HACE will provide temporary accommodations to the resident by arranging for temporary lodging at a hotel or similar location. If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired within 24 hours or a reasonable amount of time, HACE will transfer the resident to the first available and appropriate unit after the temporary relocation.

Emergency transfers that arise due to maintenance conditions are mandatory for the resident.

HACE will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, or stalking. HACE will allow a resident to make an internal emergency transfer under VAWA when a safe unit is immediately available. HACE defines immediately available as a vacant unit, that is ready for move-in within a reasonable period of time, not to exceed 20 days. If an internal transfer to a safe unit is not immediately available, HACE will assist the resident in seeking an external emergency transfer either within or outside HACE's programs. HACE has adopted an Emergency Transfer Plan, which is included as an exhibit to the ACOP.

5.3 HACE Initiated Transfers

HACE may require that a family transfer to another unit. Several types of transfers are required by HACE and considered a "mandatory" move. These circumstances include:

- to maintain occupancy standards based on family composition; or
- requiring a family to transfer to make an accessible unit available to disabled family; or
- if HACE is engaging in housing development/revitalization or rehabilitation activities that require families to relocate to an alternate HACE unit.

Transfers required by HACE are mandatory for the resident. Refusal by the resident of a HACE required transfer to an appropriate unit is grounds for termination of the lease.

A. OCCUPANCY STANDARDS TRANSFERS

HACE will transfer a family when the family size has changed, and the family is now too large (under-housed) or too small (over-housed) for the unit occupied.

1. Under-housed: the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides. For example, a household may become under-housed for a unit when a new child or an adult joins the household.
2. Over-housed: the family no longer qualifies for the bedroom size in which they are living based on HACE's occupancy standards. For example, a household may be considered over-housed for a unit when an adult child leaves the household.

HACE may also transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on the agency's occupancy standards, when HACE determines there is a need for the transfer. HACE may also elect not to transfer an over-housed family in order to prevent vacancies.

HACE will process split family transfers that meet the following criteria:

- The family must be overcrowded according to agency occupancy standards.
- The persons who would be the original and new family head of household must both be listed on the most recent lease; and
- The reason for the family split must be the addition of children through birth, adoption, or court awarded custody.

Depending on family circumstances and unit availability, HACE has discretion to transfer the household into two different units or transfer a portion of the household to a new unit while the other part of the household stays in the original unit. Such transfers will be made in a manner that minimizes the impact on vacant units.

B. TRANSFERS TO MAKE AN ACCESSIBLE UNIT AVAILABLE

When a non-accessible unit becomes available, HACE will transfer a family living in an accessible unit that does not require the accessible features, to an available unit without accessibility amenities. HACE will transfer the resident to the first available and appropriate unit in a development. HACE may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit.

C. DEMOLITION, DISPOSITION, REVITALIZATIONS OR REHABILITATION TRANSFERS

To enable HACE to engage in major housing rehabilitation, development, demolition, or disposition activities to improve the housing stock in its portfolio, a resident family may be required to relocate temporarily or permanently.

HACE will relocate a family when the unit or site in which the family lives is undergoing major rehabilitation that requires the unit to be vacant, or the unit is being disposed of or demolished. HACE'S relocation plan may or may not require transferring affected families to other available public housing units.

D. INCENTIVE TRANSFERS

HACE will offer lease-compliant residents the opportunity and incentive to make a voluntary transfer from a traditional public housing development to a mixed-income/mixed-finance community. Transfer opportunities will be offered to residents who are lease compliant and meet the site's specific screening criteria of the mixed income/mixed- finance community.

5.4 Resident-Initiated Transfers

HACE is under no regulatory obligation to approve resident-initiated transfer requests other than for reasonable accommodation.

However, the types of requests for transfers that HACE will consider are limited to requests for transfers to alleviate a serious or life-threatening medical condition, transfers due to a threat of physical harm or criminal activity, reasonable accommodation, transfers to a different unit size as long as the family qualifies for the unit according to HACE occupancy standards, and transfers to a location closer to employment. No other types of transfer requests will be considered by HACE. Transfer request types are described below.

HACE will consider the following as high priority transfer requests:

- Reasonable Accommodation: When a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first-floor unit for a person with mobility impairment, or a transfer to a unit with accessible features.
- Verified Threat: When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at HACE's discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, a hate crime, or domestic violence, dating violence, sexual assault, or stalking.
- Alleviate Medical Problems: When a transfer is needed to alleviate verified medical problems of a serious or life-threatening nature.

HACE will consider the following as regular priority transfer requests:

- Overcrowded: When a family requests a larger bedroom size unit even though the family does not meet HACE's definition of overcrowded, as long as the family meets HACE's occupancy standards for the requested size unit.

5.5 Eligibility for Transfer

Except where reasonable accommodation is being requested, HACE will only consider resident-initiated transfer requests from residents that meet the following requirements.

- The household has not given notice to move
- The household is not pending eviction or being evicted
- The household is current for all outstanding charges
- The household has not entered into a repayment agreement for failing to fully and accurately report income or household composition
- The household has no record of any lease violations in the last 12 months
- The household complies with lease provisions regarding decent safe and sanitary conditions of the current unit
- The household has been a resident in good standing with the housing authority for 12 months or more

Exceptions to the requirements above may be made when it is to HACE's advantage to make the transfer. Exceptions may also be made when HACE determines that a transfer is necessary to protect the health or safety of a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking in accordance with the agency's Emergency Transfer Plan.

If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of two years from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

5.6 Transfer Requests

Residents requesting a transfer to another unit or development will be encouraged to submit a written request for transfer.

In the case of a reasonable accommodation transfer HACE will encourage the resident to make the request in writing using a reasonable accommodation request form. However, HACE will consider the transfer request any time the resident indicates that an accommodation is needed whether a formal written request is submitted.

HACE will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family.

To request an emergency transfer under VAWA, the resident is required to submit an emergency transfer request form (HUD-5383). HACE may, on a case-by-case basis, waive the requirement and accept a verbal request to expedite the transfer process. If HACE accepts a verbal request, staff will document acceptance of the request in the individual's file. Transfer requests under VAWA will be processed in accordance with the VAWA Emergency Transfer Plan, which is included as an exhibit to the ACOP.

If the family does not meet the "good record" requirements stated below, the manager will address the issue and, until resolved, the request for transfer will be denied.

If HACE denies the request for transfer, the family will be informed of its grievance rights.

5.7 Processing Transfer Requests

Any Resident requesting a transfer must do so by completing the transfer request form and submit it to HACE.

Emergency transfers will not automatically go on the transfer list. Instead, emergency transfers will be handled immediately, on a case-by-case basis. If the emergency cannot be resolved by a temporary accommodation, and the resident requires a permanent transfer, the family will be placed at the top of the transfer list.

With the approval of the executive director, HACE may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of family in crisis.

Demolition and renovation transfers will gain the highest priority as necessary to allow HACE to meet the demolition or renovation schedule.

Mandatory transfers will take precedence over waiting list admissions.

5.8 Unit Acceptance or Refusal

Residents will receive up to two offers for a transfer, unless good cause is provided. Applicants must accept or refuse a unit offer within five (5) calendar days of the date of the unit offer. Offers will be made in person or by telephone and will be confirmed by letter.

If after 2 offers the family refuses the unit, the family must wait one year from the date of refusal to reapply for another transfer.

When the transfer is required by HACE, the refusal of that offer without good cause may result in lease termination.

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

- The family demonstrates to HACE's satisfaction that accepting the unit offer will require an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.
- The family demonstrates to HACE's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.
- The unit is inappropriate for the resident's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.
- HACE will require documentation of good cause for unit refusals. In the Case of a unit refusal for good cause, the resident family will not be removed from the transfer list. A refusal for good cause will not adversely affect the family's position or placement on the transfer list. The family will remain at the top of the list until the family receives an offer for which they do not have good cause to refuse. The family has five (5) calendar days from the date of the unit offer to submit documentation for a good cause unit refusal.

The household must agree to take possession of a unit in no more than thirty (30) calendar days unless HACE provides a written exception to this policy.

If the household does not complete appropriate paperwork and does not take possession of the unit within thirty (30) days of accepting the offer, the applicant will be subsequently rejected and removed from the transfer list. (Extenuating circumstances related to verified medical situations will be considered).

Once the Resident has received the keys to the "new" unit, they will have 10 (ten) days to move from the "old" unit and turn in the keys to the Manager. If the keys are not returned within the 10 (ten) days, the locks will be changed, and the Resident will have to contact the office to make arrangements to remove any remaining items. The Resident will be charged for the lock change and storage fees for each day the belongings are not removed. (See separate fee schedule for amount).

Residents are also responsible for any damage that may occur at either unit while they are in possession of the keys.

5.9 Cost of Transfer

HACE will, at its discretion, bear the reasonable costs of (HACE-initiated) administrative transfers and emergency transfers.

For resident-initiated transfers, the resident will bear all costs associated with the transfer.

The reasonable costs of emergency and administrative transfers include the cost of packing, moving, and unloading. HACE will also pay for the cost of disconnecting and reconnecting any existing resident-paid utility services (e.g., electricity). HACE will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, HACE will collect information from companies in the community that provide these services. HACE will reimburse the family for eligible out-of-pocket moving expenses up to HACE's established moving allowance.

SECTION 6: REEXAMINATIONS AND CONTINUED OCCUPANCY

6.1 Eligibility for Continued Occupancy

Residents who meet the following criteria will be eligible for continued occupancy. They must:

- A. Qualify as a family as defined in the "Eligibility, Screening and Verification" chapter of this ACOP. (Note: For purposes of continued occupancy, remaining family members qualify as a family so long as at least one of them is of legal age to execute a lease. Remaining family members can also include court-recognized emancipated minors under the age of 18).
- B. Comply fully with the family obligations and responsibilities as described in the dwelling lease. HACE cannot refuse to renew resident leases except for failure to comply with Community Service and Self Sufficiency requirements. Leases can only be terminated for serious or repeated violation of the material terms of the lease.
- C. Provide Social Security numbers for all family members (or have an extension for new members aged 6 and under) or have certifications on file indicating they have no Social Security number.
- D. Qualify as U.S. citizens, have eligible non-citizen status, or are paying pro-rated rent (24 CFR § 5.520). E. Comply with HACE's 96 hours per year community service and self-sufficiency requirement, unless determined to be exempt.

6.2 Frequency of Reexamination

Annual Reexamination for Income-Based Rent

HACE must conduct an annual reexamination for households living in Public Housing. The anniversary date will be the 1st of the month of the month that they moved into a unit. So, if a family moved in on May 17th, the annual reexamine will be due on May 1st every year.

Reexamination for Flat Rent

For families paying flat rents, HACE will conduct a full reexamination of family income once every three (3) years. In conducting full reexaminations for families paying flat rents, HACE will follow the policies used for the annual reexamination of families paying income-based rent.

Interim Reexamination

Interim reexaminations are conducted because of changes in family income, family composition, or circumstances impacting adjusted annual income that occur between reexaminations. (Refer to Sections 6.38 through 6.10) All families, regardless of paying income-based rent or flat rent, may report all changes in family and household composition that occur between annual reexaminations. Families must request approval for all additions to family and household composition subject to established eligibility policies.

6.3 Scheduling and Notification

Generally, HACE will schedule annual reexaminations that will align effective dates with the resident's admission date. Generally, the reexamination interview date will be scheduled at least 60 days prior to the resident's anniversary date.

Notification of annual reexamination interviews will be sent 120 days prior to the resident's anniversary date by first-class mail, email, or other forms of notification and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact HACE to request a reasonable accommodation. HACE is required to provide reasonable accommodation to persons with disabilities. A reasonable accommodation is a modification or change HACE can make to its units, buildings, policies, or procedures that will assist an otherwise qualified applicant or resident with a disability to take full advantage of and use HACE programs.

HACE will send subsequent 90, 60, and 30-day notices by first-class mail, email, or other forms of notification to remind the resident of the scheduled reexamination date and include a reminder to have all required documents submitted prior to the reexamination interview.

HACE has the discretion to hold reexaminations in-person, by telephone or by mail. If the head of household, spouse or co-head of household is unable to attend a scheduled, in person, interview, the family should contact their office in advance of the interview to schedule a new appointment.

If a family does not complete the reexamination process, the family will be in violation of their lease. The monthly rent will be taken to the flat rent rate and the tenancy can be terminated or the lease will not be renewed in accordance with the policies established in the "Lease Requirements" section of the ACOP.

De Minimis Errors in Income Determination

HACE will repay or credit any family the amount that the family was overcharged retroactive to the effective date of the action the error was made, regardless of the dollar amount associated with the error in income determination.

HACE will not require the family to repay in instances resulting in a family being undercharged for rent where HACE miscalculated the family's rent.

6.4 Conducting Annual Reexaminations

Residents will be asked to submit all required information as described in the reexamination notice. The required information will include a signed Authorization for the Release of Information/Privacy Act Notice (Form HUD 9886), and any other forms required by HACE as well as supporting documentation related to the family's income, assets, expenses, and family composition.

Supporting documents to verify income, assets, and other financial information cannot be more than 120 days old. HACE will follow the EIV verification hierarchy to verify and calculate income, assets, deductions, expenses, and household characteristics. HACE will follow the hierarchy and obtain verification documents as required.

There are some documents in the hierarchy that require the family to obtain verification. Any required documents or information that the family is unable to provide at the time of the interview must be provided within 10 calendar days of the interview. If the resident is unable to obtain the information or materials within the required time frame, the resident may request an extension, which shall not be unreasonably denied by HACE.

Annual Community Service Requirements Reporting

For families who include nonexempt individuals, HACE must determine compliance with community service requirements once every 12 months. HACE will also determine any changes to the exempt or non-exempt status of family members during the reexamination. Exempt or non-exempt status will be based on the criteria included in the ACOP Chapter titled "Community Service and Self-Sufficiency Requirements."

All non-exempt adult, 18 years or older, public housing household members must satisfy the following requirements:

- Perform a total of eight (8) hours per month of community service (not including political activities) within the community in which that adult resides. The community service hours given can be a combination of volunteer activities; or
- Participate in an economic self-sufficiency program for eight (8) hours per month; or
- Perform eight (8) hours per month of combined activities (community service and economic self-sufficiency programs).
- Fewer than eight (8) hours may be earned each month, but a total of ninety-six (96) hours must be completed before the resident's next annual reexamination.

6.5 Rent Changes and Other Adjustments to Resident Status

Families will have a choice between income based rent or flat rent each year at their annual reexamination. Unless there are financial hardships as described, a family will not be able to change their choice of rent until the following reexamination.

Hardships can include the following:

- A. The family has experienced a decrease in income because of changed circumstances including loss or reduction of employment, death in the family, or reduction in or loss of earnings or assistance;
- B. The family has experienced an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items; and
- C. Such other situation determined by HACE to be appropriate.

The Notice of Rent Change will include the current rent, the new rent, the date when the new rent takes effect, the reason for the rent change, and information regarding the resident's right to request an informal hearing if they disagree with the new rent.

In general, an increase in the resident rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance of any rent changes or adjustments.

If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.

If the family causes a delay in processing the annual reexamination, increases in the resident rent will be applied retroactively, to the effective date that coincides with the resident's anniversary date. The family will be responsible for any underpaid rent and may be offered a repayment agreement.

A decrease in the resident rent that results from an annual reexamination will take effect on the family's anniversary date.

If the family causes a delay in processing the annual reexamination, decreases in the resident rent will be applied prospectively, from the first day of the month following completion of the reexamination.

If a family does not cooperate with the annual reexamination process in time for the annual to be completed, the family will be placed on flat rent until it is completed. A family may also be evicted for non-compliance with lease terms.

6.6 Minimum Rent

HACE has established a minimum rent of fifty dollars (\$50) for Public Housing participants. Residents must request a hardship exemption prior to becoming delinquent on their rent. HACE will grant an exemption from the minimum rent amount in cases of family hardships for any of the following reasons:

- A. The family has lost eligibility, or is waiting 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 circumstances, 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 cases basis.

There are 2 types of hardship, temporary and long term. A temporary hardship is granted for 90 days. At the end of the 90 days the resident must enter into a payment agreement for the 3 months of suspended minimum rent.

If the resident demonstrates the financial hardship is of a long-term basis, no repayment is required.

Under both scenarios, the Family will pay a rent amount based on 30% of their adjusted income or 10% of their gross income, whichever is higher.

6.7 Zero Income

If a family reports that it has no income, HACE will require that the family report and certify every quarter 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. The Zero Income Questionnaire must be completed in full by the family to assist HACE in establishing any monetary or non-monetary contributions to the Household.

If a change in the unit size is required, the resident will be placed on a transfer waiting list in accordance with the established policy transfers as described in the Transfers chapter of the ACOP and moved to an appropriate unit when one becomes available. Failure by a resident to comply with a mandatory administrative transfer, is cause for tenancy to be terminated and the lease to not be renewed.

6.8 Interim Changes Affecting Continuing Occupancy

HACE requires residents on income-based rent to report all changes in family circumstances that may affect rent and/or family composition, that occur between annual reexaminations, within 14 calendar days of the change. Once all documentation is received from the resident validating the reason for an interim reexamination, HACE will complete the process within 30 days.

HACE is required to process interim examinations for decreases in adjusted income when a member of the household permanently moves out of the unit.

The thresholds for when HACE must do an interim exam any other time are as follows:

1. If the family's annual adjusted income decreased more than 10%
2. If the family's annual adjusted income has increased by more than 10%, excluding any increases in earned income for the Household.

HACE will not conduct an interim examination if a family reports an increase in income within three (3) months of their next annual reexamination effective date.

HACE will not conduct an interim examination when earned income increases if the family previously had an interim reexamination with a reduction during the same reexamination cycle.

HACE will not conduct an interim examination if the change is due to an increase in earned wages. This will be considered “same source” and will not be counted or verified until the next annual reexamination.

At the completion of an Interim Reexamination, if a rent increase is required, HACE will send the resident a written notice 30 days before rent or unit size changes take effect. If a change in unit size is required, HACE will add the Household to the transfer list.

A. ADDITIONS TO THE HOUSEHOLD

Before any adult (age 18 or older) or Live in Aide can be added to the Household, they must be approved and screened in accordance with the ACOP and the TSAP. Residents requesting a Live in Aide must have the Live In Aide application completed to start the process.

B. DEPARTURE OF FAMILY OR HOUSEHOLD MEMBERS

If a family member ceases to reside in the unit, the family must inform HACE within twenty (20) calendar days. HACE requires all adults on the lease to sign off that the individual is leaving the household. This requirement also applies to family members who had been considered temporarily absent, who are now permanently absent. An interim re exam will be required to remove any members from the unit.

If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform HACE within twenty (20) calendar days.

C. 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.

D. DEATH OR PERMANENT DEPARTURE OF HEAD OF HOUSEHOLD

If the head of household dies or permanently leaves the unit for any reason, any remaining family members may continue to occupy the unit if there is at least one family member (not a live-in-aide or a foster child or adult) of legal age who is a citizen or eligible non-citizen and has capacity to execute the lease. The family must inform the HACE of these changes within twenty (20) calendar days.

E. REMAINING MINOR FAMILY MEMBERS

After Death or Permanent Departure of Head of Household

If the head of household dies or permanently leaves the unit, HACE may permit a temporary adult guardian currently not on the lease to reside in the unit until a court-appointed guardian is established for the remaining minor family members. HACE will first consider whether there are

any remaining family members capable of executing the lease before permitting an individual not currently on the lease to assume the role of head of household and execute the lease.

After court-appointed guardianship is established, HACE may add the guardian as the new head of household, provided they meet the HACE 's eligibility criteria. This would usually occur when the only remaining family members in the unit are minors, who otherwise would have to leave the unit.

The new head of household will be held responsible for rent arrearages, unless the arrearage occurred before the new head of household turned age 18.

F. 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.

6.9 Changes in Family and Household Composition

All residents, whether they pay income-based or flat rent, must report all changes in family and household composition that occur between scheduled reexaminations.

HACE can conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

If HACE determines that an individual does not meet HACE 's eligibility criteria or provide sufficient documentation to make a determination, HACE will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial. If the family would like to dispute the denial, the household can follow the agency's Grievance Procedure.

HACE will make its determination within twenty (20) calendar days of receiving all information required to verify the individual's eligibility.

6.10 Changes in Income or Expenses for Income-Based Rent Households

This section only applies to families paying income-based rent. Families paying flat rent are not required to report changes in income or expenses under this section.

HACE will conduct interim reexaminations in each of the following instances:

- When there is a decrease in adjusted income because of a family member permanently moving out of the unit.
- When there is a change in the family's annual adjusted income of 10% or more. This does not include an increase in earned income, unless the family has previously received an interim reduction during the same reexamination cycle, or the increase in income is within 3 months of their annual reexamination.

- HACE may conduct an interim reexamination at any time to correct an error in a previous reexamination or to investigate resident fraud.

A. PERMISSABLE DEDUCTIONS

HACE has permissible deductions that they have elected to use for all families to bolster self-sufficiency.

1. For any member who has wages from employment, HACE will deduct a percentage equal to the approximate amount paid for taxes from wages. This percentage will be subject to change as taxing bodies establish new rates. To qualify for this deduction, you cannot be a (sub)contractor getting paid on a 1099 or own your own business.
2. The second deduction HACE has elected to use is the health insurance deduction. If you are currently employed and paying for health, dental or vision insurance through payroll deduction, HACE will deduct the actual amount you are paying. This does not include life insurance or other add on policies such as Aflac coverage.

6.11 Streamlined Income Determination for Fixed Income Sources

HACE reserves the option to implement a streamlined income determination for any family member with a fixed source of income and/or for any family whose adjusted income consists of 90% or more of fixed income sources. Non-fixed sources of income remain subject to third-party verification.

If implemented, fixed income includes income from:

- Social Security payments, to include Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI);
- Federal, state, local, and private pension plans; and
- Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic payments.

The streamlined determination will be made by applying a verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount. The COLA or current interest rate applicable to each source of fixed income must be obtained either from a public source or from resident-provided, third-party generated documentation. HACE must document how the determination was made that a source of income is fixed. Third-party verification of all income amounts for all family members must be performed at least every three (3) years. HACE must still obtain all family member signatures on required consent forms on an annual basis.

6.12 Enterprise Income Verification (EIV) System

The HUD Enterprise Income Verification (EIV) System is a web-based application, which provides employment, wage, unemployment compensation and Social Security benefit information for residents who participate in HUD-funded housing programs.

HACE must use the EIV system in its entirety to verify employment and income information during interim and required reexaminations of family composition and income in accordance with HUD.

HACE must review the EIV Income and Income Validation Tool reports during interim and required reexaminations of family income and/or composition.

HACE must notify all adult program participants (including minors upon their 18th birthday) of Debts Owed to Public Housing Agencies and Terminations, Form HUD-52675.

6.13 Over-Income Determination (Effective June 2023)

HACE will determine if households are over-income as part of the interim and required annual reexamination processes. Once a family exceeds the over-income limit, the information must be documented in the resident file.

The calculation to determine if a household is over income is computed by taking the current Very Low-Income Limit (50% AMI) for the household size and multiplying it by 2.4. HACE will then compare it to the household's total gross income. This income will include all sources of income, whether from employment, unemployment, Social Security, or a business, as defined by HUD.

If the initial over-income determination was made during an interim reexamination, HACE will conduct a second interim income reexamination on that date one (1) year later.

If the family's income continues to exceed the over-income limit one year after the initial determination, HACE will provide written notification informing the family that their income has exceeded the over-income limit for one (1) year.

If the family income continues to exceed the over-income limit for the next twelve (12) consecutive months (24 months from initial determination), the family will be subject to an alternative rent in accordance with PIH Notice 2019-11. HACE will increase the monthly rent to the greater of (1) the applicable Fair Market Rent (FMR); or (2) the amount of monthly subsidy for the unit.

At the end of the 24-month period, the household will no longer be considered a public housing family and will not be able to participate in any HACE programs or services specifically for Public Housing residents. The household will be required to sign a new (non-public housing) lease within 60 days of the last notice. If the lease is not signed within this time period, then HACE must terminate your tenancy. However, HACE may permit an over income family to execute the lease after this period (60 days), but before termination of tenancy. In this case, the family must pay the total difference between the alternative non-public housing rent and the public housing rent dating back to the date when you were required to execute the lease. With the new lease, households can be billed for utilities as well.

During the 24-month period after the initial determination, families are still considered Public Housing residents and may take part in any HACE programs or services specifically for Public Housing residents, including the Family Self Sufficiency Program (FSS).

When HACE becomes aware of a decrease in income that results in annual income that falls below the over-income limit, the household is no longer considered over-income and the two-year clock stops. A new two-year clock will start if the households' income increases to above the over-income limit.

HACE will publicly post the over-income limits in a conspicuous manner in the applicable agency or project office and on the agency website.

6.14 ASSET LIMITATIONS (Effective January 1, 2024)

HACE will be required to initiate eviction of any Household that has either or both of the following circumstances at their next annual or interim reexamination. HACE will initiate eviction 6 months after the reexamination.

- A. Any current household who has net family assets that exceed \$100,000 (adjusted annually for inflation) and/or
- B. The family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell the real property that is suitable for occupancy by the family as a residence.

HACE will allow residents to cure the noncompliance within the 6-month period, resulting in the household being permitted to stay in Public Housing.

To determine whether or not there is a current ownership in real property, HACE will seek third party verification as applicable to determine;

- 1. Whether or not the family has the legal right to reside at the property
- 2. Whether or not the family has the effective legal right to sell the property, and
- 3. Whether or not the property is suitable for occupancy by the family as a residence.

In the event that third party verification cannot be obtained, HACE will allow a family to self-certify the information needed. In cases where the resident or applicant is a victim of domestic violence, dating violence, sexual assault, or stalking, HACE is required to accept a self-certification without attempting third party verification.

HACE will accept and require a family self-certification stating that they do not have any present ownership interest in any real property at move in and at annual reexamination.

SECTION 7: INCOME, ASSETS AND RENT DETERMINATIONS

7.1 Household Characteristics

To determine annual income, HACE counts the income of all family members, except the types and sources of income that are specifically excluded. Once the annual income is determined, HACE subtracts all allowable deductions (allowances) to determine the Total Tenant Payment (TTP). All income is to be verified pursuant to the HUD verification hierarchy and this ACOP's verification requirement section. HACE must use HUD's verification hierarchy when verifying each household's income, assets, deductions, and expenses. The following sections describe how annual income is determined.

| Household Member Type | Earned Income | Asset Income | Benefit Income | Regular Contributions or Gifts |
|---|---|--------------|----------------|--------------------------------|
| Head, spouse, or co-head: Other adult family members | Included Except participants qualifying for an earned income disallowance (EID) | Included | Included | Included |
| Children under 18 years of age | Excluded | Included | Included | Included |
| Full-time students 18 years of age or older (not head, co-head or spouse) | Included up to \$480. Include the entire amount if the income is less than \$480 annually or if the student is a head, co-head or spouse. | Included | Included | Included |
| Live-in aides, foster child or foster adult | Excluded | Excluded | Excluded | Excluded |

A. TEMPORARILY ABSENT FAMILY MEMBERS

HACE will count the income of family members approved to live in the unit, even if the family member is temporarily absent from the unit.

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

1. Absent Students

When a family member attends school away from home, that individual will continue to be considered a family member unless information becomes available to HACE indicating that the student has established a separate household, or the family

declares that the student has established a separate household. In the case of students living in off-campus student housing, this is not considered to be establishing a separate household.

2. Absences Due to Placement in Foster Care

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

3. Absent Head, Spouse, or Co-head

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

4. Individuals Confined for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not counted as a public housing family member. If there is a question about the status of a family member, HACE will request verification from a licensed medical professional and will use this determination. If the responsible medical professional cannot provide a determination as to their status of being absent from the household for medical reasons, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be counted as a public housing family member.

B. JOINT CUSTODY OF CHILDREN

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

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

C. CARETAKERS FOR A REMAINING MINOR CHILD

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

HACE may permit a temporary adult guardian currently not on the lease to reside in the unit until a court-appointed guardian is established. Once established, HACE may add the new guardian as the new head of household in accordance with its screening policies.

If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After 90 days have elapsed, the caretaker will be considered a family member

unless information is provided that would confirm that the caretaker's role is temporary. In such cases HACE will extend the caretaker's status as an eligible visitor.

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

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

7.2 Determining Household Income

Annual income includes but is not limited to:

- A. The full gross amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
- B. The net income from the operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business.
- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.
- D. If the family has net family assets in excess of \$5,000, (\$50,000 as of January 1, 2024) annual income shall include a combination of the actual income derived from net family assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.
- E. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts. (See Section N under EXCLUSIONS TO ANNUAL INCOME for treatment of delayed or deferred periodic payment of Social Security or Supplemental Security Income benefits.)
- F. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (See Section D under EXCLUSIONS TO ANNUAL INCOME concerning treatment of lump-sum additions as family assets.)
- G. All welfare assistance payments, Temporary Assistance to Needy Families (TANF), General Assistance or child support pass through received by or on behalf of any family member.
- H. Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members.
- I. 9. All regular pay, special pay, and allowances of a family member in the Armed Forces. (See Section H under EXCLUSIONS TO ANNUAL INCOME concerning pay for exposure to hostile fire.)

7.3 Exclusions to Annual Income

To determine annual income, HACE counts the income of all family members, except the types and sources of income that are specifically excluded. Once the annual income is determined, the HACE subtracts all allowable deductions (allowances) to determine the Total Resident Payment. All income is to be verified pursuant to this ACOP's verification requirement section. The following sections describe how annual income is determined.

Annual income does not include the following:

- A. Income from the employment of children (including foster children) under the age of 18 years.
- B. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone).
- C. Kinship Guardian Assistance Payments (Kin-GAP) and other similar guardianship payments are also excluded from annual income. These payments serve as an alternative to foster care and are now interpreted as equivalent to foster care payments [PIH-2012-1 (HA)].
- D. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, and worker's compensation), capital gains, one-time lottery winnings, and settlement for personal property losses. (See below for treatment of delayed or deferred periodic payments of Social Security or Supplemental Security Income benefits.)
- E. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
- F. Income of a live-in aide provided the person meets the definition of a live-in aide.
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- H. Certain amounts received that are related to participation in the following programs:
 - 1. Amounts received under HUD-funded training programs (e.g., Step-up program: excludes stipends, wages, transportation payments, childcare vouchers, etc. for the duration of the training).
 - 2. Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
 - 3. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) to allow participation in a specific program.
 - 4. A resident services stipend. A resident services stipend is a modest amount (not to exceed \$200/month) received by a Public Housing resident for performing a service for HACE, on a part-time basis, that enhances the quality of life in Public Housing. Such services may include but are not limited to fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period.
 - 5. Incremental earnings and/or benefits to any family member from participation in qualifying state or local employment training program (including training programs not affiliated with the local government), and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs

with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program.

- I. Temporary, non-recurring, or sporadic income (including gifts).
- J. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
- K. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household, co-head and spouse).
- L. Adoption assistance payments in excess of \$480 per adopted child.
- M. Deferred periodic amounts from Supplemental Security Income (SSI) and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum or in prospective monthly amounts.
- N. Amounts paid by a State agency to a family with a disabled family member living at home to keep the developmentally disabled family member at home.
- O. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937.
- P. Unreimbursed childcare expenses for children under 13 years of age (including foster children) may be deducted from annual income if they enable an adult to work, actively seek work, attend school full time, or attend full-time vocational training.
- Q. Any income received from a retirement account recognized by the IRS, except for periodic payments before the age of 59 ½.

Full and Part time Students

If the Head of Household, Co-Head or Spouse are full or part time students and receive student aid, HACE must include any amounts that are in excess of the covered costs for the schooling. Exceptions to this rule are if the head of household, co-head or spouse is over the age of 23 and has dependent children. Student loans are not included as income.

Covered costs for Schooling include tuition, books and supplies, room and board, other fees required and charged to the student. For students who are not Head of Household or Spouse, reasonable and actual housing costs while attending school are covered.

7.4 Earned Income Disallowance (EID)

Effective September 1, 2023, the Earned Income Disallowance will no longer be available to families. Households who were given the EID allowance before that date will be permitted to continue with the disallowance until their 24-month period of time has passed.

By the end of 2025, this option will be completed and will no longer be an option for anyone.

The earned income disallowance (EID) promotes self-sufficiency for families in public housing by not including the full value of increases in earned income for a period of time. Eligibility criteria and limitations on the disallowance are summarized below.

A. CALCULATION OF EID

HACE defines prior income, or prequalifying income, as the family member's last certified income prior to qualifying for the EID. The actual exclusion amount is based on an individualized calculation and is not standard across all participants.

B. FIRST 12 MONTH EXCLUSION

During the first 12 months after the date when the resident qualified for the EID, the qualified family's rent will not increase because of the new earned income. Rent during this period will be based on the qualified family's income before qualifying for the EID, plus any increases in unearned income that may occur after qualifying for the EID. The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

C. SECOND 12 MONTH EXCLUSION AND PHASE IN

During the second 12 months after the date the resident qualified for the EID, HACE will exclude 50% of the increase in income. The resident's rent will increase by an amount equal to 50% of what the increase would be if not for the EID.

D. INDIVIDUAL SAVINGS ACCOUNTS

HACE does not establish a system of individual savings accounts (ISAs) for families who qualify for the EID.

E. TRACKING EARNED INCOME DISALLOWANCE

HACE will report EID on the HUD 50058 form. Documentation will be included in the family's file. Documentation will include:

- Date the increase in earned income was reported by the family.
- Name of the family member whose earned income increased.
- Reason (new employment, participation in job training program, within 6 months after receiving TANF) for the increase in earned income.
- Amount of the increase in earned income (amount to be excluded).
- Date the increase in income is first excluded from annual income.
- Date(s) earned income ended and resumed during the initial cumulative 12-month period of exclusion (if any).
- Date the family member has received a total of 12 months of the initial exclusion.
- Date the 12-month Phase-in period began.
- Date(s) earned income ended and resumed during the second cumulative 12-month period (Phase-in) of exclusion (if any).
- Date the family member has received a total of 12 months of Phase-in exclusion.
- Ending date of the maximum 24-month (two years) disallowance period from the date of the initial earned income disallowance.

7.5 Calculation of Annual Income

HACE must use HUD's verification hierarchy when verifying each household's income, assets, deductions, and expenses. HACE is required to access the EIV system and obtain an Income Report for each household.

To verify income, HACE will start with the highest level of the six verification techniques. If the EIV Income Report does not contain any employment and income information for the family, then HACE will attempt

the next lower-level verification technique. The chart below dictates the verification technique hierarchy to be followed, starting with Level 6 and moving down to Level 1 as needed.

| Level | Verification Technique | Mandatory or Optional | Description |
|---------|---------------------------------------|--|---|
| Level 6 | Enterprise Income Verification (EIV) | Mandatory (i.e., must review EIV Income Report for all families when verifying income) | <ul style="list-style-type: none"> Includes wages, Social Security/SSI, unemployment Cannot be used to calculate earned income |
| Level 5 | Upfront Income Verification (UIV) | Optional | <ul style="list-style-type: none"> UIV sources are those that can be accessed directly by HACE either online via automated telephone system. There are paid services that provide wage information like The Work Number HACE's may also be able to access local and state government databases |
| Level 4 | Written Third-Party Verification | Mandatory to supplement EIV-reported income sources and for income source not in EIV | <ul style="list-style-type: none"> Third-party generated documents, eg. Paystubs, bank statement, print outs from online system, benefit letter. Must collect at least two consecutive paystubs for employment income |
| Level 3 | Written Third-Party Verification Form | Mandatory if higher levels not available or unacceptable | <ul style="list-style-type: none"> HACE send form via email, fax or mail directly to third party (employer, bank) requesting information required to accurately calculate annual income |
| Level 2 | Oral Third-Party Verification | Mandatory if higher levels not available or unacceptable | <ul style="list-style-type: none"> HACE calls third-party (employer, bank) requesting information required to accurately calculate annual income. |
| Level 1 | Tenant Declaration | Only use as a last resort if higher levels are not available | <ul style="list-style-type: none"> A signed statement from the resident HACE must document why higher levels were not available |

When EIV is obtained and the family does not dispute the EIV employer data, HACE will use current resident-provided documents to project annual income. HACE will obtain written and/or oral third-party verification in accordance with the hierarchy verification requirements and policies in this ACOP.

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

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

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

Effective January 1, 2024, HACE will be required to calculate income as follows:

At Initial occupancy or assistance

Must estimate income for the upcoming 12-month period.

When income varies, HACE may rely on the previous year's income to anticipate income for the next 12 months.

At Interim reexamination

Must estimate income for the upcoming 12-month period.

At Annual reexamination

Must determine income of family for the previous 12-month period and use this amount as family income unless the streamlined income determination applies.

7.6 Tracking Business Income

Annual income includes the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

A. BUSINESS EXPENSES

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

B. BUSINESS EXPANSION

HACE cannot, in accordance with HUD regulation, deduct from gross income expenses for business expansion.

C. WITHDRAWAL OF CASH OR ASSETS FROM A BUSINESS

Acceptable investments in a business include cash investments and contributions of assets or equipment. For example, if a member of a resident family provided an up-front investment of

\$2,000 to help a business get started, HACE will not count as income any withdrawals from the business up to the amount of this investment until the investment has been repaid. Investments do not include the value of labor contributed to the business without compensation.

D. CO-OWNED BUSINESS

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

7.7 Assets

HACE includes the anticipated interest, dividends, and other net income of any kind from real or personal property in the calculation of annual income.

This section discusses how the income from various types of assets is determined. For most types of assets, HACE must determine the value of the asset in order to compute income from the asset.

A. TYPES OF ASSETS

HACE will consider the following assets, to which any member of the family has access, when determining income:

- Checking and savings accounts and any pre-paid card or account that holds a balance.
- Investment accounts to include CD's, stocks, bonds, saving certificates, and Money Market Funds
- Equity in real property or other capital investments, not otherwise excluded
- Revocable Trusts, unless inaccessible
- Retirement accounts, not otherwise excluded
- Personal property held as an investment such as gems, jewelry, coin collections, etc.
- Cash value of life insurance policies

B. VALUE OF ASSETS AND ASSET INCOME

When a household has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook rate, as determined by HACE in accordance with HUD guidelines. The passbook rate is only used to determine the final asset income when the total cash value of all the family's assets is greater than \$5,000.

As of January 1, 2024, the amount of assets subject to imputed income will increase from \$5,000 to \$50,000 (amount adjusted annually for inflation). Actual income will be included for each individual asset that we can verify the income for. For those assets where actual income cannot be computed, HACE will use the current passbook rate to use as income on the asset.

For families with net assets totaling \$50,000 (amount adjusted annually for inflation) or less, HACE will accept the family's self-certification of the value of family assets and anticipated asset

income when applicable. The family's declaration must show each asset and the amount of income expected from that asset. All family members 18 years of age and older must sign the family's declaration.

HACE is required to use third-party documentation of assets for every third reexamination thereafter.

Effective January 1, 2024, HUD will set the imputed asset passbook rate at the national rate established by the Federal Deposit Insurance Corporation (FDIC). This rate will be updated annually by HUD.

C. INCOME FROM ASSETS

Annual income from assets includes interest, dividends, and net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only for depreciation of assets used in a business or profession, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family.

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

D. JOINTLY OWNED ASSETS

If an asset is owned by more than one person and any family member has unrestricted access to the asset, HACE will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners. If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, HACE will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, HACE will prorate the asset evenly among all owners.

E. DISPOSING OF ASSETS FOR LESS THAN FAIR MARKET VALUE

Any business or household asset that was disposed of for less than fair market value during the two years prior to the effective date of admission or reexamination is considered an asset. This does not include assets divested in a foreclosure, bankruptcy, or in a divorce or separation settlement when the applicant or household received some important consideration not measurable in dollars.

- **Family Declaration**
Families must sign a declaration form at admission and each annual reexamination identifying all assets that have been disposed of for less than fair market value or declaring that no

assets have been disposed of for less than fair market value. HACE may verify the value of the assets disposed of if other information available to HACE does not appear to agree with the information reported by the family.

7.8 Lump Sum Receipts

Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, settlements or judgments for lawsuits related to civil rights and settlement for personal or property losses, are considered assets, not income.

The specific types of lump-sum payments that are excluded from annual income include:

- Deferred, lump-sum payments: Deferred periodic amounts from supplemental security income (SSI) and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum or in prospective monthly amounts.
- Lump-sum contributions: Lump-sum contributions to a household such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), and settlements for personal or property losses.

7.9 Deductions and Verifying Mandatory Deductions

A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

For each dependent under the age of 18, full time student any age, or person with a disability regardless of age, the Household will receive a deduction in the amount of \$480 for each. The Head of Household, Co-Head, Spouse, Foster child or adult or Live in Aide do not qualify for this deduction.

For each Household where the Head, Spouse or Co Head is age 62 or older or disabled, the Household will receive a deduction in the amount of \$400. This amount is being raised to \$525 in 2024 and will then be adjusted annually by HUD.

HACE will verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head of household, spouse or co-head of the family and is not a foster child.
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide and is a person with a disability or a full-time student.
- The head, spouse, or co-head is 62 years of age or older or a person with disabilities.

B. MEDICAL EXPENSE DEDUCTIONS

For elderly and/or disabled households, unreimbursed, out-of-pocket medical expenses (including medical premiums) may be deducted to the extent that, in combination with any disability assistance expenses, they exceed 3% of annual income and are anticipated during the period for which annual income is calculated.

Effective January 1, 2024, the 3% threshold will be increasing to 10% for all residents who currently do not receive the deduction and all new residents moving in on January 1st or after. For current residents who are receiving the deduction, there will be a phase in period based on the following schedule:

- 1st 12 months – threshold will increase to 5%
- 2nd 12 months – threshold will increase to 7.5%
- 3rd 12 months – threshold will increase to 10%

Phase one will begin for current residents at their next annual or interim reexamination in 2024.

Hardship exemption for Medical, Attendant Care and Auxiliary Apparatus Expenses

Current residents receiving the deduction for Health/Medical care and attendant care, or auxiliary apparatus can apply for a hardship exemption because of the increase in the threshold. To qualify, the resident must be able to prove that there is a hardship paying the higher rent and why. HACE will evaluate each case individually.

If the Resident chooses to take the Hardship exemption, when it has expired, the Resident will no longer be eligible for the phase in increases.

Medical expenses will be verified through:

- Written third-party documents provided by the family, such as Pharmacy printouts or receipts.
- HACE will make its best effort to determine what expenses from the past are likely to continue to occur in the future. HACE will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.
- Written third-party verification forms if the family is unable to provide acceptable documentation.
- If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months.

In addition, HACE must verify that:

- The household is eligible for the deduction.
 - The costs to be deducted are qualified medical expenses.
 - The expenses are not paid for or reimbursed by any other source.
 - Costs incurred in past years are counted only once.
1. Eligible Households
The medical expense deduction is permitted only for households in which the head, spouse, or co-head is at least 62 or a person with disabilities. HACE will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility, Screening and Verification section of this ACOP.
 2. Qualified Expenses
To be eligible for the medical expense deduction, the costs must qualify as medical expenses.
 3. Unreimbursed Expenses
To be eligible for the medical expense deduction, the costs must not be reimbursed by another source. The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source. If expenses are verified through a third party,

the third party must certify that the expenses are not paid or reimbursed from any other source.

4. Expenses Incurred in Past Years

When anticipated costs are related to ongoing payment of medical bills incurred in past years, HACE will verify:

- The anticipated repayment schedules.
- The amounts paid in the past.
- Whether the amounts to be repaid have been deducted from the family's annual income in past years.

C. DISABILITY ASSISTANCE EXPENSES

For elderly and/or disabled households, unreimbursed, out-of-pocket medical expenses (including medical premiums) may be deducted to the extent that, in combination with any disability assistance expenses, they exceed 3% of annual income and are anticipated during the period for which annual income is calculated.

Attendant Care

HACE will accept written third-party documents provided by the family.

If family-provided documents are not available, HACE will provide a third-party verification form directly to the care provider requesting the needed information. Expenses for attendant care will be verified through:

- Written third-party documents provided by the family, such as receipts or cancelled checks.
- Third-party verification form signed by the provider if family-provided documents are not available.
- If third-party verification is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months.

Auxiliary Apparatus

Expenses for auxiliary apparatus will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.
- Third-party verification form signed by the provider, if family-provided documents are not available.
- If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months.

In addition, HACE must verify that:

- The family member for whom the expense is incurred is a person with disabilities.
- The expense permits a family member, or members, to work.
- The expense is not reimbursed from another source.

Family Member is a Person with Disabilities

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. HACE will verify that the expense is incurred for a person with disabilities.

Family Member(s) Permitted to Work

HACE will verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

HACE will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work. This documentation may be provided by the family.

If third-party verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

D. Childcare Expenses

The amount of the income deduction for childcare will be verified following the standard verification procedures herein. In addition, HACE will verify that:

- The child(ren) is/are being cared for is/are eligible (under the age of 13).
- The costs claimed are not reimbursed.
- The costs enable a family member(s) to work, actively seek work, or further their education.
- The costs are for an allowable type of childcare.
- The costs are reasonable and do not exceed the net amount of employment income if the care is to allow a family member(s) to work.

When childcare is necessary to permit employment, the amount deducted may not exceed the net amount of employment income included in annual income. When the childcare expense enables a family member to work, only one family member's income will be considered to determine the maximum allowable childcare expenses. HACE generally will limit the allowable childcare expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work. HACE will review the request and make a determination about which family member's income is being considered based on the information presented by the family.

Further detail about each component of the childcare expense verification HACE will consider, are listed below:

Eligible Child

To be eligible for the childcare deduction, the costs must be incurred for the care of a child under the age of 13. HACE will verify that the child being cared for (including foster children) is under the age of 13.

Unreimbursed Expense

To be eligible for the childcare deduction, the costs must not be reimbursed by another source. The family and the care provider will be required to certify that the childcare expenses are not paid by or reimbursed to the family from any source.

Eligible Activities

The childcare costs must enable a family member(s) to pursue an eligible activity. "Eligible activities" include any of the activities that may make the family eligible for a childcare deduction: seeking work, pursuing an education, or being employed. The family member(s) that the family has identified as being enabled to seek work, pursue education, or be employed, must be currently pursuing those activities. HACE will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, and the time required for transportation.

Allowable Types of Childcare

HACE will verify that the fees paid to the childcare provider cover only childcare costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

HACE will verify that the childcare provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

Current (as of Jan 1, 2024) student residents receiving the deduction for childcare can apply for a hardship exemption. To qualify, the family will have to demonstrate they are unable to pay their rent because of the loss of the childcare expense deduction or that childcare is still necessary even though the family member is no longer employed or furthering their education. HACE will evaluate each case individually.

Pursuing an Eligible Activity

HACE will verify the family member(s) which the family has identified as being enabled to seek work, pursue education, or be gainfully employed, and are pursuing those activities.

Seeking Work

Whenever possible HACE will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases HACE will request family-provided verification from the agency of the member's job seeking efforts to date and require the family to submit to HACE any reports provided to the other agency.

In the event third-party verification is not available, HACE will provide the family with a form on which the family member must record job search efforts. HACE will review this information at each subsequent reexamination when this deduction is claimed.

Furthering Education

HACE will request third-party documentation to verify that the person permitted to further their education by using childcare, is enrolled as a student. The documentation must include information about the timing of classes the person is enrolled in. The documentation may be provided by the family.

Gainful Employment

HACE will seek third-party verification of the work schedule of the person who is permitted to work by the childcare. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

SECTION 8: RESIDENT GRIEVANCE PROCEDURES

8.1 Applicability

The grievance procedure is applicable only to individual tenant issues relating to HACE. It is not applicable to disputes between tenants not involving HACE. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of HACE.

8.2 Informal Settlement

The first step in the hearing process is an informal settlement of grievance. If the grievance involves a lease termination for criminal activity or behavior that threatens the health, safety or right to peaceful enjoyment of the premises of the other residents or employees of HACE, there is no informal settlement, and the resident must request a formal grievance hearing.

HACE will accept grievances either orally or in writing, to HACE office within 10 calendar days of the event. Within 7 calendar days of receipt of the request HACE will arrange a meeting with the resident at a mutually agreeable time and confirm such meeting in writing to the resident.

HACE will prepare a summary of such discussion within 10 calendar days of the Informal Settlement meeting; one copy will be given to the resident, and one retained in HACE's resident file.

The summary will specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore and will specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

8.3 Grievance Hearing Requests

Hearing Request

Residents must submit a written request for a Hearing to the property management office within 10 calendar days after receipt of the summary of discussion pursuant to Section above. The written request must specify:

1. The reasons for the Grievance; and
2. The action or relief sought.

The date on which said request was received in the property management office must be stamped on the request.

Selection of Hearing Officer

A grievance hearing shall be conducted by an impartial person or person appointed by HACE, other than a person who made or approved the PHA action under review or a subordinate of such person.

8.4 Grievance Hearing Procedures

HACE's grievance procedure, which is described in more detail below, will generally include (a) written notice of adverse decision, (b) informal settlement meeting with property manager, and (c) grievance hearing before grievance officer.

1. An adverse decision will be conveyed in writing, advising the resident of the right to request an informal settlement meeting, and include a form for requesting an informal settlement meeting.
 - a. A tenant will have 10 calendar days from the date of the letter to request an informal settlement meeting with the Manager.
2. An initial informal settlement meeting with the Manager.
 - a. The informal settlement meeting should take place within 7 days of the date the tenant's request is received.
 - b. The informal settlement meeting will typically take place in the Manager's office or by conference call.
 - c. After the informal settlement meeting, a written summary will be prepared within 10 calendar days.
 - d. A copy of the written summary will be given to the resident, and one retained in HACE's tenant's file.
 - e. The written summary will specify the names of the participants, date(s) of the meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore and specify the procedures by which a hearing may be obtained if the complainant is not satisfied.
 - f. After receiving the written summary, the tenant may submit a written request for a grievance hearing to HACE within 10 calendar days after receipt of the summary of discussion.
 1. A request for grievance hearing must be in writing and specify:
 - a. The reason for the grievance; and
 - b. The action or relief sought.

3. If the complainant does not request a grievance hearing in writing, then HACE's disposition of the grievance will become final.
4. If a resident does request a grievance hearing in writing, then the following procedure will be followed:
 - a. Before the hearing:
 1. HACE will confirm that the informal settlement meeting took place or determine whether there is good cause why it did not take place.
 NOTE: If the informal settlement meeting did not take place, the tenant is not entitled to a grievance hearing.
 2. If the requirements related to informal hearing and written request are satisfied, then HACE will promptly schedule a grievance hearing.
 3. A scheduling letter will notify the Complainant of the date, time and place for a hearing and advise the tenant that:
 - a. Relevant documents are available for examination.
 - b. A complainant has the right to an attorney or representative.
 - c. Complainant has the right to a private hearing.
 - d. Complainant has the right to present evidence and argument, controvert evidence, and cross-examine all witnesses on whom HACE or the property manager rely.
 - e. The grievance hearing shall be conducted informally.
 - f. A complainant must make a showing that he or she is entitled to relief.
 - b. Hearing Procedures:
 1. If the resident fails to appear, the hearing officer may postpone the hearing or determine that tenant has waived his/her rights.
 2. If both parties appear, the Hearing Officer will conduct the hearing in a manner that provides for the rights set forth in the preceding section.
 - c. After the hearing:
 1. The Hearing Officer will issue a decision based solely and exclusively on the evidence presented at the hearing.
 2. A written decision will state the decision and the reasons for the decision.
 3. The resident does not waive their right to a trial *de novo* or judicial review by participating in the grievance process.
 - d. The Hearing Officer's decision is binding on HACE unless the HACE Board of Directors determines, and notifies the complainant of its determination, that: 1) the grievance does not concern a HACE action or failure to act in accordance with or involving the complainant's lease or HACE regulations, which adversely affect the complainant's rights, duties, welfare or status; or 2) the decision of the hearing officer or hearing panel is contrary to applicable Federal, State or local law, HUD regulations or requirements of the annual contributions contract between HUD and HACE.

SECTION 9: COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENTS

9.1 Applicability

HACE is mandated by Section 6(1) of the United States Housing Act of 1937 as amended by Section 512 of the Quality Housing and Work Responsibility Act (QHWRA) to implement and administer a Public Housing Community Service and Self-Sufficiency requirement for all non-exempt public housing residents 18 years and older to perform at least eight (8) hours per month in community service or an economic self-sufficiency program.

HACE may not renew or extend any lease for a dwelling unit in public housing for any household that includes an adult member who was subject to the requirement and failed to comply with this requirement.

HACE will provide the family with a copy of the Community Service and Self-Sufficiency Requirement Policy at admission, at lease renewal, when a family member is determined to be subject to the community service and self-sufficiency requirement during the lease term, and at any time upon the family's request.

In administering the community service and self-sufficiency requirement, HACE will comply with all applicable nondiscrimination and equal opportunity requirements.

9.2 Requirements

All non-exempt adult, 18 years or older, public housing household members must satisfy the following requirements:

- Perform a total of eight (8) hours per month of community service (not including political activities) within the community in which that adult resides. The community service hours given can be a combination of volunteer activities; or
- Participate in an economic self-sufficiency program for eight (8) hours per month; or
- Perform eight (8) hours per month of combined activities (community service and economic self-sufficiency programs).

Fewer than eight (8) hours may be earned each month, but a total of ninety-six (96) hours must be completed before the resident's next annual reexamination.

All non-exempt adult family members must, upon notice from HACE, present complete documentation of CSSR activities performed during the previous year. At each annual reexamination, non-exempt family members must present a completed documentation of activities performed over the previous twelve (12) months, or a self-certification.

At lease execution or re-examination, all adult members (18 or older) of a public housing resident family must:

1. Provide documentation that they are exempt from Community Service and Self-Sufficiency requirement, if they qualify for an exemption, and
2. Sign a certification that they have received and read the agency's policy and understand that if they are not exempt, failure to comply with the Community Service and Self-Sufficiency requirement will result in non-renewal of their lease.

If a family member is found to be noncompliant at re-examination, they and the Head of Household will sign an agreement with HACE to make up the deficient hours over the next twelve- (12) month period or certify that the non-compliant family member is no longer in the household.

Live-in aides are not subject to community service requirements.

9.3 Exemptions from the Community Service Self Sufficiency Requirement

All residents claiming an exemption must complete a Community Service and Self-Sufficiency Requirement Exemption Form and provide any necessary documentation needed to support their request. A request for exemption can be submitted at any time and approved exemptions will be effective immediately. Persons aged 62 and older are automatically exempt and do not need to request an exemption. All remaining exemptions require third-party verification.

Exemptions are given to any individual who:

1. Is 62 years of age or older.
2. Is a blind or disabled individual, as defined in Section 216 or 1614 of the Social Security Act, and who is unable to comply with this section; or who is the primary caretaker of such individual.
3. Is temporarily disabled and unable to comply with this section; temporary disability is defined as lasting for a duration of four weeks or longer (requires medical verification from health care provider).
4. Meets the requirements for being exempted from having to engage in a work activity under the state program funded under part A of title IV of the Social Security Act or under any other welfare program of the state in which HACE is located, including state-administered Welfare-to-Work programs; or
5. Is a member of a family receiving assistance, benefits, or services under a state program funded under part A of title IV of the Social Security Act or under any other welfare program of the state in which HACE is located (including Supplemental Nutritional Assistance Program (SNAP)), including state-administered Welfare-to-Work program, and has not been found by the state or other administering entity to be in noncompliance with such a program.
6. Is engaged in a work activity, as defined in Section 407(d) of the Social Security Act, at least 30 hours per week, including:
 - Employment (unsubsidized or subsidized, public or private sector)
 - Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available
 - On-the-job training
 - Job search
 - Community service programs
 - Vocational educational training (not to exceed 12 months for any individual)

- Job-skills training directly related to employment
- Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency; and
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate

9.4 Eligible Community Service Activities

Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities. Volunteer work or activities include, but are not limited to, the following:

- Resident Council membership activities.
- Care for children so other residents can complete community services requirements.
- Local public or nonprofit institutions, such as schools, Head Start programs, before- or after-school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult daycare programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing).
- Nonprofit organizations serving HACE residents or their children, such as Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs, organized children's recreation, mentoring, or education program, Big Brothers or Big Sisters, community clean-up programs, beautification programs.
- Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels.
- Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts.
- Volunteering to work with Housing Authority property in a way that improves the grounds or provides gardens (so long as such work does not alter HACE's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board, outreach and assistance with HACE-run self-sufficiency activities including supporting computer learning centers.
- Care for the children of other residents so parents may work or volunteer; and
- Court-ordered and/or probationary work.

9.5 Eligible Economic Self-Sufficiency Programs

For purposes of satisfying the Community Service and Self Sufficiency requirement, HACE recognizes any economic self-sufficiency program is defined by HUD as any program designed to encourage, assist, train, or facilitate economic independence of assisted families or to provide work for such families. Eligible self-sufficiency activities include, but are not limited to:

- Job readiness or job training
- Training programs through local one-stop career centers, workforce investment boards (local entities administered through the U.S. Department of Labor), or other training providers.

- C. Employment counseling, work placement, or basic skills training
- D. Education, including higher education (junior college or college), GED classes, or reading, financial, or computer literacy classes.
- E. Apprenticeships (formal or informal)
- F. English proficiency or English as a second language classes
- G. Budgeting and credit counseling
- H. Any activity required by the Department of Public Assistance under Temporary Assistance for Needy Families (TANF)
- I. Any other program necessary to ready a participant to work (such as substance abuse or mental health counseling)
- J. Activities documented in an FSS or ROSS Individual Training and Services Plan. Since HACE has a ROSS Service Coordinators program and a Family Self Sufficiency (FSS) program, HACE may coordinate Individual Training and Services Plans (ITSPs) with CSSR. The ITSP is a tool to plan, set goals and track movement towards self-sufficiency through education, work readiness and other supportive services such as health, mental health and work supports. Specific CSSR activities may be included in ITSPs to enhance a person's progress towards self-sufficiency. Regular meetings with HACE coordinators may satisfy CSSR activities and HACE Service Coordinators or FSS Program Coordinators may verify community service and self-sufficiency hours within individual monthly logs.

9.6 Determining Compliance

On an annual basis, at the time of lease renewal, HACE will notify the family in writing of the family members who are subject to the community service and self-sufficiency requirement and the family members who are exempt. If the family includes nonexempt individuals the notice will include a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which they may record the activities they perform, and the number of hours contributed. The form will also have a place for a signature by an appropriate official, who will certify the activities and hours completed.

A. DOCUMENTATION OF CSSR COMPLIANCE

At each regularly scheduled re-examination, each non-exempt family member will present a signed certification form developed by HACE to record community service and self-sufficiency activities performed over the last 12 months.

HACE will provide the family members required to perform community services with community service documentation forms at admission, at lease renewal, when a family member becomes subject to the community service and self-sufficiency requirement during the lease term, or upon request by the family.

Everyone who is subject to the CSSR requirement will be required to record their community service or self-sufficiency activities and the number of hours contributed on the required form. The certification form will also include places for signatures and phone numbers of supervisors, instructors, and counselors certifying the number of hours contributed.

HACE will retain documentation of service requirement performance or exemption in participant files, including certification forms.

HACE will validate a sample of self-certifications with the third party for whom the resident completed the community service or self-sufficiency activity. The sample of self-certifications HACE validates must be a statistically valid, random sample.

B. SELF-CERTIFICATION OF HOURS

HACE has exercised the option to accept self-certifications should residents choose to use their method instead of signing HACE designed form. If a signed self-certification is used to verify CSSR requirements, the signed self-certification must include the following:

- A statement that the resident contributed at least 8 hours per month, or a total or combined total of 96 hours for the applicable 12-month term, of community service not including political activities within the community in which the adult resides; or participated in an economic self-sufficiency program for at least 8 hours per month.
- The name, address, and a contact person at the community service provider; or the name, address, and contact person for the economic self-sufficiency program.
- The date(s) during which the resident completed the community service activity or participated in the economic self-sufficiency program.
- A description of the activity completed.
- A certification that the resident's statement is true.

As required by amended 24 CFR § 960.605, since HACE elects to accept self-certifications, it must validate a sample of self-certifications with the third party for whom the resident completed the community service or self-sufficiency activity. The sample of self-certifications that HACE validates must be a statistically valid, random sample.

C. ACKNOWLEDGEMENT FORM

At lease execution and at least 90 calendar days prior to the lease anniversary date, each adult member (18 or older) of a federally assisted housing resident household must sign an acknowledgement that they have received and read the CSSR. Further the resident acknowledgement includes a statement that the resident understands that failure to comply with the CSSR will result in nonrenewal of the lease.

At lease execution and at least 90 calendar days prior to the lease anniversary date each exempt adult member must provide documentation that they are exempt from the CSSR.

D. FRAUDULENT ACTIVITY

If HACE has reasonable cause to believe that the certification provided by the household is false or fraudulent, HACE has the right to request additional documentation to verify CSSR participation and to require third-party verification.

E. CHANGE IN STATUS BETWEEN ANNUAL DETERMINATIONS

If, during the 12-month period, a non-exempt resident or adult authorized member of the household becomes exempt, it is their responsibility to report this to the property manager and provide documentation of the qualifying exemption. If, during the 12-month period, an exempt resident or adult authorized member of the household becomes non-exempt, it is their responsibility to report this to the property manager. HACE will compute the number of hours for which the person is responsible for fulfilling the CSSR based on the number of months the individual is non-exempt during the 12-month period.

Individuals must notify HACE within 14 calendar days of receiving knowledge of the change in their condition or circumstances that makes them ineligible for an exemption. HACE will provide the individual with written 30-day notice of the effective date of the CSSR requirement, the appropriate form(s), and a list of agencies in the community that provide volunteer and/or training opportunities. The CSSR for such persons will begin the first of the month following the 30-day notice from HACE.

9.7 Non-Compliance

A. NOTICE OF NON-COMPLIANCE

If HACE finds that a resident is non-compliant with CSSR, then they will provide written notification to the resident of the non-compliance which must include:

- A brief description of the finding of non-compliance with CSSR.
- A statement that HACE will not renew the lease at the end of the current 12-month lease term unless the resident enters into a written work-out agreement with HACE, or the family provides written assurance that is satisfactory to HACE explaining that the resident or other noncompliant resident no longer resides in the unit. Such a written work-out agreement must include the means through which a noncompliant family member will comply with the CSSR requirement.

The notice of non-compliance will be sent at least 45 days prior to the end of the lease term. The family will have 10 calendar days from the date of the notice of non-compliance to enter into a written agreement to cure the non-compliance over the 12-month term of the new lease, provide documentation that the non-compliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the head of household must certify that the noncompliant family member has vacated the unit.

If the family does not request a grievance hearing or does not take either corrective action required by the notice of non-compliance within the required 10 business day timeframe, HACE will terminate tenancy in accordance with the policies in its Admissions and Continued Occupancy Policy (ACOP).

B. REMEDY OF NON-COMPLIANCE

In order for the resident to remedy the non-compliance, the resident must enter into an agreement before the expiration of the lease term to complete the Community Service and Self-Sufficiency Requirement by contributing as many additional hours as the resident needs to comply in aggregate with such requirement over the twelve (12) month term of the lease.

If, after the 12-month cure period, the family member is still not compliant, HACE must terminate tenancy of the entire family, according to HACE's lease, unless the family provides documentation that the noncompliant resident no longer resides in the unit.

Notices of continued noncompliance will be sent at least 30 days prior to the end of the lease term and will also serve as the family's termination notice. The family will have 10 calendar days from the date of the notice of non-compliance to provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family does not request a grievance hearing or provide such documentation within the required 10 business day timeframe, the family's lease and tenancy will automatically terminate at the end of the current lease term without further notice.

SECTION 10: PET OWNERSHIP

10.1 Service and Assistance Animal Exclusion

This policy does not apply to animals that are used to assist persons with disabilities. Service and assistance animals are allowed in all public housing facilities with no restrictions other than those imposed on all residents to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors.

For an animal to be excluded from the pet policy and be considered a service animal, the person seeking to use and live with the animal must have a disability; and the person seeking to use and live with the animal must have a disability-related need for the service or assistance the animal provides.

For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request, and HACE approve, a reasonable accommodations request.

Residents must care for service animals and assistance animals in a manner that complies with state and local laws, including anti-cruelty laws.

Residents must ensure that service animals and assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents.

Requests for reasonable accommodation for assistance animals must be processed in accordance with the Fair Housing and Equal Opportunity section in the Fair Housing and Nondiscrimination Requirements chapter. The reasons for denying an accommodation request include, but are not limited, to:

- The specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation; or
- The specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

No deposit is charged for assistance animals. There are no height, weight, or breed limits for assistance animals, and assistance animals may accompany the resident anywhere the resident is allowed to go.

Assistance animals may, however, be denied access to any area or facility if the animal is out of control and its handler does not control it; or the animal has a history of eliminating in common areas; or the animal in question poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices, and procedures.

When a resident's care or handling of a service animal or assistance animal violates these policies, HACE will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If HACE determines that no such accommodation can be made, HACE may withdraw the approval of a particular service or assistance animal.

Residents must complete the application for assistance animal and provide the following:

- Basic information about the animal (type, age, description, name, etc.);
- A picture of the animal for identification purposes;
- Veterinarian written verification of inoculations against rabies and certification of spay/neuter;
- Inoculations and license of the animal must be kept current, in accordance with city regulation; and

10.2 Definition of Common Household Pet, Prohibited Animals and Type and Number of Pets

DEFINITION OF COMMON HOUSEHOLD PET FOR ALL DEVELOPMENTS

For purposes of this policy and procedures, a common household pet is defined as a domesticated animal, such as a dog, cat, bird, rodent (including a rabbit), fish, or turtle that is traditionally kept in the home for pleasure rather than for commercial purposes. If this definition conflicts with any applicable State or local law or regulation defining the pets that may be owned or kept in dwelling accommodations, the State or local law or regulations shall apply. This definition does not include animals that are used to assist persons with a disability. No other type of pet is permitted. Any other pet will be refused registration.

TYPES AND NUMBER OF PETS

- A. Only one four-legged, warm-blooded animal (i.e., dog, cat, rodent, etc.) is allowed per unit. Dogs shall not exceed 20 pounds in weight at maturity.
- B. In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 20 gallons. Such a tank or aquarium will be counted as 1 pet.

10.3 Registration of Pets, General Rules, and Requirements

A pet must be registered with the management office before it is brought onto the premises. The pet owner shall update their registration on an annual basis at the time of annual reexamination. Pets will not be approved to reside in a unit until completion of the registration requirements. Registration will include the following:

- A. A certificate signed by a licensed veterinarian or local/state authority stating that the pet is spayed/ neutered, has received all inoculations required by law and that the pet has no communicable disease(s) and is pest-free.
- B. Information sufficient to identify the pet and to demonstrate that it is a common household pet. A recent photograph of the pet shall be submitted by the pet owner to be kept on file by management.
- C. A signed statement indicating that the pet owner has read the pet rules and agrees to comply with them.
- D. The name, address, and phone number of one or more responsible parties who will care for the pet if the owner dies or becomes incapacitated and can no longer care for the pet.
- E. Pets must be licensed in accordance with state or local law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident's annual reexamination.

Failure to comply with the above-referenced registration policies shall constitute grounds for denial of a pet on the premises.

If management, for good reason, refuses to register a pet, a written notification will be sent to the pet owner stating the reason(s) for denial and a copy will be placed in the Resident file.

Only resident-registered pets are permitted at the development.

Animals being cared for temporarily are subject to the pet policy rules. Residents who plan to temporarily care for an animal must request and receive permission from the management office prior to bringing the animal onto the premises. HACE has the sole discretion to approve or deny such requests. Visiting pets are not permitted unless they are a trained service animal with their handler.

GENERAL RULES AND REQUIREMENTS

- A. Puppies and kittens must be at least 8 weeks old and must be completely housebroken by 12 weeks of age.
- B. All dogs and cats must be spayed/neutered within 6 months of admission, unless a letter is received from a licensed veterinarian giving a medical reason why such is detrimental to the health of the pet.
- C. Residents who have demonstrated poor housekeeping habits will not be allowed to own a pet until such a time that their housekeeping practices meet and remain at the standards expected of residents. Residents will be notified via formal notice.
- D. No pet shall be left unattended overnight.

- E. Pet owners are considered responsible for their pet and shall not permit the pet to create excessive noise or otherwise disrupt the peaceful enjoyment of other residents.
- F. Pet owners are considered liable for the actions of their pet and agree to hold harmless HACE from any and all damages or personal injury resulting from the actions of their pet.
- G. The pet owner shall designate a relative or some other responsible party to sign an agreement stating that they (relative or other party) will accept full responsibility for the pet should the pet owner die, become incapacitated, or in any emergency situation.
- H. Pet owners shall not alter in any way the dwelling unit, porch, grounds, or common area to accommodate a pet. Pet doors, doghouses and dog pens are strictly prohibited.
- I. Pet owners must present evidence for HACE files showing their pets have been inoculated by a licensed veterinarian against rabies and have received any other inoculations required by law. This is an ongoing requirement anytime required inoculation laws change. All dog owners must present evidence of inoculation against canine distemper.

10.4 Pet Restraining and Area Restrictions

All pets must be appropriately and effectively restrained and under the control of a responsible person while in the common areas of the development. No pets are permitted in offices (except for registration), maintenance areas or community facilities. HACE has not designated any buildings, floors of buildings, or sections of buildings as no-pet areas. In addition, HACE has not designated any buildings, floors of buildings, or sections of buildings for residency of pet-owning residents.

No dog or cat shall be allowed to run at large about the premises. Such pets must always be on a leash or in a secured carrier while in common areas. The pet owner must have a plastic bag which they use for removal and proper disposal of solid pet waste while walking their pet.

Pet owners are not permitted to exercise pets or permit pets to deposit waste on project premises outside of the areas designated for such purposes.

MANAGEMENT ACCESS TO DWELLING UNIT INSPECTIONS AND REPAIRS

Management will not enter the dwelling unit for performance of repairs or inspections where a pet resides unless accompanied (the entire time) by the pet owner or the responsible person designated by the pet owner. The pet must be held under physical restraint by the pet owner or responsible person until management has completed its task(s). Any delays or interruptions suffered by management in the inspection, maintenance, and upkeep of the premises due to the presence of a pet may be cause for lease termination.

10.5 Sanitary Standards

Pet waste must be disposed of frequently and in a sanitary manner. To this end, the following procedures are to be followed:

- A. Dogs: In the case that a dog deposits waste on HACE property, the Resident must immediately remove such waste. Waste must be placed in a plastic bag, sealed tight, and placed in the Resident's outside trash container/dumpster or ground floor trash room.

- B. Cats: The Resident must have a litter box for the cat. Waste must be cleaned daily from the litter box, placed in a tightly fastened plastic bag, and placed in the outside trash container by the cat owner. Residents of high-rise buildings should place the waste in a plastic bag, sealed tightly, and deposit inside the dumpster located on the ground floor trash room. Waste shall not be deposited in any trash shoot. Cat waste and litter are never to be disposed of in any other way. Please do not flush cat waste/litter down the toilet.
- C. Small Pets and birds: Cages must be cleaned daily. Debris from the cage must be disposed of in a plastic bag, sealed, and placed in the outside trash container or in the first-floor trash room.

10.6 Financial Obligations

Pet Deposits

Any (dog or cat) owner must pay a \$100 refundable pet deposit to cover any costs that may be incurred by HACE for repairing damages caused by the pet. The pet deposit will be refunded when the pet is no longer a part of the residence, and upon inspection of the unit for damages. If damages are repaired during the tenancy, the cost will be billed directly to the resident. If pet related damages are repaired after the unit is vacated, the cost will be deducted from the pet deposit and any balance owed will be billed to the resident. No deposits are required for birds, fish, rodents, or turtle owners.

For dogs and cats that are not spayed or neutered before admission, an additional \$75 deposit is required. This deposit will be refunded when the appropriate spaying or neutering occurs and is verified by a veterinarian.

The pet deposit and spay/neuter deposit may be paid in the amount of \$50 when the pet is brought onto the property and \$10 per month thereafter until the deposit is paid in full.

10.7 Nuisance or Threat to Health and Safety

If the health, well-being, and safety of a pet is threatened by the death, incapacity, or negligence of the pet owner, the responsible person listed in the pet registration shall be contacted to take responsibility for the pet.

If the responsible person is unable or unwilling to care for the pet, or cannot be contacted despite reasonable efforts, the management agent may remove the pet by:

- A. Contacting the appropriate agencies and requesting removal of the pet, or
- B. Placing the pet in a facility that will provide care and shelter at the pet owner's expense until (1) the pet owner or the designated representative is able to resume responsibility for the pet or (2) for thirty (30) days, whichever occurs first.

In cases where a pet becomes vicious, displays symptoms of severe illness, or demonstrates other behavior that constitutes an immediate threat to the health and safety of the residency as a whole, the pet owner may be asked to remove the pet immediately. If a pet owner refuses to remove a pet immediately, or if the pet owner or responsible person cannot be contacted, the pet may be removed in accordance with the pet policy.

In cases where a pet dies, the pet owner shall be responsible for removing the pet in a clean, safe, and sanitary manner. In particular reference to dogs and cats, the pet should be placed in a common trash bag and the local Animal Control division should be contacted immediately to remove the pet from the premises within 24 hours.

10.8 Pet Rule Violation Procedures

All pet owners will be required to abide by all provisions of the Public Housing Residential Lease and the Pet Policies and Procedures for the Public Housing Program associated with owning and keeping a pet in their apartment. If it is determined that a pet owner has violated the rules governing pet ownership, the following procedures shall be observed:

A written notice of the pet rule violation shall be served on the pet owner outlining the following:

- A. Basis of the determination and pet rule(s) violated.
- B. Statement that the pet owner has ten (10) days from the date of service/delivery of the notice to correct the violation (including, in appropriate circumstances, removal of the pet).
- C. Statement that the pet owner may make a written request for a meeting to discuss the violation. This request must be made within three (3) days of the service/delivery date of the violation notice.
- D. Statement that failure by the pet owner to correct the violation, to request a meeting, or to appear at a requested meeting may result in the termination of the lease agreement.
- E. If the pet owner makes a timely request for a violation meeting, a time and place for the meeting shall be established no later than fifteen (15) days from the date of service/delivery of the pet rules violation.

If the pet owner has not resolved the rule violation, or if the violation is not resolved at the rule violation meeting, a notice shall be served to the pet owner requiring the removal of the pet. In such cases, the pet owner must remove the pet within ten (10) days of the rule violation meeting. Failure to comply with management's request to remove a pet may result in the termination of the pet owner's lease agreement.

Please refer to the Pet Policy for additional information.