ADMISSIONS AND CONTINUED OCCUPANCY POLICY







Housing Authority of Georgetown

October 2026

DRAFT

The Nelrod Company®

© 2024 The Nelrod Company | Fort Worth, TX 76107 | (817) 922-9000 (P) | Nelrod.com

Satellite Offices: Washington, D.C. | Austin, TX | Houston, TX | San, Antonio, TX

Housing Authority of Georgetown

Georgetown, Kentucky

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

Adopted by PHA Board of Commissioners

Resolution No.: _____

Date of Adoption: _____

Effective Date of Implementation: _____

DRAFT

Authorized Use by Housing Authority of Georgetown
©2024 The Nelrod Company, Fort Worth, Texas 76107

Admissions and Continued Occupancy Policy

Implementation Schedule

Staff Training Date, if needed: _____

Distribution to Functional Areas

This policy has been distributed to staff in the following departments:

☐ Public Housing Managers

☐ Admissions/Occupancy Staff

☐ Financial Staff

☐ Maintenance Staff

☐ Other Specify:_____

Date Draft Policy Prepared: September 10, 2026

Date Final Policy Prepared: October 22, 2026

DRAFT

TABLE OF CONTENTS

INTRODUCTION AND STATEMENT OF LOCAL OBJECTIVES 1

OVERVIEW OF THE PHA 1

A. LEGAL JURISDICTION 1
B. MISSION STATEMENT 1
C. STATEMENT OF LOCAL OBJECTIVES 1
D. ORGANIZATIONAL STRUCTURE 2
E. CUSTOMER RELATIONS 2
F. CONFLICT OF INTEREST 2

CHAPTER 1: PUBLIC HOUSING PROGRAM BACKGROUND AND KEY EVENTS 4

A. NATIONAL HOUSING ACT 4
B. UNITED STATES HOUSING ACT OF 1937 4
C. HOUSING ACT OF 1949 4
D. THE HOUSING ACT OF 1954 4
E. THE HOUSING AND URBAN DEVELOPMENT ACT OF 1965 5
F. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 5
G. MCKINNEY-VENTO ACT OF 1987 5
H. HOPE VI AND FAIRCLOTH AMENDMENT 6
I. QUALITY HOUSING AND WORK RESPONSIBILITY ACT OF 1998 (QHWRA) 6
J. RENTAL ASSISTANCE DEMONSTRATION (RAD) 6
K. HOUSING OPPORTUNITIES THROUGH MODERNIZATION ACT OF 2016 (HOTMA) 7
L. APPLICABLE REGULATIONS 8

CHAPTER 2: RELATIONSHIP BETWEEN HUD, THE PHA, AND THE FAMILY 9

A. ANNUAL CONTRIBUTIONS CONTRACT 9
B. ROLES AND RESPONSIBILITIES 9
C. RELEASE OF INFORMATION AND CONSENT BY APPLICANTS AND PARTICIPANTS 12

CHAPTER 3: THE ADMISSIONS AND CONTINUED OCCUPANCY POLICY 18

A. ADOPTION OF THE ACOP 18
B. CONTENTS OF THE ACOP 18
C. ORGANIZATION OF THIS ACOP 19
D. CHANGES IN LAWS AND REGULATIONS 19

CHAPTER 4: NONDISCRIMINATION AND EQUAL HOUSING OPPORTUNITIES 20

A. GENERAL POLICY 20
B. SPECIFIC ACTIONS 22
C. REASONABLE ACCOMMODATION AND REASONABLE MODIFICATIONS 24
D. EFFECTIVE COMMUNICATION 28
E. VOLUNTARY COMPLIANCE AGREEMENT 29

CHAPTER 5: VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT (VAWA) 30

A. WHO IS ELIGIBLE FOR VAWA PROTECTIONS 30
B. WHO IS INELIGIBLE FOR VAWA PROTECTIONS 31
C. VAWA NOTICE OF OCCUPANCY RIGHTS AND CERTIFICATION FORM 32

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

D. VAWA Notice of Occupancy Rights, HUD-5380 32
E. VAWA Certification Form, HUD-5382 33
F. Certification and Documentation 33
G. Limitations of VAWA Protections 35
H. VAWA Confidentiality 36
I. VAWA Prohibition on Retaliation 38
J. Right to Report Crimes and Emergencies 38
K. Compliance Process Review 38
L. VAWA FHEO Enforcement Authority 39

CHAPTER 6: OUTREACH 40

A. Affirmative Marketing and Equal Opportunity 40
B. Family Outreach 40
C. Monitoring and Evaluating Outreach Efforts 42

CHAPTER 7: WAITING LIST AND TENANT SELECTION 43

A. Community-Wide Waiting List 43
B. Waiting List Management 43
C. Accepting the Application 48
D. Local Preferences 51
E. Priority for HCV and PBV Families Displaced due to HQS Noncompliance 55
F. Selection Priorities from the Waiting List 56
G. Income Targeting 58

CHAPTER 8: BASIC ELIGIBILITY REQUIREMENTS 60

A. Definition of a Family 60
B. Definition of a Household 62
C. Income Eligibility 64
D. Citizenship and Eligible Immigration Status 66
E. Mandatory Disclosure of Social Security Numbers (SSNs) 70
F. Restriction on Students of Higher Education Eligibility 73
G. Restrictions on Assistance to Family Based on Assets 73

CHAPTER 9: APPLICANT SELECTION AND SCREENING 76

A. Applicant Selection and Screening Criteria 76
B. Consideration of Favorable Factors 77
C. Falsified or Misrepresented Information 78
D. Mitigating Circumstances 78

CHAPTER 10: DENIAL OF ADMISSION 80

A. Denial of Admission Because of the Family's Action or Failure to Act 80
B. Denial of Admissions for Criminal Activity and/or Alcohol Abuse 81
C. Denial of Admission Based on Consumer Reporting Agency Criminal Reports 83
D. Consideration of Circumstances Before Denial of Admission 84

CHAPTER 11: DETERMINATION OF INCOME 86

A. Annual Income 86
B. Earned Income 86

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

C. Unearned Income 86
D. Income Inclusions 86
E. Federally Mandated Income Exclusions 91
F. Treatment of Financial Assistance Received by Students of Higher Education 100
G. Net Family Assets 103
H. Necessary Personal Property and Non-Necessary Personal Property 107
I. Net Family Assets Do Not Include 109
J. Actual and Imputed Income from Net Family Assets 110
K. Passbook Rate Determination 112
L. Calculation of Annual Income 113
M. Annualizing and Averaging Income 115
N. Earned Income Disallowance (or Disregard) Self-Sufficiency Incentive (EID) 116
O. Adjusted Annual Income 118
P. HUD Mandatory Deductions and Allowances 118
Q. Hardship Exemptions for Unreimbursed Health and Medical Care and DAE 126
R. Hardship Exemptions for Childcare Expenses 128
S. PHA Financial Hardship Policy 130
T. HUD's Annually Published Inflation Adjustments 132

CHAPTER 12: VERIFICATION REQUIREMENTS 133

A. General Verification Requirements 133
B. The EIV System 134
C. Verification Hierarchy and PHA Verification Procedures 135
D. Verification Hierarchy Techniques 135
E. Verification of Legal Identity 139
F. Verification of Date of Birth 139
G. Verification of Relationships 140
H. Verification of Citizenship or Eligible Immigration Status 140
I. Verification of Social Security Numbers and Social Security/SSI Benefits 142
J. Verification of Included Income 146
K. Verification Requirements for Excluded Income 146
L. Verification of Assets and Income from Assets 147
M. Verification of Deductions from Annual Income 149
N. Verification of Local Preferences 153
O. Verifications from Drug Abuse Treatment Facilities 157

CHAPTER 13: NOTIFICATION OF ELIGIBILITY 158

A. Ineligible Applicants 158
B. Eligible Applicants 159

CHAPTER 14: PRE-OCCUPANCY ORIENTATION 160

A. Scheduling the Pre-Occupancy Orientation 160
B. Pre-Occupancy Orientation Topics 160
C. Effective Communication 162

CHAPTER 15: TYPES OF DEVELOPMENTS AND REQUIREMENTS 163

A. General Occupancy Developments 163
B. Mixed Population Developments 163

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

C. Units Designed for Persons with Disabilities 164
D. Designated Housing 165
E. See Appendix D for Development Units 165

CHAPTER 16: OCCUPANCY STANDARDS 166

CHAPTER 17: OFFERING THE UNITS (TENANT SELECTION AND ASSIGNMENT PLAN) 168

A. Deconcentration 168
B. Unit Offer 169

CHAPTER 18: USE AND OCCUPANCY 171

A. Primary Residence 171
B. Absence from the Unit 171
C. Abandonment of the Unit 174
D. VAWA Exception 175

CHAPTER 19: CHOICE OF RENT 176

A. Rent Options and Annual Reviews 176
B. Flat Rent 177
C. Flat Rent, Utilities and Utility Allowance 177
D. Annual Flat Rent Compliance 178
E. Flat Rent Exception 178
F. Income-Based Rent 181
G. Switch from Flat Rent to Income-Based Rent Because of Financial Hardship 181
H. Prorated Tenant Rent 181

CHAPTER 20: TENANT RENT AND OTHER CHARGES 183

A. Tenant Rent 183
B. Changes in Addition to Tenant Rent 183
C. Forms of Payment 184
D. Delinquent Charges and Late Fees 184
E. Total Tenant Payment (TTP) 184
F. Minimum Rent 184
G. Minimum Rent Hardship Exemption 185
H. Special Reexamination 186

CHAPTER 21: SECURITY DEPOSIT 188

CHAPTER 22: UTILITIES AND THE UTILITY ALLOWANCE 189

A. Utility Services 189
B. Individual Metering of Utilities 189
C. Establishment of Utility Allowances 190
D. Resident-Purchased Utilities 192
E. PHA-Furnished Utilities 193
F. Surcharges for Excess Consumption of PHA-Furnished Utilities 193
G. Review and Revision of Allowances 194
H. Utility Reimbursement 194
I. Reasonable Accommodation and Individual Relief 195
J. General Utility Policies 195

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 23: THE DWELLING LEASE 196

A. Lease Provisions 196
B. PHA Lease Requirements 196
C. Lease Term and Renewal 198
D. Lead-Based Paint Notification and Records 198
E. Lease Revisions or Modifications 200
F. Termination of Lease 201

CHAPTER 24: REEXAMINATIONS 203

A. Annual Reexaminations 203
B. General Redetermination Requirements 204
C. Annual Reexamination Appointment 204
D. Streamlined Annual Reexamination Income Determination for Fixed Incomes 206
E. Family Interim Reporting Requirements 208
F. Interim Household Composition Reporting Requirements 208
G. PHA Interim Requirements 212
H. Interim Reexamination Appointments 215
I. Verification of Annual/Interim Reexamination Information 217
J. Effective Dates of Annual and Interim Reexaminations 218
K. Notification of the Annual/Interim Reexamination Results 219
L. Community Service and Self-Sufficiency Requirements (CSSR) 220

CHAPTER 25: ZERO-INCOME FAMILIES 227

CHAPTER 26: CONTINUED OCCUPANCY POLICY OF PUBLIC HOUSING OVER-INCOME (OI) FAMILIES 229

A. Applicability 229
B. Determination of Over-Income Limit 229
C. PHA Continued Occupancy Policy for Public Housing Over-Income Families 230
D. 24 Consecutive Months Grace Period 230
E. Families Determined to be Over-Income Prior to the Final Rule 231
F. Notification of OI Families 232
G. Termination of Tenancy of an Over-Income Family 234
H. Annual Reporting 235

CHAPTER 27: INSPECTIONS 237

A. Types of Inspections 237
B. Move-In/Move-Out Unit Inspections 237
C. National Standards for the Physical Inspection of Real Estate (NSPIRE) 238
D. Inspection Requirements 242
E. REAC Inspections 243
F. Annual Inspections 243
G. Scheduling Inspections 244

CHAPTER 28: PROGRAM INTEGRITY 245

A. Investigation of Suspected Abuse or Fraud 245
B. Steps to Investigating Allegations of Possible Abuse and Fraud 246
C. Responding to Allegations of Possible Abuse and Fraud 247

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

D. Maintaining Evidence and Statements Obtained by the PHA 247
E. Evaluation of Findings 247
F. Resolving Confirmed Violations 248
G. Misrepresentations 249
H. The Tenant Conference for Serious Violations and Misrepresentations 249
I. Disposition of Cases Involving Misrepresentation 250
J. Notifying Family of Proposed Action 251

CHAPTER 29: DEBT OWED TO THE PHA 252

A. Repayment Agreement for Families 252
B. Establishing the Repayment Agreement 252
C. Retroactive Payment Amount and Timeframe 253
D. Enforcing Repayment Agreements 254
E. Repayment Agreement with Previous Tenant or Program Participation 255
F. Ineligibility for Repayment Agreements 255
G. Debts Owed to PHAs and Terminations 256
H. Remaining Family Members and Prior Debt 257

CHAPTER 30: RECORDS MANAGEMENT 258

A. EIV Printouts 258
B. Authority to Obtain Criminal Records 258
C. Receipt of Information from Law Enforcement Agencies 258
D. Criminal Records 258
E. Permitted Use and Disclosure of Criminal Records 259
F. Use of Criminal Records 261

CHAPTER 31: OTHER MATTERS 262

A. Smoke-Free Living Environment 262
B. Pet Ownership 262
C. Transfers 262
D. Emergency Transfer Plan (ETP) 262
E. Collection 263
F. Termination of Lease 263
G. Grievance Procedures 263
H. Community Service and Self-Sufficiency Requirements 264
I. Housekeeping Standards 264
J. Resident Initiatives Policy 264
K. Preemption of Restrictions on Placement of Direct Broadcast Satellite, Multi-channel Multipoint Distribution Service and Television Broadcast Antennas 264
L. Occupancy of Police Officers 265
M. Minimum Heating Standards 265

APPENDIX A: HUD VERIFICATION HIERARCHY AND TECHNIQUES 267

APPENDIX B: INCOME INCLUSIONS AND EXCLUSIONS CHART 268

APPENDIX C: HUD INFLATION-ADJUSTED VALUES AND PASSBOOK RATE 275

APPENDIX D: LIST OF CHARGES IN ADDITION TO TENANT RENT 276

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX E: PHA INCOME LIMITS **277**

APPENDIX F: TABLE OF FLAT RENTS **278**

APPENDIX G: UTILITY ALLOWANCES OR CONSUMPTION ALLOWANCES **279**

APPENDIX H: DEVELOPMENTS SITES BY TYPES **280**

APPENDIX I: SECURITY DEPOSITS **281**

APPENDIX J: TERMINATION AND EVICTION POLICY **282**

A. Rights and Responsibilities 282
B. Consideration of Favorable Factors 282
C. VAWA Violence/Abuse 283
D. Termination by Family 284
E. Termination Notice 284
F. Termination of Assistance for Criminal Activity and Alcohol Abuse 285
G. Future Eligibility for Assistance. 286

APPENDIX K: GRIEVANCE PROCEDURES **287**

A. Purpose and Scope 287
B. Governing Law 287
C. Definitions 287
D. Incorporation in Lease 288
E. Exceptions 288
F. Grievance Process 289
G. Expedited Grievance Procedures 291
H. Selection of Hearing Officer 291
I. Hearing Process 291
J. Transcript 293
K. Decision of the hearing officer 293
L. Notification 294
M. Accommodation to Persons with Disabilities 294
N. Effective Communications 294
O. Modifications 295

APPENDIX L: TRANSFERS AND TRANSFER WAITING LIST **296**

A. Nondiscrimination 296
B. Types of Transfers 296
C. Mandatory and Optional Transfers 301
D. Transfer Priorities 301
E. Eligibility for Transfers 302
F. Processing Transfers 303
G. Cost of Transfers 304
H. Notice of Transfer 305

APPENDIX M: HOUSEKEEPING STANDARDS POLICY **306**

A. Applicability 306
B. PHA Responsibilities 306
C. Resident Responsibility 306

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

D. INTERIOR STANDARDS....306
E. EXTERIOR STANDARDS....308
F. HOUSEKEEPING STANDARDS TRAINING....308

GLOSSARY....309

DEFINITIONS....312

NOTICE....349

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

INTRODUCTION AND STATEMENT OF LOCAL OBJECTIVES

The Housing Authority of Georgetown, hereinafter referred to as PHA, serves as a public housing authority for the purpose of receiving funds from the U.S. Department of Housing and Urban Development (HUD) for the operation and administration of the low-rent public housing program (hereinafter referred to as the public housing program). The PHA enters into an Annual Contributions Contract (ACC) with HUD to administer and provide decent, safe, and sanitary rental housing for eligible low-income families, the elderly, and persons with disabilities.

The PHA has developed an Admission and Continued Occupancy Policy (ACOP) to provide for written policies pertaining to the admission of applicants and continued occupancy of residents. The ACOP is organized basically in the order of concerns that the PHA encounters in selection of applicants from the waiting list to reexamining residents for continued assistance.

The PHA shall administer the public housing program in compliance with Fair Housing and Equal Opportunities (FHEO), Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, the Americans with Disabilities Act (ADA), HUD regulations, notices/guidance, including Rental Housing Improved Integrity Program (RHIIP), the PHA Plan, the ACOP, the PHA's Procedures Manual, the PHA Personnel Policy, and state and local housing laws.

OVERVIEW OF THE PHA

The PHA was established in 1962 and empowered with the responsibility and authority to maintain the public housing program for the City of Georgetown, Kentucky.

A. Legal Jurisdiction

The area of operation of the PHA is geographically defined as Scott County, Kentucky.

B. Mission Statement

PHA's Mission Statement

The Georgetown Housing Authority (GHA) is committed to providing quality, affordable housing to low and moderate-income families and individuals in a safe, desirable, non-discriminatory neighborhood setting, fully accessible to all, while promoting economic independence and self-sufficiency to improve the overall quality of life for our residents.

C. Statement of Local Objectives

In addition to the general statement above, the ACOP is designed to achieve the following objectives:

- To provide improved living conditions for very low-income families while maintaining their rent payments at an affordable level;
- To operate a socially and fiscally sound public housing authority that provides drug-free, decent, safe, and sanitary housing with a suitable living environment for residents and their

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

families;

- To avoid concentrations of economically and socially disadvantaged families in any one or all of the PHA's public housing developments; and
- To deny the admission of applicants or the continued occupancy of residents, within HUD regulations, whose habits and practices may reasonably be expected to adversely affect the health, safety, comfort, or welfare of other residents, or the physical environment of the neighborhood, or create a danger to PHA employees.

D. Organizational Structure

The Executive Director/CEO is responsible for the administration and implementation of the public housing program.

E. Customer Relations

The PHA considers all applicants, residents, contractors, subcontractors, HUD, etc., as its customers. The goal of the PHA is to respond promptly to the needs of its customers. All contact with the customer and the general public will be handled in a professional and courteous manner.

F. Conflict of Interest

In accordance with the Annual Contributions Contract, Section 16, Conflict of Interest, neither the PHA nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the project (public housing project) in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:

- Any present or former member or officer of the PHA of the governing body of the PHA, or any member of the officer's immediate family, (except any present or former tenant commissioner who does not serve on the governing body of a resident corporation, and who otherwise does not occupy a policymaking position with the resident corporation, the PHA or a business entity);
- Any employee of the PHA, or any contractor, subcontractor, or agent of the PHA, who formulates policy or who influences decisions with respect to the programs, or any member of the employee's immediate family, or the employee's partner.
- Any public official, member of the local governing body, or state or local legislator, or any member of such individuals' immediate family, who exercises functions or responsibilities with respect to the programs or the PHA.
- Any member of the Congress of the United States.

Any member of the classes described above must disclose their interest or prospective interest to the PHA and HUD.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

The PHA has established written ethical standards of conduct with core values covering conflicts of interest and governing the performance of its employees engaged in the selection, award, and administration of contracts for which program receipts will be or are expended.

The PHA shall adhere to its Conflict of Interest policy and shall sanction and/or terminate any officer, employee, or agent for violations consistent with applicable federal, state, or local law.

The "conflict of interest" prohibition may be waived by the HUD field office for good cause.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 1: PUBLIC HOUSING PROGRAM BACKGROUND AND KEY EVENTS

Public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities. Public housing comes in all sizes and types, from scattered single-family houses to high rise apartments for elderly families.

A. National Housing Act

Amidst widespread unemployment and financial collapse resulting from the 1929 stock market crash, Congress passed the Emergency Relief and Construction Act of 1932, creating the Reconstruction Finance Corporation (RFC) and authorizing loans to private corporations providing housing for low-income families.

As the Great Depression eased and the prospect of improved financial status for individual families increased, the National Housing Act of 1934 was passed to relieve unemployment and stimulate the release of private credit in the hands of banks and lending institutions for home repairs and construction.

These early measures stimulated housing construction, and the United States Housing Act of 1937 authorized loans to local public housing agencies for lower-rent public housing construction expenses.

B. United States Housing Act of 1937

The U.S. Housing Act of 1937 authorized local PHAs established by individual states. The 1937 Act also initiated the public housing program. Local PHAs owned and managed public housing and, at the time the public housing program began, PHAs adopted a production approach to providing affordable housing for low-income families because of the Depression Era emphasis on job creation and slum elimination.

For nearly 30 years, public housing that was owned and managed by local PHAs was the primary source of housing assistance for low-income families. Over time, the federal government strategy for housing assistance shifted from sole involvement by PHAs toward involvement by the private housing sector.

C. Housing Act of 1949

The increase in housing construction following World War II led to the growth of suburban areas and to new housing programs for declining urban areas authorized by the Housing Act of 1949.

The Act authorized funds to localities to assist in slum clearance and urban redevelopment, new construction, and activities not directly related to housing construction (open space land, neighborhood facilities, and basic water and sewer facilities).

D. The Housing Act of 1954

The Housing Act of 1954 amended that of 1949 to provide funding, not just for new construction and demolition, but also for the rehabilitation and conservation of deteriorating

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

areas. This began a gradual shift in emphasis from new construction to conservation, now reflected in current housing policies that encourage rehabilitation. With the 1954 amendment, the term "urban renewal" was introduced to refer to public efforts to revitalize aging and decaying inner cities and some suburban communities.

The Housing Act of 1956 added special provisions under Sections 203 and 207 and the public housing programs to give preference to the elderly and amended the 1949 Act to authorize relocation payments to persons displaced by urban renewal.

Federal involvement in housing rapidly expanded to include the financing of new construction measures to preserve existing housing resources, and urban renewal.

E. The Housing and Urban Development Act of 1965

Executive Order 11063, Equal Opportunity in Housing, issued in 1962, represented the first major federal effort to apply civil rights to housing. Title VII of the Civil Rights Act of 1964 assured nondiscrimination in federally assisted programs. Equality in housing opportunity was legislated by Title VIII of the Civil Rights Act of 1968, the Fair Housing Act, which prohibited discrimination in the sale, rental, and financing of housing.

The Housing and Urban Development Act of 1965 created HUD as a cabinet-level agency and initiated a leased housing program to make privately owned housing available to low-income families.

F. Community Development Block Grant (CDBG)

HUD's Office of Policy Development and Research (PD&R), created in 1973, was tasked with conducting research on priority housing and community development issues.

In January 1973, President Nixon declared an 18-month moratorium on approvals for subsidized housing programs, including Sections 235 and 236. The moratorium also applied (as of July 1) to funding for urban renewal, Model Cities, and FHA programs. The moratorium was rescinded in the summer of 1974.

The Housing and Community Development Act of 1974 made significant changes to housing programs, marked by block grants, and created the Community Development Block Grant.

G. McKinney-Vento Act of 1987

Changes in the American economy, deinstitutionalization of individuals with mental illnesses, and a decline in housing and other support for low-income families resulted in an increase in homelessness. The McKinney Act of 1987 (later renamed the McKinney-Vento Act) created new housing and social services programs within HUD, specifically designed to address homelessness.

Other significant measures to ensure housing opportunities for all addressed the housing needs of Native Americans and Alaskan Indians. The Low-Income Housing Tax Credits (LIHTC) program created affordable housing opportunities for low- and moderate-income families.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

The scope of fair housing provisions of the Civil Rights Act of 1968 was expanded, giving HUD additional enforcement responsibilities.

H. Hope VI and Faircloth Amendment

Several new programs were designed to ensure survival of affordable units and the viability of subsidized housing programs. The Low-Income Housing Preservation and Resident Homeownership Act of 1990 attempted to maintain the supply of affordable housing by offering project incentives to preserve low-income rental properties.

The HOPE VI Program was developed as a result of recommendations by National Commission on Severely Distressed Public Housing, which was charged with proposing a National Action Plan to eradicate severely distressed public housing.

Section 9(g)(3) of the Housing Act of 1937 ("Faircloth Amendment") limits the construction of new public housing units. The Faircloth Amendment stipulates that HUD cannot fund the construction or operation of new public housing units with Capital or Operating Funds if the construction of those units would result in a net increase in the number of units the PHA owned, assisted, or operated as of October 1, 1999. This requirement is referred to as the "Faircloth Limit."

I. Quality Housing and Work Responsibility Act of 1998 (QHWRA)

QHWRA was signed by President Clinton on October 21, 1998, and is found in Title V of HUD's FY1999 appropriations act (P.L. 105-276). QHWRA is landmark legislation which will make public housing reform a reality by:

- Reducing the concentration of poverty in public housing
- Protecting access to housing assistance for the poorest families
- Supporting families making the transition from welfare to work
- Raising performance standards for public housing agencies, and rewarding high performance
- Transforming the public housing stock through new policies and procedures for demolition and replacement and mixed-finance projects, and through authorizing the HOPE VI revitalization program
- Merging and reforming the Section 8 certificate and voucher programs and allowing public housing agencies to implement a Section 8 homeownership program.
- Supporting HUD management reform efficiencies through deregulation and streamlining and program consolidation

J. Rental Assistance Demonstration (RAD)

HUD worked with public agencies, private partners, nonprofit, faith-based, and community organizations to expand the availability of affordable housing, to improve structural and living conditions in HUD-insured and assisted rental housing projects, to promote wider affordable

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

rental housing opportunities, and to stabilize and sustain communities.

RAD was created in order to give PHAs a powerful tool to preserve and improve public housing properties and address the nationwide backlog of deferred maintenance. RAD allows PHAs to convert from public housing to long-term project-based Section 8 assistance.

K. Housing Opportunities Through Modernization Act of 2016 (HOTMA)

On July 29, 2016, HOTMA was signed into law (Pub. L. 114–201, 130 Stat. 782). HOTMA makes numerous changes to statutes governing HUD programs, including sections 3, 8, and 16 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (1937 Act). HUD published a rule in the Federal Register on October 24, 2016 (81 FR 73030), announcing which statutory changes made by HOTMA could be implemented immediately and which statutory changes required further action by HUD.

On November 29, 2016 (81 FR 85996), HUD published a Federal Register notice seeking public input on how HUD should determine the income limit for public housing residents pursuant to Section 103 of HOTMA, and this was followed by a July 26, 2018 (83 FR 35490) notice that made some provisions of Section 103 of HOTMA effective.

On January 18, 2017, HUD published a proposed rule (82 FR 5458) that made multiple HOTMA provisions for the Housing Choice Voucher (HCV) program, unrelated to sections 102, 103, and 104, effective and solicited public comment on HUD's implementation methods. The conforming regulatory changes for the HCV program provisions implemented by the January 18, 2017, rulemaking are not part of this final rule and are being addressed through a separate rulemaking.

Many of the statutory provisions in HOTMA are intended to streamline administrative processes and reduce burdens on PHAs and owners of housing assisted by Section 8 programs. Sections 102, 103, and 104 of HOTMA require that HUD make changes to its regulations and take other actions - some of which will also reduce burdens on PHAs, and private owners once implemented.

On September 17, 2019 (84 FR 48820), HUD published a proposed rule to update its regulations according to HOTMA's statutory mandate and to implement the provisions of Sections 102, 103, and 104 of HOTMA that require rulemaking. Additional details about the proposed rule may be found at 84 FR 48820 (September 17, 2019). That proposed rule has additional information on the proposed regulatory changes and how they relate to HOTMA. In addition, on December 4, 2020 (85 FR 78295), HUD re-opened public comment on specific provisions dealing with families whose income rises above the new cap for residing in public housing.

On February 14, 2023 (88 FR 9600), HUD published the HOTMA final rule. This final rule follows the publication of the September 17, 2019, proposed rule and considers the public comments received, including public comments received in response to HUD's December 4, 2020, notice reopening public comments.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

L. Applicable Regulations

The applicable regulations to the public housing program include:

- 24 CFR Part 5: General HUD Program Requirements; Waivers
- 24 CFR Part 8: Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development
- 24 CFR Part 75: Economic Opportunities for Low- and Very Low-Income Persons
- 24 CFR Part 100 -199: Fair Housing Act
- 24 CFR Part 902: Public Housing Assessment System
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 904: Public Housing Homeownership Programs
- 24 CFR Part 945: Designated Housing - Public Housing Designated for Occupancy by Disabled, Elderly, or Disabled and Elderly Families
- 24 CFR Part 960: Admission to, and Occupancy of, Public Housing
- 24 CFR Part 964: Tenant Participation and Tenant Opportunities in Public Housing
- 24 CFR Part 965: PHA-Owned or Leased Projects – General Provisions
- 24 CFR Part 966: Public Housing Lease and Grievance Procedure
- 24 CFR Part 970: Public Housing Program – Demolition or Disposition of Public Housing Projects
- 24 CFR Part 972: Conversion of Public Housing to Tenant-Based Assistance
- 24 CFR Part 984: Section 8 and Public Housing Family Self-Sufficiency Program
- All issues not addressed in this document related to the public housing program are governed by the Code of Federal Regulations, the Federal Register, HUD notices/guidance, handbooks and guidebooks, memorandums, and guidelines, and other applicable federal, state, or local laws.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 2: RELATIONSHIP BETWEEN HUD, THE PHA, AND THE FAMILY

The PHA enters into contractual relationship with HUD. The roles and responsibilities of HUD, the PHA, and the family are defined in the federal regulations and in the legal documents that the parties execute to participate in the program.

A. Annual Contributions Contract

The Annual Contributions Contract (ACC) between HUD and the PHA provides the PHA with funding for housing assistance to very low-income households and establishes the PHA's responsibilities in administering this funding.

B. Roles and Responsibilities

1. Role of HUD:

   HUD has four major responsibilities:

   a. Develop policy, regulations, handbooks, notices, and guidance to implement housing legislation.

   b. Allocate housing assistance funds.

   c. Provide technical assistance and training to PHAs; and

   d. Monitor PHA compliance with program requirements and performance goals.

2. Role of the PHA:

   The PHA's responsibilities are defined in the consolidated ACC and in applicable regulations. The PHA administers the public housing program under contract with HUD and has the following responsibilities:

   a. Establishing local policies.

   b. Determining family eligibility and reexamining the family income.

   c. Maintaining the waiting list and selecting families for admission.

   d. Calculation of the tenant rent.

   e. Establishing utility allowances.

   f. Assisting persons with disabilities.

   g. Conducting informal settlements and grievance hearings.

   h. Administering the FSS program; and

   i. Complying with Fair Housing and Equal Opportunity (FHEO) requirements, HUD regulations and requirements, the consolidated ACC, HUD-approved applications for program funding, the PHA's ACOP, and federal, state, and local laws.

3. Tenant Obligations

   The term tenant is used interchangeably with the terms "applicant," "participant,"

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

"resident," and "family." For tenant obligations, the interchangeably terms will include any household member approved by the PHA to reside in the assisted unit, where applicable. The Tenant Obligations are stated in lease between the tenant and the PHA. The Tenant Obligations include:

a. Supplying true and complete required information including:

   1) Any information that the PHA or HUD determines necessary in the administration of the program, including evidence of citizenship or eligible immigration status.

   2) Information as requested for regular or interim reexaminations of family income and composition.

   3) Disclosure and verification of social security numbers (SSNs); and

   4) Signing consent forms for obtaining and verifying information.

b. Violation of Lease:

   1) The family may not commit any serious or repeated violation of the lease.

   2) An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be construed as a serious or repeated lease violation by the survivor, or threatened survivor, of the domestic violence, dating violence, sexual assault, or stalking, or as good cause to terminate the tenancy, occupancy rights, or assistance of the survivor.

c. Family Notice to Move or Lease Termination:

   The family must notify the PHA before the family moves out of the unit or terminates the lease on notice to the PHA.

d. Use and Occupancy of Unit

   1) The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

   2) The composition of the assisted family residing in the unit must be approved by the PHA.

      a) The family must promptly inform the PHA of the birth, adoption, or court-awarded custody of a child.

      b) The family must request PHA approval to add any other family member as an occupant of the unit.

      c) No other person (i.e., nobody but approved members of the assisted family) may reside in the unit.

   3) If the PHA has given approval, a foster child/adult or a live-in-aide may reside in the unit.

   4) The family must promptly notify the PHA if any family member no longer resides

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

in the unit.

5) With the consent of the PHA, members of the household may engage in legal profit-making activities within the unit, but only if those activities are incidental to the primary use of the unit as a residence.

6) The family must not sublease or sublet the unit.

7) The family must not provide accommodation for boarders or lodgers.

8) The family must not assign the lease or transfer the unit.

e. Absence from the unit:

1) The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences.

2) The family must cooperate with the PHA for this purpose.

3) The family must promptly notify the PHA of absence from the unit.

f. Fraud and Other Program Violation:

The members of the family must not commit fraud, bribery, any other corrupt or criminal act in connection with assisted housing programs.

g. Other Housing Assistance:

An assisted family, or members of the family, may not receive public housing assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, state, or local housing assistance program.

h. Crime by Household Members.

1) The members of the household may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

2) Criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a family's household, or any guest or other person under the tenant's control, shall not be cause for termination of tenancy, occupancy rights, or assistance of the survivor, if the tenant or an affiliated individual of the family, is the survivor.

i. Alcohol Abuse by Household Members.

The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

C. Release of Information and Consent by Applicants and Participants

Each member of the family of an assistance applicant or participant who is at least 18 years of age, and each family head of household, spouse, or co-head, regardless of age, must sign one or more consent forms.

1. Consent Forms Authorization

   Assistance applicants and participants shall be responsible for the signing and submitting of consent forms, including form HUD-9886-A, by each applicable family member.

   a. Applicants

      The assistance applicant must submit the signed consent forms to the PHA when eligibility is being determined.

   b. Participants

      On or after January 1, 2024, the participant must sign and submit consent forms at their next annual/regularly scheduled or interim income reexamination.

   c. Subsequent Authorization to Release Information and Consent Forms

      After all applicants or participants over the age of 18 in a family have signed and submitted a consent form once on or after January 1, 2024, family members do not need to sign and submit subsequent consent forms at the next interim or regularly scheduled income reexamination except under the following circumstances:

      1) When any person 18 years or older becomes a member of the family, that family member must sign and submit a consent form.

      2) When a member of the family turns 18 years of age, that family member must sign and submit a consent form at the family's next income reexamination.

      3) As required by HUD or the PHA in administrative instructions.

2. Required Contents of the Consent Forms

   Consent forms will be used to request information directly from third parties (e.g., date hired, rate of pay, commissions, bonus, etc.). The consent forms will contain at a minimum:

   a. A provision authorizing HUD and the PHA to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation and to maintain continued assistance under the public housing program;

   b. A provision authorizing HUD or the PHA, who is responsible for determining eligibility for or the level of assistance, to verify with previous or current employers income information pertinent to the assistance applicant's or participant's eligibility for or level of assistance;

   c. A provision authorizing HUD to request income return information from the Internal Revenue Service (IRS) and the Social Security Administration (SSA) for the sole purpose

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

of verifying income information pertinent to the assistance applicant's or participant's eligibility or level of benefits; and

d. A provision authorizing the PHA to obtain any financial record from any financial institution, as the terms financial record and financial institution are defined in the Right to Financial Privacy Act (12 U.S.C. 3401), whenever the PHA determines the record is needed to determine an applicant's or participant's eligibility for assistance or level of benefits.

3. HUD-9886-A: Authorization for the Release of Information/Privacy Act Notice

The head of household, spouse, or co-head, regardless of age and adults, 18 years of age and older, will be required to sign the form HUD-9886-A, Authorization for Release of Information/Privacy Act Notice.

a. Purposes of Form HUD-9886-A

1) In signing the form HUD-9886-A, the family is authorizing HUD and the PHA to request income information from the sources listed on the form.

2) HUD and the PHA will use this information to verify the family's income, in order to ensure that the family is eligible for assisted housing benefits and that these benefits are set at the correct level.

3) HUD and the PHA may participate in computer matching programs with these sources in order to verify the family's eligibility and level of benefits.

b. Form HUD-9986-A Authorizes the Following:

1) HUD and the PHA to request verification of salary and wages from current or previous employers.

2) HUD and the PHA to request wage and unemployment compensation claim information from the state agency responsible for keeping that information.

3) HUD to request certain tax return information from the SSA and IRS.

4) The PHA to request verification of any financial record from any financial institutions as defined in the Right to Financial Privacy Act (12 U.S.C. 3401)), whenever the PHA determines the record is needed to determine an applicant's or participant's eligibility for assistance or level of benefits.

c. Sources of Information Obtained

The form HUD-9886-A only authorizes the release directly from employers and financial institutions of information.

1) State Wage Information Collection Agencies (SWICAs)

The form HUD-9886-A is limited to wages and unemployment compensation the family has received when the family received assisted housing benefits.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

2) U.S. Social Security Administration (HUD only)

The form HUD-9886-A is limited to the wage and self-employment information and payments of retirement income as referenced at Section 6103(l)(7)(A) of the Internal Revenue Code (IRC).

3) U.S. Internal Revenue Service (HUD only)

The form HUD-9886-Ais limited to unearned income (i.e., interest and dividends).

4) Information may also be obtained directly from:

a) Current and former employers concerning salary and wages; and

b) Financial institutions as defined in the Right to Financial Privacy Act (12 U.S.C. 3401), whenever the PHA determines the record is needed to determine an applicant's or participant's eligibility for assistance or level of benefits.

c) Information obtained from these sources will be used to verify information that the family provides in determining eligibility for assisted housing programs and the level of benefits.

d) The form HUD-9886-Aonly authorizes release directly from employers and financial institutions of information.

4. Effective Dates of Consent Forms and Form HUD-9886-A

Consent forms and form HUD-9886-Awill remain effective until the earliest of:

a. The rendering of a final adverse (denied) decision for an assistance applicant.

b. The cessation of a participant's eligibility (termination) for assistance from HUD and the PHA; or

c. The express revocation by the assistance applicant or recipient (or applicable family member) of the authorization, in a written notification to HUD or the PHA.

d. If the family voluntarily leaves the public housing program, the family's assistance is considered terminated and the signed form HUD-9886-A will no longer be in effect.

5. Criminal Background Check

The PHA will develop and use other consent forms and available resources to obtain criminal background records. These may include federal, state and local law enforcement agencies, and consumer reporting agencies.

a. The PHA is authorized to obtain criminal conviction records from a law enforcement agency and may use the criminal conviction records obtained from the law enforcement agency to screen applicants for admission to or continued occupancy in the public housing program.

b. State Sex Offender Registration

1) The PHA must carry out background checks necessary to determine whether a

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

member of a household applying for admission to the public housing program is subject to a lifetime sex offender registration requirement under a State Sex Offender Registration program.

2) This sex offender check must be carried out with respect to the state in which the PHA is located and with respect to states where members of the applicant household are known to have resided.

c. Crimes and Other Sex Offenses

1) If the PHA obtains criminal records from a state or local agency showing that a household member has been convicted of a crime/sex offense, relevant to applicant screening, lease enforcement, or eviction, the PHA will notify the household of the proposed action to be based on the information and must provide the subject of the record and the applicant or tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information.

2) This opportunity must be provided before a denial of admission, eviction, or lease enforcement action on the basis of such information.

d. If at any time during the application process or during program participation, the PHA has a documented reasonable cause (e.g., newspaper articles, credible informants, police reports, etc.) to believe that a household member is engaged in drug-related or violent criminal activity which would pose a threat to the health, safety, or right to peaceful enjoyment of the premises by other residents or PHA employees, the PHA is authorized to obtain a criminal background check of that household member.

e. The family will not incur any costs for the drug and criminal background check.

6. Penalties from Failing to Sign Consent Forms

Refusing to sign consent forms prohibits the PHA from requesting and accessing income information and financial records, including generating any EIV reports and using EIV data to verify income.

a. Deny and/or Terminate Housing Assistance

In accordance with the provisions governing the public housing program, if an applicant, participant, or any member of the applicant's or participant's family does not sign and submit the consent form as required then the:

1) Assistance to and admission of an applicant will be denied.

2) Assistance to, and the tenancy of, a participant will be terminated.

b. Cross References

Individuals should consult the regulations and administrative instructions for the public housing program for further information on the use of income information in determinations regarding eligibility.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

7. Penalties for Revocation of Consent Forms

   The executed consent forms will remain effective until the family is denied assistance, the assistance is terminated, or if the family provides written notification to the PHA to revoke the consent forms. The PHA will explain to the families the families' right to revoke consent forms and the consequences for the revocation of the consent forms.

   a. Revocation of consent forms prohibits the PHA from requesting and accessing income information, including generating any EIV reports and using EIV data to verify income (although the data matches between HUD and other agencies will continue to automatically occur in the EIV system if the family is not terminated from the program).

   b. Without the family's executed consent form, the PHA may not process annual or interim reexaminations of income, including when the family's income decreases and the family requests an interim reexamination to decrease the tenant rent.

   c. If the applicant, participant, or any member of the applicant's or participant's family revokes his/her consent forms, that revocation of the consent forms will result in:

      1) Denial of admission for applicants.

      2) Termination of assistance for participant families.

         Note: If the PHA does not establish a policy that revocation of consent forms will result in denial of admission or termination of assistance, the family will be required to sign a new consent form by the next reexamination, whichever comes first, to avoid termination of assistance or be reviewed for eligibility for admission.

      3) Denial of admission or termination of assistance is subject to the PHA's informal hearing and grievance procedures, respectfully.

   d. The PHA will notify its local HUD office when an applicant or participant family member revokes their consent.

8. Penalties for Revocation of Financial Consent Form

   The PHA will explain to the families the families' right to revoke financial consent forms and the consequences for the revocation of the financial consent forms.

   a. The applicant's or participant's revocation of financial consent forms must be in writing.

   b. Revocation of financial consent forms prohibits the PHA from requesting and accessing financial records.

   c. Without the family's executed financial consent form, the PHA may not process annual or interim reexaminations of income, including when the family's income decreases and the family requests an interim reexamination to decrease the tenant rent.

   d. If the applicant, participant, or any member of the applicant's or participant's family revokes their financial consent forms, with respect to the ability of the PHA to access

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

financial records from financial institutions, that revocation of the financial consent forms will result in:

1) Denial of admission for applicants.

2) Termination of assistance for participant families.

Denial of admission or termination of assistance is subject to the PHA's informal review and hearing procedures, respectfully.

e. The PHA will notify its local HUD office when an applicant or participant family member revokes their consent.

9. Family Privacy Rights

It is the PHA's policy to guard the privacy of individual applicants and residents in accordance with the Privacy Act of 1974, and to ensure the protection of those individuals' records maintained by the PHA.

a. The PHA will not release information to other persons or entities unless the family has signed a release of information or consent form authorizing the PHA to release specific information to the person(s) or entity.

b. The PHA may release information on amounts owed for claims paid and not reimbursed by the family.

c. The PHA may release information as required by law to a federal or state agency, law enforcement personnel, or if the PHA has received a court subpoena.

d. The PHA is required to notify families of the use of computer matching agreements/activities. The PHA must provide the families with the opportunity to refute adverse information before being denied or terminated on the basis of a match.

e. The PHA must limit use and disclosure of family information obtained through release and consent to purposes directly connected with the program administration (i.e., an adult's Enterprise Income Verification (EIV) data will be released only to that adult. A minor's EIV data may be released to adult responsible for the minor.).

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 3: THE ADMISSIONS AND CONTINUED OCCUPANCY POLICY

The purpose of the Admissions and Continued Occupancy Policy (ACOP) is for the PHA to establish policies on matters for which the PHA has discretion to establish local policies where federal regulations or laws do not direct the PHA's actions or decisions.

The PHA will comply with the Georgetown, Kentucky State Consolidated Plan and the PHA's Agency Plan. The ACOP is a supporting document to the PHA's Agency Plan and shall be available for public review.

The ACOP shall also comply with the regulations, requirements, notices, and guidance set forth by the HUD, the ACC, the Housing Act of 1937, as amended, Title VI of the Civil Rights Act of 1964 and other civil rights requirements, Fair Housing regulations, the PHA Personnel Policy, applicable Standard Operating Procedures, and all federal, state, and local housing laws.

A. Adoption of the ACOP

The ACOP is a formal document which must be formally adopted by the PHA's Board of Commissioners or other governing body. The ACOP becomes the PHA's official policy governing the public housing program once adopted by the Board of Commissioners.

The PHA shall submit a copy of the ACOP to HUD. HUD may require the PHA to change its policies in the ACOP if the policies are inconsistent with program regulations or requirements. Implementation of the ACOP does not require prior HUD approval.

B. Contents of the ACOP

The PHA ACOP will cover PHA policies on these subjects:

1. Selection and admission of applicants from the PHA waiting list, including any PHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the PHA waiting list.
2. Offering a unit to the family.
3. Any special rules for use of available funds when HUD provides funding to the PHA for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families.
4. Occupancy policies include but are not limited to:
    a. Definition of what group of persons may qualify as a "family."
    b. Standards for denying admission or terminating assistance based on criminal activity or alcohol abuse.
5. Assisting a family that claims illegal discrimination.
6. The PHA's occupancy standards.
7. Family absence from the dwelling unit.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

8. How to determine who remains in the program if a family breaks up.
9. Informal hearing and PHA's grievance procedures.
10. The method of determining and family choice of tenant rent.
11. Policies concerning payment by a family to the PHA of amounts the family owes the PHA.
12. Interim and annual reexaminations of family income and composition.
13. Procedural guidelines and performance standards for conducting required inspections.
14. PHA screening of applicants for family behavior or suitability for tenancy.

C. Organization of this ACOP

This ACOP chronologically introduces the sequence of events experienced by a family participating in the public housing program.

The ACOP begins with outreach and program plans, and proceeds to program participation, including applications and eligibility, leasing, inspections, reexaminations, debts owed to the PHA, program integrity, and termination of assistance by the PHA.

This ACOP also includes policies about terminations and evictions, transfers and the transfer waiting list, the PHA's grievance procedures, and housekeeping standards.

The Table of Contents provides a detailed listing of chapter titles and contents.

D. Changes in Laws and Regulations

This ACOP will be interpreted and applied in accordance with applicable federal statutes and HUD regulations and policy guidance. Any conflict between the language of this ACOP and such federal statutes and/or regulations will be resolved in accordance with federal law and policy. Additionally, since the PHA must follow state and local laws in its jurisdiction, this ACOP will be deemed automatically revised should any of those laws or regulations change.

In the event an applicable HUD, state, or local law or regulation is modified or eliminated, the revised law or regulation shall, to the extent inconsistent with this ACOP, automatically supersede this ACOP. To the extent that the change is mandatory (allowing no PHA discretion), the text of this ACOP will be revised without requirement for administrative processing. By approving this provision, the Board of Commissioners understands that they are approving future automatic revisions responding to mandatory changes.

All issues not addressed in this ACOP related to the public housing program are governed by the Code of Federal Regulations, HUD handbooks and guidebooks, Federal Registers, memos, notices, guidelines, and other applicable law.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 4: NONDISCRIMINATION AND EQUAL HOUSING OPPORTUNITIES

In making decisions concerning admissions and occupancy of dwelling units, the PHA must comply with Fair Housing, Equal Housing Opportunities, and civil rights requirements. The PHA is required to make the public housing program available and accessible to all eligible families. The following outlines the PHA's general policy concerning the requirements and specific actions to be taken in the admission and occupancy process.

A. General Policy

The PHA will not discriminate against any person or family because of race, color, sex, religion, national origin, age, familial status, disability/handicap, actual or perceived sexual orientation, gender identity, or marital status in the performance of its obligations during any phase of the occupancy process.

The occupancy process includes, but is not limited to, application processing, selection from the waiting list, determination of eligibility, leasing, transfers, delivery of management and maintenance services, access to common facilities, treatment of residents, and denial or termination of tenancy.

1. The PHA will abide by the nondiscrimination requirements of:
    a. The Fair Housing Act of 1988, as amended, 24 CFR Part 100.
    b. Title VI of the Civil Rights Act of 1964, (42 U.S.C 2000d-1), prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.
    c. Section 504 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. 794), prohibits discrimination on the basis of disability in federally assisted program or activities.
    d. Title II of the Americans with Disabilities Act of 1990, (42 U.S.C. 12131-12165), prohibits discrimination based on disability in programs and activities provided or made available by public entities. HUD enforces Title II with respect to housing-related programs and activities of public entities, including public housing, housing assistance, and housing referrals.
    e. Title III of the American with Disabilities Act of 1990, (42 U.S.C. 12181-12189), prohibits discrimination based on disability in the goods, services, facilities, privileges, advantages, and accommodations of places of public accommodations owned, leased, or operated by private entities. The Department of Justice enforces Title III of the ADA, but certain HUD recipients and private entities operating housing and community development programs are covered by Title III of the ADA.
    f. Age Discrimination Act of 1975 (42 U.S.C. 6101-6107), prohibits discrimination based on age in programs and activities receiving federal financial assistance.
    g. Executive Order 11063, Equal Opportunity in Housing, issued on November 20, 1962, prohibits discrimination in the sale, leasing, rental, or other disposition of properties

© 2024 The Nelrod Company, Fort Worth, TX 76107

and facilities owned or operated by the federal government or provided with federal funds.

h. Executive Order 12892, Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing, issued on January 17, 1994, requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort.

i. Language Access.

Federal civil rights laws prohibit discrimination based on national origin which includes discrimination related to an individual's limited English proficiency or preferred language. These requirements apply to housing programs and activities receiving federal financial assistance, including HUD-assisted housing programs and services. The PHA and other HUD funding recipients must take reasonable steps to ensure meaningful access to programs, services, and information for persons with limited English proficiency.

2. Equal Access Rule

The public housing program is open to all eligible individuals regardless of sexual orientation, gender identity, or marital status.

a. Prohibited Inquiries

1) The PHA is prohibited from inquiring about an applicant's or participant's sexual orientation or gender identity for the purposes of determining eligibility or otherwise making housing available.

2) The individual may voluntarily self-identify their sexual orientation or gender identity.

b. Permissible Inquiries

1) The PHA is permitted to ask an applicant's or participant's sex in order to determine the number of bedrooms for which a household may be eligible based on the PHA's written subsidy standards.

2) The PHA must collect and report the public housing program participant's sex through form HUD-50058 and submit the data electronically to the Information Management System/PIH Information Center (IMS/PIC), or its successor.

3) The PHA may maintain voluntary and anonymous reporting of sexual orientation or gender identity for compliance with data collection requirements by state and local governments or other federal assistance programs so long as information obtained pursuant to such reporting has no bearing on eligibility for housing or program participation.

c. Program Compliance

1) A PHA's actions or practices that are inconsistent with the rule could result in HUD's

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

determination that the PHA has failed to comply with program requirements.

2) HUD may pursue any available remedy, including:

a) Sanctions or corrective action plans that it deems appropriate to remedy the violation.

b) A review of the PHA's policies and performance to determine if it is complying with the Equal Access Rule.

c) Monitoring by PIH or HUD's Office of Fair Housing and Equal Opportunity (FHEO).

d) A request for information concerning allegations of noncompliance.

3) The PHA must cooperate with HUD and provide access to staff, records, and beneficiaries as needed.

3. The PHA will not, on the grounds of race, color, sex, religion, age, disability, national origin, actual or perceived sexual orientation, gender identity, marital status, or familial status:

a. Deny an eligible person or family admission to housing.

b. Provide housing assistance, which is different than that provided to others, except for elderly and/or disabled where accessibility features may be required.

c. Subject a person or family to segregation or separate treatment.

d. Restrict a person's or family's access to any benefit enjoyed by others in connection with housing programs.

e. Treat a person or family differently in determining eligibility or other requirements for admission.

f. Deny any person or family access to the same level of services provided to others.

g. Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing programs.

B. Specific Actions

Race, color, or national origin of the family or of PHA staff will not be a factor in the assignment of PHA staff responsible for the administration of the public housing program.

1. The PHA will not assign employees in a way that would result in discrimination against applicants or resident families.

2. The PHA will ensure that all employees of the PHA are familiar with discrimination and nondiscrimination requirements.

3. Fair Housing posters and housing information with the Equal Housing Opportunity logo shall be displayed in locations throughout the PHA office in such a manner as to be easily readable by persons with disabilities. The PHA will prominently display the posters in:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

a. Each office where applications are accepted; and

b. Each management office, except single-family dwellings.

4. Individuals who believe that they have been discriminated against with respect to housing may request and receive assistance from PHA staff in filing such complaints.
5. The PHA will not intimidate, threaten, or take any retaliatory action against any applicant or participant because of a person's participation in civil rights activities, or for having asserted any civil rights under statutes, regulations, or requirements pursuant thereto.
6. The PHA will not deny an individual with physical disabilities an opportunity to apply for housing assistance due to inaccessible application offices.
7. The PHA will maintain information on the race, ethnicity (Hispanic or non-Hispanic), sex and age of the head of the household of all applicants and participants.
8. The PHA will not discriminate in the rental of, or otherwise make unavailable or deny, a unit to any person because of a disability of that person, a person residing in or intending to reside in that dwelling after it is rented, or made available, or any person associated with that person.
9. The PHA will not discriminate against any person in the terms, conditions, or privileges of the rental of a unit, or in the provision of services or facilities in connection with such dwelling, because of a disability of that person, a person residing in or intending to reside in that dwelling after it is rented, or made available, or any person associated with that person.
10. The PHA will not make an inquiry to determine whether a person who is applying for housing assistance, a person intending to reside in the assisted unit after it is rented or made available, or any person associated with that person, has a disability, or make an inquiry as to the nature of severity of a disability of such a person.
11. Furthermore, the PHA will not inquire whether a person is "capable of living independently." However, this paragraph does not prohibit the PHA from making the following inquiries, provided that these inquiries are made of all persons, whether or not they are persons with disabilities.

    a. Inquiry into a person's ability to meet the requirements of tenancy.

    b. Inquiry to determine whether a person is qualified for a dwelling available only to persons with disabilities or persons with a particular type of disability.

    c. Inquiry to determine whether a person for a unit is qualified for a priority available to persons with particular type of disability should such priority be a part of the PHA's policy.

    d. Inquiry to determine whether a person for a dwelling is a current illegal abuser or addict of a controlled substance, except that such persons who claim eligibility as disabled due to drug or alcohol abuse alone are not eligible for housing; or

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

e. Inquiry to determine whether a person has been convicted of the illegal manufacture or distribution of a controlled substance, or of any violent crime.

12. The PHA will not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others.
13. The PHA will ensure that all PHA-property, including buildings, common areas, offices, and office spaces are accessible to persons with disabilities.
14. The PHA will post the TDD/TTY telephone number to facilitate accessibility for the hearing impaired.
15. To further the commitment to full compliance with applicable civil rights laws, the PHA will provide information to public housing program applicants and residents on how to complete and file a housing discrimination complaint if the applicant or resident claims illegal discrimination because of race, color, religion, sex, national origin, age, familial status, disability, or violation of the Equal Access Rule.
16. The PHA will review its policies and procedures, at least annually, to ensure compliance with all Fair Housing and civil rights requirements.

C. Reasonable Accommodation and Reasonable Modifications

The PHA will provide a reasonable accommodation, which includes a reasonable modification, as required by Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act of 1988, and Titles I and II of the Americans with Disability Act of 1990.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by HUD or any federal agency that receives financial assistance. When the program is viewed as a whole, it must be usable and accessible to persons with disabilities. The PHA will ensure that persons with disabilities have full access to the PHA's programs and services.

1. Reasonable Accommodation
   a. An exception, change, adaptation, or modification to policies, rules, practices or services that may be needed by a person with a disability in order to benefit from housing, participate in activities, or perform a job.
   b. There must be a nexus (relationship) between the requested accommodation and the individual's disability.
2. Reasonable Modification
   a. A physical or structural change needed by a person with a disability to use and enjoy housing or perform a job.
   b. A reasonable modification can be requested for individual units, the workplace, or for public/common use areas.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

3. Disability in Respect for Reasonable Accommodations:
    a. A person who has a physical or mental impairment that substantially limits one or more major life activities of such an individual.
        1) The term "substantially limits" suggests that the limitation is "significant" or "to a large degree" and cannot be insubstantial.
        2) Physical or mental impairment includes but is not limited to
            a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
            b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
            c) The term physical or mental impairment includes but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), alcoholism, and Human Immunodeficiency Virus infection.
        3) Major life activities are those activities/functions that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for oneself, learning, speaking, and working.
    b. Has a record of such an impairment; or

        Means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
    c. Is regarded as having such an impairment.
        1) Has a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a recipient as constituting such a limitation.
        2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
        3) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.
4. Requesting a Reasonable Accommodation

    There must be a nexus (relationship) between the individual's disability and the reasonable accommodation requested.

    a. The PHA will recognize that an individual making a reasonable accommodation

© 2024 The Nelrod Company, Fort Worth, TX 76107

request does not need to mention Section 504 of the Rehabilitation Act of 1973 or use the words "reasonable accommodation."

1) The individual making the request for reasonable accommodation must make the request in a manner that a reasonable person would understand it to be a request for reasonable accommodation.

2) The PHA is not obligated to provide reasonable accommodation when it is not requested, even if the need is apparent.

b. The PHA will recognize reasonable accommodation requests made orally or in writing.

1) If the request is made orally, the PHA will document that a request for reasonable accommodation was made (clearly noting what is being requested and the request is because of a disability) and provide a copy of the documented request to the individual.

2) The PHA will give appropriate consideration to reasonable accommodation requests made orally or requested not using the PHA's preferred forms or procedures for making such requests.

c. A request for reasonable accommodations can be made at any time during the application process or during occupancy in the public housing program.

d. A request for reasonable accommodations can be made by the individual with disabilities or by someone on behalf of the individual with disabilities.

5. Determination of a Reasonable Accommodation Request

The PHA shall make a reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or participant with disabilities unless the PHA can demonstrate that the accommodation would impose an undue financial and administrative burden on the operation of PHA's program or fundamentally alter the nature of the program.

a. Verification Procedures

The PHA is entitled to obtain information that is necessary to evaluate if the requested reasonable accommodation may be necessary because of a disability.

1) If the disability is obvious, or otherwise known to the PHA, and if the need for the requested accommodation is also readily apparent or known, then the PHA may not request any additional information about the requester's disability or the disability-related need for the accommodation.

2) If the disability is not obvious, or otherwise known, the PHA may request reliable disability-related information that:

a) Is necessary to verify that the person meets the Section 504 definition of disability;

b) Describes the-accommodation needed; and

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

c) Shows the relationship between the person's disability and the need for the requested accommodation.

3) The PHA may accept a statement by the person with disabilities.

4) The PHA may request a statement from a qualified professional who treats the person for their disability, including but not limited to:

a) A doctor or licensed medical/health professional;

b) A peer support group;

c) A social service/disability agency or counselor; or

d) A case manager.

5) The PHA may not impose expensive or burdensome requirements to "prove" either a disability or need for an accommodation.

6) The PHA will keep information regarding a person's disability confidential and will not share the information with other persons unless it is needed to make or assess a decision to grant or deny a reasonable accommodation or unless its disclosure is required by law.

b. Determining an undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as:

1) The cost of the requested accommodation.

2) The financial resources of the PHA.

3) The benefits that the accommodation would provide to the requester; and

4) The availability of alternative accommodations that would effectively meet the requester's disability-related needs.

c. In determining whether an accommodation would impose an undue hardship on the operation of the PHA's program, factors to be considered include:

1) The overall size of the PHA's program with respect to number of employees, number and type of facilities, and size of budget.

2) The type of the PHA's operation, including the composition and structure of the PHA's workforce; and

3) The nature and cost of the accommodation needed.

6. Approval or Denial of a Request for Reasonable Accommodation

a. Approval of Requests for Reasonable Accommodation

1) The PHA must approve the reasonable accommodation and/or make the modification unless doing so is:

a) Unreasonable.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

b) An undue financial and administrative burden on the PHA's programs; or

c) Would result in a fundamental alteration in the nature of the PHA program.

2) The PHA will meet with the family to discuss the approval:

a) How the accommodation will be provided.

b) When it will be provided.

c) Advise of any variations to the original request.

d) Sign a Reasonable Accommodation Agreement form.

e) Mail determination of notice to the family.

b. Denial of Requests for Reasonable Accommodation

1) The PHA may deny a request for reasonable accommodation or modification if the request:

a) Was not made by or on behalf of a person with disabilities; or

b) There is no disability-related need for the accommodation or modification; or

c) The request is unreasonable.

2) The PHA will meet with the family to discuss the denial:

a) How the determination was made.

b) Administrative solutions.

c) Explanation of the process of filing a grievance or filing a complaint.

d) Mail the determination notice to the family.

D. Effective Communication

To ensure effective communication with persons with limited English proficiency (LEP) or persons with disabilities who require another form of communication, such as braille or American Sign Language (ASL), the PHA will consider the following factors:

1. Translation of Documents

   The PHA will conduct a four-factor analysis as a framework to identify LEP persons who need language services and to what extent, what languages require document translation and interpretation services, and what languages require only interpretation services.

2. Communication Accessibility

   a. The PHA will have TDD/TTY machines or an equally effective communication system accessible for persons who are hearing impaired.

   b. The PHA will provide ASL interpreters for persons who are hearing impaired if requested as a reasonable accommodation.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

c. The PHA may provide copies of legal documents and informational materials in large type or make available in audio for persons who are visually impaired if requested as a reasonable accommodation.

3. All PHA mailings will be made available in an accessible format upon request as a reasonable accommodation.
4. The PHA will assist by orally reading and explaining documents for persons who are unable to read.
5. The PHA will assist in completing forms and other required documents for persons who are unable to write.
6. The PHA will ensure that all PHA documents and the following information are written and/or provided in an accessible, clear, and concise format:
   a. Marketing and informational material.
   b. Information regarding the application process.
   c. Applications for admission and reexaminations (annual and interim).
   d. All form letters and notices to the families.
   e. The PHA's general policy regarding reasonable accommodation.
   f. New resident orientation materials.
   g. The lease and any applicable house rules.
   h. Guidance/instructions on care of the dwelling unit.
   i. Information regarding opening, closing, and updating the waiting list.
   j. All information related to the family's responsibilities and rights.
   k. The PHA grievance procedures.

E. Voluntary Compliance Agreement

Should the PHA be required to enter into a Voluntary Compliance Agreement (VCA or Agreement) with HUD, upon execution of the VCA, the PHA will comply with all general provisions, specific provisions, reporting requirements, and recordkeeping requirements noted in the VCA.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 5: VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT (VAWA)

Protects tenants and applicants, and affiliated individuals who are survivors of domestic violence, dating violence, sexual assault, and/or stalking (collectively VAWA violence/abuse) from being denied, evicted, or terminated from housing assistance based on acts of such violence against them. While VAWA, HUD's regulations, HUD forms, and other HUD guidance generally use the term "victim," this policy will use the VAWA 2022 preferred term "survivor," which will have the same meaning as "victim."

A. Who is Eligible for VAWA Protections

For the purposes of VAWA, the term "tenant" shall refer to the assisted family and members of the household on the lease.

1. Only tenants who are assisted by the PHA can invoke VAWA protections that apply solely to tenants.
2. Nondiscrimination and Equal Opportunity Requirements:
    a. VAWA protections are not limited to women.
    b. Survivors of VAWA violence/abuse are eligible for protections without regard to sex, gender identity, or sexual orientation.
    c. Survivors cannot be discriminated against based on any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age.
    d. As per the HUD's Equal Access Rule, the VAWA protections also cover eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.
    e. Youth under the age of 18 years old living in an assisted household may invoke VAWA protections if the youth is a survivor of VAWA violence/abuse.
3. Citizenship and Immigration Status
    a. VAWA protections are provided to tenants regardless of citizenship or eligible immigration status.
    b. Self-Petitioners

        Section 214 of the Housing and Community Development Act of 1980 states that HUD may not allow financial assistance to ineligible non-citizens, but assistance must not be denied while verifying immigration status.

        1) VAWA also provides protections for "self-petitioners" who are noncitizens and claim to be survivors of "battery or extreme cruelty" by their spouse or parent who is a U.S. citizen or lawful permanent resident (LPR).
        2) VAWA covers the following types of battery or extreme cruelty: domestic violence, dating violence, sexual assault, and stalking.

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

3) Self-petitioners can indicate that they are in "satisfactory immigration status" when applying for assistance or continued assistance from a Section 214 covered housing provider.

   a) Satisfactory immigration status means an immigration status which does not make the individual ineligible for financial assistance.

   b) After the PHA verifies the immigration status in the Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE) System, the PHA will make a final determination as to the self-petitioner's eligibility.

4) Housing assistance and all other VAWA protections will be granted to the self-petitioner throughout the verification process until a final determination of the LPR status is made.

5) If the final determination is to deny the VAWA self-petitioner or the LPR petition, the PHA will alert the petitioner and take actions to terminate the public housing assistance in accordance with existing PHA public housing requirements.

4. Affiliated Individual (replaced family member)

   a. A spouse, parent, brother, sister, a child of that person, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or

   b. Any individual, tenant, or lawful occupant living in the household of that individual.

5. Live-In Aides

   a. Live-in aides are entitled to VAWA protections if the live-in aide is an applicant for PHA housing assistance.

   b. Live-in aides could be an affiliated individual of a tenant and if the live-in aide as an affiliated individual is a survivor of domestic violence, dating violence, sexual assault, or stalking.

   c. The tenant with whom the affiliated individual is associated cannot be evicted or have assistance terminated on the basis that the affiliated individual was a survivor of VAWA violence/abuse.

6. Applicants

   VAWA protections also cover applicants when they are applying for admission to the public housing program.

B. Who is Ineligible for VAWA Protections

Guests, unassisted members, and live-in aides of the family are ineligible for VAWA protections that are available only to tenants.

1. As a reasonable accommodation, a tenant can request VAWA protections based on the grounds that the live-in aid is a survivor of VAWA violence/abuse. In addition, other

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

reasonable accommodations may be needed on a case-by-case basis.

2. Where a guest or unassisted member is a survivor of VAWA violence/abuse, a tenant cannot be evicted or have assistance terminated on the basis of the VAWA violence/abuse of the guest or unassisted member.
3. Unassisted members who are also on the lease may qualify by way of the lease for VAWA protections.

C. VAWA Notice of Occupancy Rights and Certification Form

1. The PHA will provide the Notice of Occupancy Rights, form HUD-5380, and the Certification Form, form HUD-5382, to each adult applicant and to each adult participant no later than at each of the following times:
   a. At the time the applicant is denied assistance or admission;
   b. At the time the individual is provided assistance or admission;
   c. With any notification of eviction or notification of termination of assistance; and
   d. During the 12-month period following December 16, 2016, either during the annual reexamination or if there will be no reexamination for the tenant during the first year after the rule takes effect, through other means.
2. The PHA shall make available the Notice of Occupancy Rights and the Certification Form in multiple languages.

D. VAWA Notice of Occupancy Rights, HUD-5380

The VAWA Notice of Occupancy Rights explains the VAWA protections for applicants and for participants, including the rights to confidentiality and any VAWA protection limitations.

1. The Notice of Occupancy Rights must be accompanied by the VAWA Certification form.
2. The PHA will provide the VAWA Notice of Occupancy Rights without changes to the core VAWA protections and confidentiality rights.
3. The PHA will customize the Notice of Occupancy Rights to reflect:
   a. How the survivor can obtain the Notice of Occupancy Rights in another language than English.
   b. How to and the PHA contact for a reasonable accommodation request.
   c. Information about the local HUD FHEO Field Office and contact information.
   d. How to request a VAWA emergency transfer or to read the PHA's Emergency Transfer Plan.
   e. How to contact local advocacy and legal aid organizations.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

E. VAWA Certification Form, HUD-5382

The Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking form is an optional way for survivors to comply with a written request for documentation about an incident or incidents of VAWA violence/abuse.

1. The VAWA Certification form must be accompanied by the Notice of Occupancy Rights form.
2. VAWA Certification Form
    a. Describes the VAWA protects available to applicants and tenants.
    b. Provides that the survivor or someone on the survivor's behalf may complete the form.
    c. Describes the confidentiality protections under VAWA.
    d. Provides information of the time period for responding to a written request for documentation of VAWA violence/abuse.
    e. Survivors can select safest and most secure ways of contact and communication.
    f. Allows the survivor to disclose the name of the perpetrator (if known and safe to disclose).
    g. Describes how the survivor can request a reasonable accommodations.
    h. The PHA will customize the VAWA Certification form to reflect:
        1) How the survivor can obtain the VAWA Certification form in another language than English.
        2) Information about how to locate and contact local VAWA advocacy and legal aid organizations.
    i. Includes an applicant and tenant certification, certifying the information provided on the VAWA Certification form is true and correct to the best of their knowledge and recollection, and that one or more members of their household is or has been a survivor of VAWA violence/abuse.

F. Certification and Documentation

1. Acceptance of a Verbal Statement
    a. The PHA is not required to ask for documentation when an individual presents a claim for VAWA protections.
    b. The PHA may choose to provide benefits to an individual based solely on the individual's verbal statement or other corroborating evidence.
    c. The PHA will accept a verbal statement of an incident or incidents of VAWA violence/abuse if the PHA was aware of the abuse and encouraged the survivor to request VAWA protections.

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

2. Requesting Documentation

   The PHA may choose to request an individual to document their claim of VAWA violence/abuse.

   a. The PHA must request the documentation in writing.

   b. Providing the survivor with the form HUD-5382 does not constitute a written request for the documentation, unless the form HUD-5382 is accompanied by the written notice requesting the documentation.

   c. The survivor may satisfy the PHA's written request for documentation by providing any one of the following:

      1) Form HUD-5382; or

      2) A document:

         a) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the survivor has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;

         b) Signed by the applicant or tenant; and

         c) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of a VAWA violence/abuse that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking.

      3) A record of a federal, state, tribal, territorial, or local law enforcement agency (may include a police report), court, or administrative agency; or

      4) At the discretion of the PHA, a statement or other evidence provided by the tenant or applicant.

3. Time to Submit VAWA Documentation

   a. The PHA will require submission of documentation within 14 business days after the date that the individual received the written request for documentation.

   b. The PHA may extend this time period at its discretion.

   c. During the 14-business day period and any granted extensions of that time, no adverse actions, such as eviction or termination, can be taken against the individual requesting VAWA protection.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

4. Third-Party Verification

   The PHA shall not require the survivor to provide third-party documentation of survivor status, unless:

   a. More than one tenant or applicant provides documentation to show they are survivors of VAWA violence/abuse and the information in one person's documentation conflicts with the information in another person's documentation; or

   b. Submitted documentation contains information that conflicts with existing information already available to the PHA.

   c. The PHA shall give the tenant or applicant 30 calendar days from the date of the written request to provide such documentation.

G. Limitations of VAWA Protections

The tenant may invoke VAWA protections on more than one occasion and the PHA will not subject additional conditions that would adversely affect the tenant's tenancy because they have invoked VAWA protections. There are no limitations on the number of occasions a survivor can invoke VAWA protections.

1. Nothing in this chapter limits the authority of the PHA, when notified of a court order, to comply with a court order with respect to:

   a. The rights of access or control of property, including civil protection orders issued to protect a survivor of VAWA violence/abuse; or

   b. The distribution or possession of property among members of a household.

2. The PHA may evict or terminate assistance to a tenant for any violation not premised on an act of VAWA violence/abuse that is in question against the tenant or an affiliated individual of the tenant.

   The PHA will not subject the tenant who is or has been a survivor of VAWA violence/abuse, or is affiliated with an individual who is or has been subject to VAWA violence/abuse, to a more demanding standard than other tenants when determining whether to evict or terminate assistance.

3. The PHA may terminate assistance or evict a tenant if the PHA can demonstrate an actual and imminent threat to other tenants, PHA employees, or those employed at or providing services to the PHA would of be present if that tenant or lawful occupant is not terminated from assistance or evicted.

   a. An actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm.

   b. Words, gestures, actions, or other indicators can be considered an actual and imminent threat.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

c. In determining whether an individual would pose an actual and imminent threat, the PHA will consider the following factors:

1) The duration of the risk,

2) The nature and severity of the potential harm,

3) The likelihood that the potential harm will occur, and

4) The length of time before the potential harm will occur.

4. The PHA will utilize termination of assistance or eviction only when there are no other actions the PHA can employ to reduce or eliminate the threat, including but not limited to transferring the survivor to a different unit, barring the perpetrator from the property, and contacting law enforcement in order to keep the property safe to prevent the perpetrator from acting on a threat.

5. The PHA will terminate tenancy or assistance to any household member who is the perpetrator of VAWA violence/abuse or who engages in criminal acts of physical violence against family members or others.

H. VAWA Confidentiality

Given the significant safety issues faced by survivors of VAWA violence/abuse, it is critical that the PHA establish or update existing policies to maintain the confidentiality and privacy of survivors who seek protections under VAWA.

1. The PHA shall retain in strictest confidence all information pursuant to VAWA including the fact that an individual is a survivor of VAWA violence/abuse.

2. The PHA shall not allow any individual administering assistance on behalf of the PHA, in the employ of the PHA, or any persons with the PHA's employ (e.g., contractors) to have access to VAWA confidential information unless explicitly authorized by the PHA that specifically call for these individuals to have access to the information under applicable federal, state, or local law.

3. The PHA shall not enter the VAWA confidential information into any shared database or disclose the information to any other entity or individual, except to the extent that the disclosure is:

a. Requested or consented to in writing by the individual in a time-limited release;

b. Required for use in an eviction proceeding or hearing regarding termination of assistance; or

c. Otherwise required by applicable law.

4. Communicating with the Survivor

When communicating with an applicant, participant, or tenant who has requested VAWA protections, the PHA will take precautions to avoid inadvertent disclosure of confidential information to another individual or entity.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

a. The PHA will not leave messages that contain confidential information or refer to VAWA, the VAWA protections, or VAWA violence/abuse on the survivor's voicemail or with other individuals, including members of the survivor's household.

b. The PHA will not send mail regarding VAWA violence/abuse (e.g., a written request to complete form HUD-5282, or written extension of the 14-business day timeframe to respond to the PHA's request for documentation) to the survivor's address as the perpetrator may have access to the survivor's mail.

5. The PHA may employ the following to address the challenges of collecting information from and communicating with survivors of VAWA violence/abuse to avoid unintentional disclosure:

a. Conduct the intake session in a private room, where the individual and staff person can talk without the risk of other staff or clients overhearing.

b. Explain the PHA's information sharing policies.

c. Clarify information sharing policies with referring/referral agencies and other service and business partners.

d. Communicate to the individual who in the PHA is responsible for handling questions or complaints about confidentiality.

e. Work with the tenants to make delivery arrangements of VAWA documents that do not place the survivor at risk.

f. Serve individuals off-site as needed or when appropriate.

g. Provide adequate time for the individual to review and sign forms.

h. Provide reasonable accommodations to permit individuals to follow or access any rules, policies, practices, or services, such as modifying a policy requiring that the survivor come into the office to pick up VAWA documents to instead deliver the form to the survivor.

i. Ensure effective communication with persons with disabilities, e.g., provide sign language interpreters for persons who are deaf, accessible documents and assistance filling out forms for persons with visual impairments or have low vision.

j. Provide interpretation and/or documents translated into the appropriate language when necessary for person with limited English proficiency.

k. Provide accessible documents or assistance filling out forms for individuals with disabilities.

l. Ensure relevant staff understand confidentiality policies and procedures through regular staff training.

m. Post notices about the importance of maintaining confidentiality throughout the office, including the intake room and around other areas of the PHA.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

n. Direct staff to respond to third-party inquiries only after verifying that written client consent has been obtained.

o. Maintain distinct telephone lines for certain purposes.

p. Use a PHA post office box to receive written correspondence.

q. Avoid using language referencing domestic violence or sexual assault in PHA names, program names, organization names, and staff titles.

I. VAWA Prohibition on Retaliation

Provides protections against retaliation for survivors and other persons who oppose acts made unlawful by VAWA, who seek to enforce VAWA's protections, or who participate in enforcement proceedings.

1. It is illegal for the PHA to discriminate against any person because that person has opposed any act or practice made unlawful by VAWA's housing provisions, or because that person testified, assisted, or participated in any related matter.

2. It is illegal for a PHA to coerce, intimidate, threaten, interfere with, or retaliate against any person who exercises or assists or encourages a person to exercise any rights or protections under VAWA's housing provisions.

J. Right to Report Crimes and Emergencies

Provides protections against actual or threatened penalties for persons requesting law enforcement or emergency assistance.

1. Landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing shall have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance.

2. It is prohibited to penalize or threaten to penalize persons because they request assistance or report criminal activity of which they are a survivor or otherwise not at fault under the laws or policies adopted or enforced by "covered governmental entities," which is any municipal, county, or state government that receives funding under Section 106 of the Housing and Community Development Act of 1974.

K. Compliance Process Review

The PHA is required to establish a VAWA compliance review process.

1. The PHA will:

   a. Incorporate the VAWA compliance review process into its existing compliance review processes where possible,

   b. Perform the VAWA compliance review on a regular basis, and

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

c. Publicly disclose the VAWA compliance review assessment of the information collected.

2. Six Items for Compliance Review

   a. Compliance with requirements prohibiting the denial of assistance, tenancy, or occupancy rights on the basis of domestic violence, dating violence, sexual assault, or stalking;

   b. Compliance with VAWA confidentiality provisions;

   c. Compliance with the notification requirements;

   d. Compliance with the provisions for accepting documentation;

   e. Compliance with emergency transfer requirements; and

   f. Compliance with the prohibition on retaliation.

3. The PHA will develop regulations to implement the VAWA compliance review in consultation with the appropriate stakeholders, which includes the following, but not limited to:

   a. Individuals and organizations with expertise in the housing needs and experiences of survivors of VAWA violence/abuse; and

   b. Individuals and organizations with expertise in the administration or management of HUD programs subject to VAWA statutory requirements and protections.

L. VAWA FHEO Enforcement Authority

HUD and the U.S. Department of Justice shall implement and enforce VAWA consistent with, and in a manner that provides, the same rights and remedies as those provided for the Fair Housing Act.

Effective October 1, 2022, individuals who believe their VAWA rights have been violated may file complaints with HUD's Offices of Fair Housing and Equal Opportunity (FHEO) and General Counsel (OGC). The FHEO and OGC will begin investigating such complaints using HUD's existing Fair Housing Act complaint process.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 6: OUTREACH

The goal of the PHA's outreach efforts is to make information about the public housing program available to every eligible family and to attract a sufficient number and variety of applicants to fill public housing vacancies as they arise.

A. Affirmative Marketing and Equal Opportunity

The PHA's comprehensive outreach efforts will be accomplished in accordance with the nondiscrimination requirements of federal and state laws, and HUD guidelines for fair housing which includes:

1. Conducting affirmative marketing as needed to ensure the waiting list includes a variety of applicants (regardless of their race, color, religion sex, disability, national origin, age familial status, or ethnic background), have an equal opportunity to utilize the public housing program.
2. Analyzing the housing market area to identify and determine the needs of the eligible population groups.
3. Avoiding outreach efforts that prefer or exclude individuals who are members of a protected class.
4. Ensuring outreach efforts include usage of media outlets, including minority media outlets, that reach eligible populations.
5. The use of the Equal Housing Opportunity logo, statement, and slogan.

B. Family Outreach

The PHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the PHA's jurisdiction and will target outreach efforts to those populations being underserved.

1. The PHA will apply special outreach efforts to reach those families who are least likely to apply such as but not limited to:
    a. Elderly
    b. Persons with disabilities
    c. Families with or without children
    d. Families with or without income or assets
    e. Families with limited English proficiency
    f. Homeless families
    g. Single individuals
    h. Survivors of domestic violence, dating violence, sexual assault, or stalking
    i. Veterans of the U.S. armed forces

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

j. Involuntarily displaced families

2. The PHA will develop easily understood and usable outreach information/material that is expressed in simple and direct terms.

3. PHA Outreach Message:

   The PHA's outreach message may include, but is not limited to, information about the public housing program, such as:

   a. The opening and closing of the public housing program waiting list.

   b. Where, when, and how families may apply for the public housing program.

   c. Information about the PHA's application process and procedures.

   d. The difference between income-based tenant rent and flat rent tenant rent.

   e. The PHA will also stress characteristics of the public housing program which appeal to low-income families, such as the family choice of tenant rent (income-based tenant rent or flat rent).

   f. The attractive appearance of the dwelling units.

   g. The PHA permits pet ownership in public housing.

4. The PHA methods of outreach to families may include but are not limited to:

   a. Postings on the PHA website and other social media.

   b. U.S. Postal mail outs.

   c. Distribute outreach materials to identify local resources such as, advocacy groups, community service groups and agencies, elements of city and county governments, and colleges and universities.

   d. Ensure the outreach materials include specific information on where, when, and how to apply for public housing assistance and an explanation of the application procedures.

   e. Post outreach material in places of employment, unemployment offices, welfare offices, Post Offices, grocery stores, community halls, city and county offices, utility companies, day-care centers, Salvation Army offices, laundry facilities, and senior citizen centers.

   f. Place news stories in daily and weekly newspapers and other local and minority publications.

   g. Request public service announcements by local radio and television stations of English and other languages common to the area.

   h. Make oral presentations before organizations, groups, and agencies that serve the elderly, disabled, homeless, and survivors of VAWA violence/abuse.

   i. Place outreach material in places of worship/faith-based institutions, community

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

centers, city and county bulletins and newsletters.

j. Encourage families to inform their friends and relatives about the public housing program.

C. Monitoring and Evaluating Outreach Efforts

The PHA will establish and maintain internal documentation and monitoring procedures that will enable it to analyze the effectiveness of its outreach program.

For example, the PHA may design an appropriate form and, as part of the PHA's application process, ask each applicant how they heard about the public housing program, especially families among the groups identified as the least likely to apply.

Such procedures will assist the PHA in determining the cost effectiveness of each method of outreach, as well as show where the outreach program needs to be improved, discontinued, or emphasized.

The PHA will also conduct other outreach efforts from time to time if it is determined that certain categories of families are not making applications in sufficient numbers to keep all dwelling units occupied.

As needed, the PHA will take affirmative action in marketing the public housing program, to assure that opportunities for program participation are adequately publicized to families identified in the jurisdiction's Consolidated Plan as being expected to reside in the PHA's jurisdiction because of present and planned employment.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 7: WAITING LIST AND TENANT SELECTION

When the PHA receives or acquires an allocation of new dwelling units or its waiting list has been depleted, the PHA shall make it known to the public the availability of public housing assistance for low-income families.

A. Community-Wide Waiting List

The PHA has adopted a single community-wide waiting list. The PHA will keep applications in sequence in the community-wide waiting list based upon:

1. The type and size of the dwelling unit needed and selected by the family (e.g., general occupancy, accessible, or non-accessible);
2. Admission preference (if any);
3. Income category of each applicant family; and
4. Date and time the application was received.

B. Waiting List Management

The waiting list is the mechanism used to implement the PHA's preference system and, thus, establishes the order in which housing offers are made to eligible applicants. Setting up and maintaining the waiting list properly is essential to carrying out public housing admissions in accordance with HUD's civil rights and program regulations and the PHA's policies.

1. Opening the Waiting List

   The PHA will announce the opening of the waiting list through a public notice.

   a. The notice will comply with HUD fair housing requirements, containing the Equal Housing Opportunity logo and nondiscrimination statement in its message.

   b. The notice will be placed in a local newspaper of general circulation, in a minority publication/media, and in plain view in the application office.

   c. The notice may be posted at locations throughout the community, such as faith-based institutions, public service/government offices, social service agencies, supermarkets, homeless shelters, senior/youth/community centers, the PHA's webpage, and other social media outlets.

   d. The notice will provide a brief description of the public housing program.

   e. The notice will provide details and indicate:

      1) The date(s) and time the PHA will accept applications,

      2) The method(s) the PHA will accept applications,

      3) The location(s) where the applications may be obtained and accepted, and

      4) Any limitations on who may apply (i.e., working families, extremely low-income,

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

etc.).

f. The PHA may open all waiting lists or only portions of waiting lists by type or size of the units as appropriate.

2. Closing the Waiting List

The PHA shall announce the closing of the waiting list through a public notice.

a. The PHA shall announce the closing of the waiting list using the same methods as used to announce the opening of the waiting list.

b. The closing of the waiting list may be announced at the same time as when the PHA announced the opening of the waiting list.

c. The PHA may also announce the closing of the waiting list when the PHA determines that the existing waiting list contains an adequate pool of applicants who will most likely receive assistance within a 12 to 18-month period.

d. The PHA may close a portion of the waiting list instead of closing the entire waiting list and may only accept applications from families qualifying for a specific local preference or size or type of unit.

e. The PHA will not close a waiting list if closing the list would have a discriminatory effect that would be inconsistent with applicable civil rights laws.

3. Organization of the Waiting List

The PHA will maintain sufficient information that permits the PHA to select applicants from the waiting list in accordance with the PHA's selection policies.

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

1) Name of the applicant head of household.

2) Family unit size (i.e., the number of bedrooms for which the family qualifies).

3) Date and time of application.

4) Qualifications for any local preferences.

5) Racial or ethnic designation of the applicant head of household.

6) Elderly families and families that include individual(s) with disabilities.

7) Families who require mobility or hearing/vision accessible units, or other accessibility features; and

8) Families with incomes below 30% of the Area Median Income (AMI).

b. The PHA may include the following additional information:

1) Names of adult members and ages of all members.

2) Gender and relationship of all members.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

3) Street address and phone numbers.

4) Mailing address (if different from street address).

5) Citizenship/eligible immigration status.

4. Waiting List for Different Programs

When the PHA maintains a separate waiting list of its programs, the following regulations apply:

a. Merger and Cross Listing

1) The PHA will not merge the waiting list for public housing assistance with the PHA waiting list for admission to another assisted housing program, including a federal or local program.

b. Non-merged Waiting List

If the PHA decides not to merge the waiting list for public housing with the waiting list for the PHA's tenant-based housing program Project-Based Voucher (PBV) program:

1) If the PHA's waiting list for the public housing program is open when an applicant is placed on the waiting list for the PHA's tenant-based assistance, PBV program, the PHA must offer to place the applicant on its waiting list for public housing program.

2) If the PHA's waiting list for its tenant-based program PBV program, is open when an applicant is placed on the waiting list for its public housing program, and if the other program includes units suitable for the applicant, the PHA must offer to place the applicant on its waiting list for the other program.

c. Effect of Application for, Receipt, or Refusal

1) The PHA may not take any of the following actions because an applicant has applied for, received, or refused other housing assistance:

a) Refuse to list the applicant on the PHA waiting list for the public housing program.

b) Deny any admission preference for which the applicant is currently qualified.

c) Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the PHA selection policy; or

d) Remove the applicant from the waiting list.

2) For the purpose of this paragraph, "other housing assistance" means housing assistance other than the under the public housing program such as subsidy assistance under a federal housing program (including HCV housing assistance), a state housing program, or a local housing program.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

5. Updating and Purging the Waiting List

   The PHA will update and purge its waiting list to obtain current information on interested applicants and to minimize and remove applicants no longer interested in participating in the public housing program.

   a. Updating the Waiting List

      The PHA will update and purge its waiting list annually to ensure that it is current and accurate.

      1) The update of the family's circumstances can be generated by the family or the PHA.

      2) The PHA will require applicants to report changes in the following circumstances within 10 business days of occurrence.

         a) Change in contact information (address or phone number)

            (1) If the applicant fails to notify the PHA of the change of contact information as required, the PHA will not be responsible for the applicant's failure to receive timely waiting list correspondence from the PHA.

            (2) Notification of a change in address from the U.S. Post Office or other sources other than the applicant is not considered compliance with the requirements to notify the PHA.

            (3) If any PHA correspondence is returned with a forwarding address, the PHA will not mail the correspondence to the forwarding address without the applicant's written notification of a change in address. .

         b) Changes in income;

         c) Changes in assets;

         d) Changes in household composition

         e) Change in preference claimed

      The PHA will notify the applicant in writing if the changes in circumstances affect the applicant's position on the waiting list or eligibility for public housing assistance.

      3) The PHA will send a waiting list update form by first class mail, to the last known address that the PHA has on record to each applicant on the PHA's waiting list. The purpose of the waiting list update form is to determine the applicant's continued interest in maintaining a place on the waiting list and to report any changes in the applicant's circumstances that may affect eligibility or waiting list status.

         a) The waiting list update form will specify the due date by which the applicant must complete and return the waiting list update form to the PHA.

            If the due date falls on a Saturday, Sunday, or PHA recognized holiday, the

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

waiting list update form will be due the next business day.

b) The applicant may return the waiting list update form to the PHA by mail, email, fax, or in person.

c) The PHA does not accept responsibility for delays in mail delivery.

d) The PHA will notify the applicant in writing if the information reported on the waiting list update form affect the applicant's position on the waiting list or eligibility for the public housing program.

b. Removal from the Waiting List

The PHA will remove the applicant from the waiting list if:

1) The applicant fails to respond to the PHA's request for information or updates, including the waiting list update form, within the allotted time period.

Exceptions: The PHA may provide a reasonable accommodation for families which includes a member with disabilities. The PHA may also make an exception because of a claim of VAWA violence/abuse.

2) The waiting list update form is returned marked "Addressee Unknown."

3) The waiting list update form is returned with or without a forwarding address and the applicant has not provided written notification to the PHA of a change in address.

4) The applicant requested in writing that their name be removed from the PHA's public housing waiting list.

5) During the application process:

a) Any member of the applicant household becomes subject to a lifetime registration requirement under a state sex offender registration program.

b) Any member of the applicant household is convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

c) A member of the applicant household perpetrated VAWA violence/abuse. Applicant family members who are survivors of such acts may be considered for admission only if the perpetrator is no longer in the household.

c. The applicant may request an informal hearing for changes of their position on the waiting list and their removal from the waiting list.

6. Waiting List Interest List

During periods of time when the public housing waiting list is closed, the PHA will not maintain a list of individuals who wish to be notified when the public housing waiting list has reopened.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

7. Recorded Wait List Message

   During periods of time when the public housing waiting list is closed, the PHA will not maintain a recorded message providing current information on when the public housing waiting list will or might be reopened.

C. Accepting the Application

The PHA will make available and accept applications from interested applicants only during periods when the PHA's public housing waiting list is open.

1. Applying for Assistance

   When the public housing waiting list is open, applicants may submit the full application to the PHA, by:

   a. In Person Submission

      1) The PHA will accept in-person applications} at the location(s) and during the date(s) and times specified in the public housing waiting list announcement

      2) Applications submitted in person are date and time stamped when returned to the PHA, fully completed, and signed by the applicant family's head of household.

      3) Incomplete applications will not be accepted and will not receive a date and time stamp.

   b. Online Submission

      1) The PHA will accept applications only through the website identified in the public housing waiting list opening announcement.

      2) Applications must be submitted during the dates and times specified in the announcement.

      3) The date and time of the application submission will be assigned by the online application program.

      4) When the public housing waiting list is closed, the online applications system will be disabled and applications will no longer be accepted.

2. Placement on the Public Housing Waiting List

   When the public housing waiting list has closed, the PHA will select from all the full applications the predetermined number of full applications, as noted in the announcement of the opening of the public housing waiting list, for placement on the public housing waiting list.

   a. Applications will be placed on the public housing waiting list based on preferences and date and time of application.

   b. Applications not selected for placement on the public housing waiting list will be discarded without notification to the applicant.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

3. Notification of Applicant Status

   a. If the application determines the family to be potentially eligible, the applicant will be notified in writing:

      1) The date and time of placement on the public housing program waiting list.

      2) The information on the application is not verified until the applicant has been selected for final eligibility determination.

      3) The approximate amount of time before the final eligibility appointment will be scheduled.

      4) Final eligibility will be determined when all information is verified.

      5) PHA communication will in no way lead the applicants to believe that the estimated date is exact but will stress that the estimated date is subject to several factors that are beyond the PHA's control (i.e., vacancies, funding, etc.).

   b. If the application determines the family to be ineligible:

      1) The PHA will provide written notice to the applicant stating the reason(s) for the determination ineligibility; and

      2) The notice will include information regarding the applicant's right to request an informal review of the PHA's determination.

4. Applicant Reaches the Top of the Public Housing Waiting List

   When the applicant reaches the top of the waiting list, the PHA will:

   a. Invite the family to attend an eligibility appointment.

   b. The eligibility appointments may be scheduled by mail and will provide the applicant with at least 10 business days' notice.

      1) The PHA requires all household members 18 years of age and older, including the live-in aide (if applicable) to attend the eligibility appointment.

      2) The eligibility appointment letter will identify other information and/or documents that the applicant will be required to bring to the appointment.

   c. The applicant will be responsible for completing the full application packet.

      The head of household, as well as all members of the household over the age of 18 years must sign the application including all required HUD forms.

5. Requirement to Attend the Scheduled Public Housing Eligibility Appointment

   If the applicant is unable or cannot attend the scheduled eligibility appointment, it is the applicant's responsibility to inform the PHA, in writing or by telephone, prior to the scheduled eligibility appointment.

   a. If the applicant contacts the PHA to reschedule the eligibility appointment, the PHA will reschedule the eligibility appointment and notify the applicant in writing.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

b. If the applicant fails to attend two (2) scheduled eligibility appointments, the PHA will designate the application as inactive and the applicant will be removed from the public housing waiting list. The applicant may reapply when the public housing waiting list is opened.

6. Final Determination and Notification of Eligibility

   a. After following the verification process per Chapter 12, Verification Requirements, a final determination of public housing eligibility will be made before inviting the applicant to attend a public housing pre-occupancy orientation and the offer of a public housing unit.

   b. The offer of a public housing unit will not occur before all eligibility criteria have been met.

7. Applicant Responsibilities

   a. Supply true, accurate, and complete information on the application and consent forms.

   b. Supply any documents and verification as requested by HUD and the PHA.

   c. Attend scheduled application appointments.

   d. Timely inform the PHA, in writing, of changes in address, or any other changes affecting their eligibility.

   e. Timely respond to requests from the PHA to update information on their application and to confirm their continued interest in applying for public housing assistance.

8. Reasonable Accommodation, Communication Assistance, and Accessibility

   Requests for reasonable accommodations, language assistance, or alternative communication methods may be made at any time during the application, eligibility determination, or admission process.

   a. Reasonable Accommodation

      1) Upon request as a reasonable accommodation for persons with disabilities, the PHA may provide the application through alternative methods, including but not limited to mailing the application to the applicant, and providing the application in an accessible format or through an alternative method of communication.

      2) Applicants who require assistance completing the application process, as a reasonable accommodation for a person with disabilities, may contact the PHA to request alternative arrangements for completing, signing, and submitting the application.

      3) As a reasonable accommodation for persons with disabilities, the PHA will reschedule the public housing eligibility appointment regardless of the number of previously missed appointments, if the reason(s) the appointment was missed is directly related to the disability. If this occurs, the applicant will retain the same

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

date and time given to the application.

b. Limited English Proficiency

The PHA will take reasonable steps to ensure meaningful access to the application process for applicants with limited English proficiency (LEP), including providing language assistance services in accordance with applicable federal requirements.

c. Alternative Methods of Communication

Applicants who require alternative methods of communication, including but not limited to large-print documents, audio formats, auxiliary aids and services, relay services, electronic communications, or other effective communication methods, may request such assistance from the PHA.

d. Accessibility

The PHA may provide additional assistance to elderly applicants who experience difficulty accessing, communicating, understanding, completing, or submitting application materials. Such assistance may include alternative communication methods, and assistance with completing and submitting forms and other required documentation.

The PHA will provide assistance to complete the application for applicants who are unable to read, write, and/or understand the application.

e. Applicant Assistance

The PHA will provide assistance with completing the application process, upon request, for applicants who are unable to read and/or write. Such assistance may include helping the applicant understand application requirements, complete forms, and provide required information, while ensuring the applicant's rights, privacy, and confidentiality are protected.

The PHA will provide assistance to complete the application for applicants who are unable to read, write, and/or understand the application.

D. Local Preferences

The PHA may, but is not required to, establish a system of local preferences for selection of families admitted to the public housing program. The PHA's preferences will be consistent with the PHA Plan and the Consolidated Plan and will be based on local housing needs and priorities that can be documented by generally accepted data sources.

1. The PHA has elected to adopt local preferences

Preferences are only used to establish the order of applicants on the PHA's waiting list.

a. Preferences

1) Do not impact eligibility for applicants who are otherwise ineligible.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

2) Do not change the rights of the PHA to adopt and enforce applicant screening criteria.

b. The PHA's adoption and implementation of local preferences is subject to HUD requirements concerning income-targeting, deconcentration and income-mixing, and selection preferences for developments designated exclusively for elderly or disabled families or for mixed population developments.

c. The PHA shall publicize preferences by posting copies in each office where applications are received, and by furnishing copies to applicants or the public upon request.

d. The PHA will inform and explain to all applicants about the available preferences and will give the applicants an opportunity to claim a preference prior to application submission.

e. The PHA may limit the number of applicants that qualify for any local preference.

f. The PHA will not deny an eligible applicant family based on a failure to meet the requirements of a local preference.

g. The PHA cannot establish a local preference for families who agree to participate in the Family Self-Sufficiency (FSS) program.

2. The PHA has elected to adopt the following local preferences:

PREFERENCES	RANK OR POINT VALUE
Residency	10
Working Families	10
Persons with Disabilities	10
Survivors of VAWA violence/abuse	10
For Single Persons Who are Elderly, displaced, Homeless or Persons with Disabilities	10
Veteran	10
Persons who are Elderly	10
Involuntarily Displaced	10
PHA operates HCV: Tenant-Based (HCV) and Project-Based Voucher (PBV) families displaced due to HQS non-compliance	10

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

Definitions of Preferences

a. Residency

The applicant reside ins Georgetown. Applicants who are working or who have been notified that they are hired to work within Georgetown will be treated as residents and given this preference. Graduates of, or active participants in, education and training programs located in Georgetown will also be given this preference if the education or training program is designed to prepare individuals for the job market.

b. Working Families

The head of household, spouse, co-head, or sole member is employed.
An applicant will be given the benefit of the working family preference if the head of household and spouse/co-head, or sole member is age 62 or older or is a person with disabilities

c. Person with Disabilities

The Head of Household, Spouse, or Co-Head is a person who meets the definition of a person with disabilities for eligibility purposes as defined in 24 CFR 5.403

d. Survivors of VAWA violence/abuse

Verified survivors of domestic violence, dating violence, sexual assault, and/or stalking.

e. For Single Persons Who are Elderly, displaced, Homeless or Persons with Disabilities

Single persons who are age 62 or older, displaced, homeless, or persons with disabilities over other single persons

f. Veterans

The applicant family contains a member who is a U.S. Veteran.

The applicant family contains a member who is U.S. active duty, including National Guard and Reserve personnel

g. Persons who are Elderly

The Head of Household, Spouse, Co-Head is aged 62 or older

h. Involuntarily Displaced

The family has been displaced by a verifiable natural disaster, or displaced, through no fault of their own, by government action.

i. PHA Operates HCV: Tenant-Based Voucher (PBV) families dispaced due to HQS non-compliance

See section F in this chapter

3. Changes in Local Preference

Applicants on the PHA's public housing waiting list who did not qualify for a preference

© 2024 The Nelrod Company, Fort Worth, TX 76107

when they applied may experience a change in circumstances that later qualifies them for a local preference or the reverse may occur.

a. The PHA will provide written notification to the applicants on the waiting list of any changes to the PHA's adopted local preferences.

b. The applicants will be given an opportunity to document that they qualify for such local preferences.

c. The PHA will require applicants on the PHA's waiting list to report changes in the local preference within 10 business days of occurrence.

d. If the applicant's local preference status changes, the applicant will retain their original date and time of application, but the applicant may move up or down on the waiting list in accordance with the changes in the local preference and date and time of the application.

4. Verification of Local Preferences

The PHA is not required to verify the applicant's local preference at the time of application. The applicant will be placed on the waiting list based on the preference claimed.

a. Local preferences will be third-party verified the same way as income, assets, and deductions.

b. Prior to the time of the unit offer, the PHA will verify the applicant's eligibility for the local preference claimed based on the applicant's current circumstances.

5. Denial of Local Preference

If an applicant claims, but does not qualify for a local preference, the PHA will give the applicant an opportunity to show that they qualify for a local preference.

a. The applicant must provide appropriate documentation to substantiate their qualification for a local preference.

b. Applicants who cannot provide the appropriate documentation to the PHA will be notified in writing that they do not qualify for a local preference.

1) The written notice will contain: a brief statement of the reasons for the determination and a statement that the applicant has the right to meet with the PHA to review the determination.

2) This request must be received by the PHA no later than 10 business days from the postmarked date of the written notice.

c. If the applicant requests the meeting, the PHA shall designate a PHA staff member or contractor to conduct the meeting. The PHA staff member or contractor will not be the person who made the initial determination, reviewed the determination, or a subordinate of that person.

1) A written summary of the meeting will be retained in the applicant's file.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

2) A letter informing the applicant of the final determination as to their local preferences status will be mailed within 10 business days from the meeting.

d. If the PHA determines that the applicant does not qualify for the local preference claimed, the applicant will be placed back on the waiting list to be selected by date and time of application.

e. An applicant may exercise other rights if he or she believes they have been discriminated against, based on race, color, national origin, sex, religion, age, disability, or familial status in the PHA's decision to deny the preference.

E. Priority for HCV and PBV Families Displaced due to HQS Noncompliance

The PHA must adopt a preference for HCV and PBV families displaced due to HQS noncompliance.

1. HCV Program

   a. The PHA must give any family residing in a unit for which the HAP contract is terminated due to failure to correct HQS deficiencies at least 90 days or a longer period as the PHA determines is reasonably necessary following the termination of the HAP contract to lease a new unit.

   b. If the family is unable to lease a new unit within the period provided by the PHA and the PHA owns or operates public housing, the PHA must offer, and, if accepted, provide the family a selection preference for an appropriate size public housing unit that first becomes available for occupancy after the time period expires.

   c. This is applicable to HAP contracts that were either executed on or after or renewed after June 6, 2024.

      1) A HAP contract is renewed if the HAP contract continues beyond the initial term of the lease.

      2) For all other HAP contracts, the owner and family responsibilities under HQS and the PHA remedies in effect on June 6, 2024, remains applicable.

2. PBV Program

   a. The PHA must give any family residing in a unit that is either removed from the HAP contract or for which the HAP contract is terminated due to a failure to correct HQS deficiencies at least 90 days or a longer period as the PHA determines is reasonably necessary following the termination of the HAP contract or removal of the unit from the HAP contract to lease a unit with tenant-based assistance.

   b. If the family is unable to lease a new unit within the period provided by the PHA and the PHA owns or operates public housing, the PHA must offer, and, if accepted, provide the family a selection preference for an appropriate-size public housing unit that first becomes available for occupancy after the time period expires.

   c. This is applicable to HAP contracts executed on or after or extended on or after June

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

6, 2024.

1) A HAP contract is extended the earlier of:
   a) The effective date of the next extension period, or
   b) The date the PHA and owner agree to the next extension.
2) For all other HAP contracts, the owner responsibilities under HQS, including performing ordinary and extraordinary maintenance, in effect on June 5, 2024, remains applicable.
3) However, the PHA and owner may agree to apply this section to a HAP contract executed before June 6, 2024, prior to extension.

3. The PHA will provide families eligible for this preference a preference rank/point value.

F. Selection Priorities from the Waiting List

As public housing units become available, the PHA will select applicants from the waiting list in order to begin the eligibility determination and leasing process.

The PHA will select applicants from the waiting in accordance with the local preference(s) claimed by the applicant.

1. Selection by the Single Highest Local Preference Point/Rank Value
   a. Applicants who claim multiple local preferences will be awarded the point/rank value for the single highest local preference point/rank value.
   b. The applicants with the single highest local preference point/rank value, with consideration given to the regulations governing income targeting, deconcentration and income-mixing, and selection preferences for developments designated exclusively for elderly or disabled families or for mixed population developments, will be selected first.
   c. Selection from the waiting list will not be based on the point/rank value of the multiple preferences.
   d. In the event that more than one (1) applicant has the same single highest local preference point/rank value, the applicants will be selected from the waiting list, with consideration given to the regulations governing income targeting, deconcentration and income-mixing, and selection preferences for developments designated exclusively for elderly or disabled families or for mixed population developments, in accordance to the earliest date and time of application.
   e. After all applicants with local preferences are selected from the waiting list, the PHA will select applicants from the waiting list who did not claim a local preference, with consideration given to the regulations governing income targeting, deconcentration and income-mixing, and selection preferences for developments designated exclusively for elderly or disabled families or for mixed population developments, in

© 2024 The Nelrod Company, Fort Worth, TX 76107

accordance to the earliest date and time of application.

2. Applicants whose income is greater than 30% of the area median income may be passed on the waiting list pursuant to the income targeting requirements.
3. The PHA will not select families for admission to the public housing program in an order different from the order on the waiting list for the purpose of selecting higher income families for admission to the public housing program over low-income families.
4. The PHA preference system may provide a preference for admission of families with certain characteristics from the PHA waiting list. However, admission to the program may not be based on:
    a. Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.
    b. Discrimination because a family includes children (familial status discrimination).
    c. Discrimination because of age, race, color, religion, sex, or national origin.
    d. Discrimination because of disability; or
    e. Whether a family decides to participate in a self-sufficiency program.
5. Prohibit applying any information pertaining to attributes or behavior that may be imputed by some to a particular group or category. All criteria applied or information considered in administering this ACOP shall relate solely to the attributes/behavior of the individual members of the family being considered for assistance.
6. Assure that selection by the PHA among otherwise eligible applicants is objective and reasonable.
7. Assure that selection by the PHA among otherwise eligible applicants is consistent with the PHA's responsibilities as a public body.
8. Provide that a family that is on the Section 8 waiting list will not lose its place on the waiting list by applying for admission to the public housing program.
9. Selection for Particular Unit

    In selecting a family to occupy a particular unit, the PHA will match the characteristics (example: number of bedrooms) of the family with the type of unit available based on preferences, date, and time, such as:

    a. Selection of families to occupy units with special accessibility features for persons with disabilities, the PHA will first offer such units to families which include persons with disabilities who require such accessibility features.
    b. The PHA's occupancy standards (limitation on the minimum and maximum number of household members permitted to live in units of specified sizes).
    c. Provide preference to elderly and/or disabled families for units in a public housing mixed population (formerly designated elderly) developments.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

d. Types of developments available.

10. Limitations for Single Persons

A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a resident family may not be provided a housing unit with two or more bedrooms.

G. Income Targeting

Not less than 40% of the families admitted to the public housing program during the PHA's fiscal year from the PHA's waiting list must be extremely low-income families, "basic targeting requirement".

1. The PHA will use the family's annual gross income for income targeting.
2. Admission of extremely low-income families to the PHA's public housing program during the same PHA fiscal year is credited against the basic targeting requirement.

   If admissions of extremely low-income families to the PHA's (HCV) program during the PHA's fiscal year exceeds the 75% minimum targeting requirement for the PHA's HCV program, such excess shall be credited against the PHA's basic targeting requirement for the same fiscal year.

   a. The fiscal year credit for voucher program admissions that exceed the minimum voucher program targeting requirement shall not exceed the lower of:

      1) 10% of public housing waiting list admissions during the PHA fiscal year.

      2) 10% of waiting list admission to the PHA's public housing program during the PHA fiscal year; or

      3) The number of qualifying low-income families who commence occupancy during the fiscal year of PHA public housing units located in census tracts with a poverty rate of 30% or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

3. PHA may admit a lower percentage of extremely low-income families during a PHA's fiscal year (than otherwise required) if HUD approves the use of such lower percent by the PHA, in accordance with the PHA Plan, based on HUD's determination that:

   a. The PHA has opened its waiting list for a reasonable time for admission of extremely low-income families residing in the same metropolitan statistical area (MSA) or non-metropolitan county, both inside and outside the PHA jurisdiction.

   b. The PHA has provided full public notice of such opening to such families, and has conducted outreach and marketing to such families, including outreach and marketing to extremely low-income families on the Section 8 and public housing waiting lists of other PHAs with jurisdiction in the same MSA or non-metropolitan county.

   c. There are not enough extremely low-income families on the PHA's waiting list to fill

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

available slots in the program during any fiscal year for which use of a lower percentage is approved by HUD; and

4. The PHA will monitor its income targeting requirements to ensure that at least eight (8) out of every 20 new program admissions will be extremely low-income families.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 8: BASIC ELIGIBILITY REQUIREMENTS

Pursuant to HUD regulation the PHA is permitted to admit only eligible families to the public housing program. To be eligible, the applicant must be a family as defined in 24 CFR 5.403, must be income eligible, must be a citizen or a noncitizen who has eligible immigration status, must meet the PHA's screening criteria regarding family behavior and suitability for tenancy. These requirements are outlined below.

A. Definition of a Family

The applicant must qualify as a family. The family includes all household members, except the live-in aide and foster children/adults, whose number and characteristics are used to calculate the tenant rent. A family includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

1. A single person, who may be:
    a. An elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
    b. 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 and is homeless or is at risk of becoming homeless at age 16 or older.
2. A group of persons residing together, and such group includes, but is not limited to:

    A family with or without children (a child who is temporarily away from home because of placement in foster care is considered a member of the family).
3. An elderly family;
    a. A family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age.
    b. It may include two (2) or more persons who are at least 62 years of age living together, or one (1) or more persons who are at least 62 years of age living with one (1) or more live-in aides.
4. A near-elderly family;
    a. A family whose head (including co-head), spouse, or sole member is person who is at least 50 years of age but below the age of 62; or
    b. Two (2) or more persons, who are at least 50 years of age but below the age of 62, living together; or
    c. One (1) or more persons who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

© 2024 The Nelrod Company, Fort Worth, TX 76107

5. A disabled family;
    a. A family whose head (including co-head), spouse, or sole member is a person with a disability.
    b. It may include two (2) or more persons with disabilities living together, or one (1) or more persons with disabilities living with one (1) or more live-in aides.
    c. A person with disabilities means a person who:
        1) Has a disability, as defined in 42 U.S.C. 423;
        2) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
            a) Is expected to be of long-continued and indefinite duration;
            b) Substantially impedes his or her ability to live independently, and
            c) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
        3) Has a developmental disability as defined in 42 U.S.C. 6001.
        4) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
        5) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
        6) Means "individual with handicaps" as defined in 24 CFR 8.3 of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.
6. A displaced family;

    A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose unit has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief.
7. The remaining member of a tenant family

    A family member of an assisted tenant family who remains in the unit when other members of the family have left the unit. A remaining family member is never a live-in aide.
8. A family may include two (2) or more individuals who are not related by blood, marriage, adoption, or other operation of law, but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family.

© 2024 The Nelrod Company, Fort Worth, TX 76107

9. Joint Custody of Children

   The PHA will recognize families who may include family members under the age 18 who have joint custody arrangements.

   a. Children who live in the unit at least 50% of the time, for whom the family receives a dependent deduction.

   b. Children who live in the unit at least 50% of the time for whom the family does not receive a dependent deduction.

   c. Children who live in the unit less than 50% of the time.

B. Definition of a Household

The household includes everyone who will live in the assisted unit. The household members are used to determine the unit size. The PHA may give approval of a live-in aide or foster child(ren)/adult(s) to reside in the unit.

1. Live-In Aide

   A family that consists of one or more elderly, near elderly or disabled persons may request that the PHA approve a live-in aide to reside in the unit and provide necessary supportive services for a family member who is a person with disabilities. The PHA must approve a live-in aide if needed as a reasonable accommodation to make the public housing program accessible to and usable by the family member with a disability.

   a. A live-in aide is a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

      1) Is determined by the PHA to be essential to the care and well-being of the person or persons;

      2) Is not obligated for support of the person or persons; and

      3) Would not be living in the unit except to provide necessary supportive services.

   b. A relative may be a live-in aide, if the relative meets the definition of a live-in aide.

   c. Prior to the PHA approving the request for a person to reside in the assisted unit as a live-in aide:

      1) The family must identify a specific person as the live-in aide. The PHA may not approve an unidentified live-in aide.

      2) The person must meet the criteria of the definition of a live-in aide.

      3) PHA verification of the live-in aide

         a) The PHA will verify the need for a live-in aide's services from qualified medical, health, or social services/rehabilitation specialists, unless the need is obvious.

         b) Verification of legal requirement for support includes marriage certificates, court ordered guardianship, or other legal documents requiring the potential

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

live-in aide to be legally responsible for support of the person they care for.

c) The PHA will verify the current residency of the potential live-in aide as being elsewhere through prior landlords, rental agreements or leases, rental receipts, utility bills in the potential live-in aide's name for another address, driver's license or other government issued identification, etc.

d) For a potential relative live-in aide, the PHA will verify whether the relative previously lived outside the unit and moved back solely to take care of the family member.

d. The person must meet all the PHA's screening criteria, including the criminal history check.

e. The PHA will generate:

1) The EIV Former Tenant and Existing Tenant Reports for any SSA matches involving another PHA or Multifamily program for the person.

2) The Debts Owed to PHAs Report to determine if the person owes a debt to the PHA, another PHA, or Multifamily program.

a) The PHA will follow up on any issues identified.

b) The PHA will maintain a report and document the family file.

f. At any time, the PHA may refuse to approve a particular person as a live-in aide or may withdraw approval if:

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

2) The person commits drug-related criminal activity or violent criminal activity.

g. A live-in aide is a household member, not a member of the assisted family, and therefore, the live-in aide only qualifies for occupancy in the assisted unit only as long as the family member needing the supportive services requires the live-in aide's services and remains a family member.

h. The live-in aide is not a member of the assisted family and is not entitled to continued occupancy under the public housing program as a remaining member.

i. The PHA will not convert a family member to be the live-in aide

j. The PHA may only approve one additional bedroom for the live-in aide.

1) A live-in aide may have PHA-approved family member(s) live with them in the assisted unit.

2) However, the PHA will not make this approval if it will result in overcrowding based on the PHA's occupancy standards.

3) The PHA will not provide additional bedrooms for the family members of the live-

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

in aide.

k. Income of the live-in aide is excluded from annual income.

l. Occasional, intermittent, multiple, or rotating care givers typically do not reside in the unit and would not qualify as live-in aides.

2. Foster Children and Foster Adults

a. Foster Child

1) A member of the household who meets the definition of a foster child under state law.

2) In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

b. Foster Adult

1) A member of the household who is 18 years of age or older and meets the definition of a foster adult under state law.

2) In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

c. Although foster children and foster adults are members of the household (and therefore will be considered when determining appropriate unit size and utility allowance), they are not considered members of the family for purposes of determining either annual and adjusted income or net family assets, nor are the assets of foster adults or foster children taken into consideration for purposes of the asset limitations.

d. The PHA must receive documentation from the custodial agency responsible for the placement of the foster child(ren)/adult(s) prior to PHA approval of the foster child(ren)/adult(s) to reside in the assisted unit.

e. The PHA may not approve the addition of a foster child(ren)/adult(s) in the assisted unit if the approval would result in overcrowding based on the PHA's occupancy standards.

C. Income Eligibility

HUD income limits are published annually and are generally effective on the date of publication.

The applicant's annual income may not exceed the HUD established low-income limits by family size for the area in which the PHA is located. The applicant's annual income is compared to the applicable HUD income limit to determine eligibility.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

1. To be eligible, the applicant family's annual income, at time of admission to the public housing program, must fall within one of the following categories:

   a. An extremely low-income family: A very low-income family whose annual income does not exceed the higher of:

      1) The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved (except in the case of families living in Puerto Rico or any other territory or possession of the U.S.); or

      2) Thirty (30) percent of the area median income, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

   b. A very low-income family: A family whose annual income does not exceed 50% of the area median family income, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

   c. A low-income family: A family whose annual income does not exceed 80% of the area median income, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80% of the median income for the area on the basis of HUD's findings that such variations are necessary because of unusually high or low family incomes.

   d. Occupancy by Over-Income Families

      The PHA owns or operates fewer than 250 public housing units, and may lease a unit in a public housing development to an over-income family (a family whose annual income exceeds the limit for a low-income family at the time of initial occupancy), in accordance with its PHA annual plan (or supporting documents), if all the following conditions are satisfied:

      1) There are no eligible low-income families on the PHA waiting list or applying for public housing assistance when the unit is leased to the over-income family;

      2) The PHA has publicized availability of the unit for rental to eligible low-income families, including publishing public notice of such availability in a newspaper of general circulation in the PHA's jurisdiction at least 30 days before offering the unit to an over-income family;

      3) The over-income family rents the unit on a month-to-month basis for a rent that is not less than the PHA's cost to operate the unit;

      4) The lease to the over-income family provides that the family agrees to vacate the unit when needed for rental to an eligible family; and

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

5) The PHA gives the over-income family at least 30 days' notice to vacate the unit when the unit is needed for rental to an eligible family.

2. When calculating the family's income, including asset income, at the time of admission to the public housing program, the PHA will use anticipated income (current income – i.e., the family's estimated income for the upcoming 12-month period).

D. Citizenship and Eligible Immigration Status

Section 214 of the Housing and Community Development Act of 1980 as amended, restricts financial assistance to U.S. citizens, U.S. nationals, and to noncitizens who have eligible immigration status.

1. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to be a U.S. citizen, U.S. national, or a noncitizen with eligible immigration status.
2. A mixed family includes family members who are U.S. citizens, U.S. nationals or have eligible immigration status, and family members who do not contend to have eligible immigration status.
    a. Mixed families, except for families exceeding the income limit or over-income families, receive prorated assistance based on the percentage of family members who qualify for assistance.
    b. The PHA may not deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
    c. There are no HUD regulations which prohibit a mixed family from executing a lease or other legally binding contract. However, if the PHA's jurisdiction is in a state where state law prohibits a single ineligible family from executing a lease or other legally binding documents, the family may not be admitted into the public housing program.
3. Declaration of Citizenship or Eligible Immigration Status

    Each family member who contends to be a U.S. citizen, U.S. national, or a noncitizen with eligible immigration status must submit a written declaration signed under penalty of perjury by which the family member declares whether he or she is a U.S. citizen, U.S. national, or a noncitizen with eligible immigration status.
    a. For each adult the declaration must be signed by the adult.
    b. For each child, the declaration must be signed by an adult residing in the assisted unit who is responsible for the child.
4. Evidence of Citizenship or Eligible Noncitizen Status

    Each family member, regardless of age, must submit evidence of citizenship or eligible noncitizen status.
    a. U.S. citizens and U.S. nationals:

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

1) The evidence consists of a signed declaration of U.S. citizenship or U.S. nationality.

2) The PHA may also request other verification such as a Verification of Birth, U.S. Passport, Military DD214 or other appropriate documentation as specified by HUD or the PHA.

b. Noncitizens who are 62 years of age or older or were 62 years of age or older and receiving assistance on September 30, 1996, or applying for assistance on or after September 30, 1996:

1) A signed declaration of eligible immigration status; and

2) Proof of age document.

c. For all other noncitizens

1) A signed declaration of eligible immigration status;

2) A signed verification consent form; and

3) One of the following categories of eligible immigration status:

a) A noncitizen lawfully admitted for permanent residence as an immigrant (includes special agricultural workers granted lawful temporary resident status and noncitizens that indicate they have satisfactory immigration status, such as VAWA self-petitioners, whose verification of eligibility or appeal of a determination as to permanent residence is pending with DHS).

b) A non-citizen who entered the U.S. before January 1, 1972, (or such later date as enacted by law), and who:

1) Has continuously maintained residence in the U.S. since then; and

2) Is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General.

c) A non-citizen who is lawfully present in the United States as a result of:

(1) Refugee status, including those granted Temporary Protective Status (TPS) under the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) (section 207); or

(2) The granting of asylum (which has not been terminated (section 208)); or

(3) The granting of conditional entry (section 203 (a)(7)) prior to April 1, 1980, because of persecution or fear on account of race, religion, or political opinion, or because of being uprooted by catastrophic national calamity.

d) A non-citizen who is lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest (section 221(d)(5)) (e.g., parole status).

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

e) A non-citizen who is lawfully present in the United States as a result of the Attorney General's' withholding deportation (section 243(h)) (threat to life or freedom).

f) A non-citizen lawfully admitted for temporary or permanent residence (245A) (amnesty granted).

g) An alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: provided, that, within Guam any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.

4) Acceptable Original U.S. Citizenship and Immigration Service (CIS) Unexpired Documents

a) Form I-551 "Permanent Resident Card"

b) Form I-94 Arrival-Departure Record annotated with one of the following:

(1) "Admitted as a Refugee Pursuant to Section 207"

(2) "Section 208" or "Asylum"

(3) "Section 243(h)" or "Deportation stayed by Attorney General"

(4) "Paroled Pursuant to 9 CFR Section 221 (d)(5) of the INS"

c) Form I-94 Arrival-Departure Record with no annotation accompanied by:

(1) A final court decision granting asylum (but only if no appeal is taken);

(2) A letter from a DHS asylum officer granting asylum (if application is filed on or after October 1, 1990) or from an DHS district director granting asylum (application filed before October 1, 1990);

(3) A court decision granting withholding of deportation; or

(4) A letter from an asylum officer granting withholding or deportation (if application filed on or after October 1, 1990).

d) Form I-9 Employment Eligibility Verification annotated with:

(1) Acceptable document from List A or,

(2) Combination of one selection from List B and one selection from List C

e) Form I-360 VAWA Self-Petition

f) Form I-130 Family-Based Visa Petition

g) Form I-797 Notice of Action

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

h) A receipt issued by DHS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant's entitlement to the document has been verified; or

i) Other acceptable evidence. If other documents are determined by DHS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the federal register.

5. Verification Consent Form

   Each noncitizen who declares eligible immigration status (except for certain noncitizens who are 62 years of age or older, as described in paragraph 4b of this section) must sign a verification consent form as follows:

   a. For each adult, the form must be signed by the adult.

   b. For each child, the form must be signed by an adult residing in the assisted unit who is responsible for the child.

6. Ineligible Immigration Status

   If one or more family members do not contend that they have eligible immigration status, and other members of the family establish their citizenship or eligible immigration status, the family may be eligible for assistance despite the fact that no declaration or documentation of eligible status has been submitted.

   a. The family must identify in writing, to the PHA, the family member (or members) who will elect not to contend that he or she has eligible immigration status.

   b. A family that consists of a single household member (including a pregnant individual) who does not have eligible U.S. citizenship or eligible immigration status is not eligible for housing assistance and cannot be housed.

7. Timeframe for Submission of Evidence Eligible Citizenship or Noncitizen Status

   The PHA will require evidence of eligible citizenship or noncitizen status at the following times, subject to any extension granted by the PHA.

   a. Applicants:

      The PHA will ensure that evidence of eligible status is submitted not later than the date the PHA anticipates or has knowledge that verification of other aspects of eligibility for assistance will occur.

   b. Tenants:

      The PHA will require evidence of eligible status to be submitted at the first regular reexamination after June 19, 1995.

   c. New occupants of assisted units:

      For any new occupancy of an assisted unit (e.g., a new family member comes to reside in the assisted unit), the required evidence must be submitted at the first interim or

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

regularly reexamination following the person's occupancy.

d. Changing participation in a HUD program:

Whenever a family applies for admission to a Section 214 covered program, evidence of eligible status is required to be submitted unless the family has already submitted the evidence to the PHA for a Section 214 covered program.

e. One-time evidence requirement for continuous occupancy. For each family member, the family is required to submit evidence of eligible status only once during continuously assisted occupancy under any Section 214 covered program.

8. Notification of Requirements of Section 214

The PHA will provide notification of the requirement to submit evidence of citizenship, eligible immigration status, or to elect not to contend have eligible immigration status to all applicants and participant families.

a. The PHA will provide the notice as follows:

1) Applicant's notice. Notification of the requirements of Section 214 will be given to each applicant at the time of application for assistance.

2) Notice to tenants. Notification of the requirements of Section 214 will be given to each tenant at the time of, and together with, the PHA's notice of regular reexamination of income, but not later than one year following June 19, 1995.

b. Contents of the Notice

The notice will:

1) State that financial assistance is contingent upon the submission and verification, as appropriate, of evidence of citizenship or eligible immigration status as required;

2) Describe the type of evidence that must be submitted and the time period in which that evidence must be submitted; and

3) State that assistance will be prorated, denied, or terminated, as appropriate, upon the PHA's final determination of ineligibility after all appeals have been exhausted or, if appeals are not pursued, at a time to be specified in accordance with HUD requirements.

E. Mandatory Disclosure of Social Security Numbers (SSNs)

Disclosure of SSNs is considered information subject to the Federal Privacy Act (5 USC §552a, as amended). The PHA, to the extent possible, will keep the collection, maintenance, use, dissemination, income information, and any other information derived from the SSNs in compliance with the Federal Privacy Act and all other provisions of federal, state, and local laws.

As a condition of initial and continued eligibility, all applicants and all household members (including live-in aides, foster children/adults) must disclose the SSNs assigned to them by the

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

SSA.

1. An exception for the disclosure of SSNs includes the following:
    a. Those individuals who do not contend to have eligible immigration status and have not been assigned an SSN.
    b. Existing program participants, who as of January 31, 2010, were 62 years of age or older. This exemption continues even if the individual moves to a new public housing unit.
    c. Those who have not been assigned an SSN.
2. Children under 6 added to the applicant family
    a. If a child under the age of six (6) is added to the applicant family within six (6) months of unit offer, the PHA may admit the applicant family to the public housing program before the SSN documentation has been submitted.
    b. The PHA will grant the family 90 days from the date of admission, which is the lease effective date, to provide the required SSN documentation.
    c. The PHA will allow one additional 90-day period if the PHA determines that, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the applicant family.
        1) Examples of circumstances outside the control of the applicant include but are not limited to:
            a) Delayed processing of SSN application by SSA
            b) Death in family
            c) Natural disaster
            d) Fire
        2) If the applicant fails to produce the SSN documentation required within the required time period, the PHA must terminate the assistance given.
3. Addition of a new household member to the participant family
    a. When a participant requests to add a new household member who has been assigned a SSN, the participant must provide the complete and accurate SSN assigned to the new member and the required documentation for verification:
        1) At the time of the request; or
        2) At the time of processing the interim reexamination, the non-interim reexamination, or the annual reexamination of family composition that includes the new member.
    b. When a participant requests to add a new household member who is under the age of 6 and has not been assigned a SSN, the participant shall be required to provide the

© 2024 The Nelrod Company, Fort Worth, TX 76107

complete and accurate SSN number assigned to the child and the required documentation for verification within ninety (90) calendar days of the child being added to the household.

c. The PHA will allow one additional 90-day period if the PHA determines that, in its discretion, the participant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the participant.

1) Examples of circumstances outside the control of the applicant include but are not limited to:

a) Delayed processing of SSN application by SSA

b) Death in family

c) Natural disaster

d) Fire

2) During the period that the PHA is waiting for the documentation of the SSN, the PHA will include the child as part of the assisted family and the child will be entitled to all the benefits of being a family member.

3) If the applicant fails to produce the SSN documentation required within the required time period, the PHA must terminate the assistance.

4. Assignment of a new SSN

If any member of the household has been assigned a new SSN, the household member must submit the complete and accurate SSN assigned to them and the required documentation for verification to the PHA:

a. At the new interim reexamination, non-interim reexamination, or annual reexamination of family composition or income; or

b. At such time specified by the PHA.

5. Individuals without an assigned SSN

a. Examples of individuals who may not have an SSA-assigned SSN are listed below. This list is not all-inclusive.

1) U.S. newborn children (eligible citizens - will be issued an SSN upon SSA confirmation of birth).

2) Noncitizens lawfully present in the U.S. (ineligible noncitizens – individuals who will be issued an SSN upon SSA confirmation of the individual's DHS documentation or confirmation that the individual is required by the law to provide an SSN to receive general assistance benefits that they already have qualified for).

3) Noncitizen unlawfully present in the U.S. (ineligible noncitizens – these individuals cannot be assigned an SSN).

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

b. The PHA shall require that a citizen or noncitizen lawfully present in the U.S. who state that they have not been assigned an SSN by the SSA to make such declaration in writing and under penalty of perjury. The self-declaration shall be maintained in the family file.

c. A household member who does not have an SSN must certify that they do not, in fact, have an SSN.

6. Penalties for applicant failure to disclose and/or provide documentation of the SSN

   The following penalties apply for noncompliance with the SSN disclosure and documentation requirements:

   a. PHA shall deny the eligibility of an applicant if each member of the household who is required to disclose their SSN fails to disclose and/or provide documentation of their individual SSN.

   b. If the applicant family is otherwise eligible to participate in the public housing program, the PHA shall allow the family to maintain their position on the waiting list for a period of 90 days to permit the family the opportunity to obtain and disclose the required SSN information. During this period, if a unit becomes available and the household members have not disclosed their SSN, PHA shall offer the available unit to the next eligible applicant family on the waiting list.

7. Individuals who previously declared to have eligible citizenship or eligible immigration status may not change their declaration to no longer contend to have eligible immigration status to avoid compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance of the SSN requirements.

F. Restriction on Students of Higher Education Eligibility

Restriction on assistance to students enrolled in an institution of higher education is not applicable to the public housing program but is applicable to Section 8 programs only.

G. Restrictions on Assistance to Family Based on Assets

The PHA is prohibited from providing public housing assistance to a family, either initially or upon reexamination of a family's income based on the family's net assets.

1. Restriction on Eligibility Based on Net Assets

   a. The PHA must prohibit a family from receiving public housing assistance if the family's net assets exceed the asset limitation established annually by HUD.

   b. The amount will be adjusted annually by HUD for inflation (in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI)).

2. Restriction on Eligibility Based on Owning Real Property Suitable for Occupancy

   a. The PHA must prohibit a family from receiving public housing assistance if the family has a present ownership interest in, a legal right to reside in, and the effective legal

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

authority to sell (based on state or local laws of the jurisdiction where the property is located), real property that is suitable for occupancy by the family as a residence.

b. A present ownership interest would include any title to a home, any ownership of membership shares in a cooperative, and any lease or other right to occupy a home or cooperative as defined by the state or local laws of the jurisdiction where the property is located.

c. A present ownership interest does not include the right to purchase title to a residence under a lease-purchase agreement.

d. Exceptions to the restriction on owning real property do not apply to:

1) A family that receives assistance for the property under the public housing program for:

a) A manufactured home

b) A home or under the HCV Homeownership Option.

2) Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the non-household member resides at the jointly owned property.

3) Any person who is a survivor of domestic violence, dating violence, sexual assault, and/or stalking.

4) Any family that is offering the property for sale.

e. A Property Suitable for Occupancy

A property will be considered suitable for occupancy unless the family demonstrates that it:

1) Does not meet the disability-related needs for all members of the family, including unsuitability due to physical needs, but it does not exclude other non-physical reasons why a property may not be suitable for a family member who is a person with disabilities.

Example: Physical accessibility requirements, disability-related need for additional bedrooms or space, proximity to accessible transportation, etc.

2) Is not sufficient for the size of the family;

3) Is geographically located so as to be a hardship for the family

Example: The location, distance, or commuting time between the property and the family's place of work or school would be a hardship to the family, as determined by the PHA.

4) Is not safe to reside in because of the physical condition of the property; or

Examples: The property's physical condition poses a risk to the family's health and safety and the condition of the property cannot be easily remedied. Environmental

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

factors outside the control of the family are contributing to the unsafe condition or where the alterations necessary to make the physical condition of the property safe are cost prohibitive.

5) Is a property that a family may not reside in under the state or local laws of the jurisdiction where the property is located is not a property that is suitable for occupancy by the family as a residence.

   Example: An assisted family owns a commercial property that cannot legally be occupied as a residence by the family, such as a convenience store or a retail establishment.

3. Real Property Restrictions VAWA Confidentiality

   When a family asks for or about an exception to the real property restrictions because a family member is a survivor of VAWA violence/abuse, the PHA will:

   a. Comply with the confidentiality requirements under VAWA;

   b. Accept a VAWA self-certification from the family member; and

   c. Apply the restrictions on requesting documentation under VAWA.

4. Assets Restrictions Enforcement

   At the annual and interim reexamination of income, the PHA will enforce the HUD-established asset limitation for eligibility for assistance. The PHA will initiate termination of assistance or eviction proceedings for families whose net family assets exceed the HUD-established asset limitation at an annual or interim reexamination.

   a. The PHA will delay the initiation of termination or eviction proceedings for families noncompliant with HUD-established the asset limitation for six (6) month from the date of the income examination that determined the family was out of compliance.

   b. Termination of assistance is subject to the PHA's grievance procedure.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 9: APPLICANT SELECTION AND SCREENING

The applicant selection criteria, and the screening of information to be considered by the PHA, will be reasonably related to the applicant's individual attributes and behavior, and will not be related to the attributes and behavior imputed to a particular group or category of persons of which the applicant may be a member.

A. Applicant Selection and Screening Criteria

In selection of families for admission to the PHA's public housing program, or to occupy a public housing development or unit, the PHA is responsible for screening family behavior and suitability for tenancy.

1. The PHA may consider all relevant information, which may include, but is not limited to:
    a. Suitability screening attempts to determine if the applicant is likely to interfere with other residents by adversely affecting their health, safety, welfare, or affect adversely the physical environment or financial stability of the development if the applicant were admitted.
    b. Relevant information concerning the habits or practices to be considered may include, but is not limited to:
        1) Inability to comply with the terms of the lease.
        2) Past performance in meeting financial obligations, especially rent.
        3) Prior rental history with the PHA, if applicable.
        4) Prior rental history from previous owners/landlords or another PHA;
        5) A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other residents, or cause damage to the unit or development.
        6) Information from previous owners/landlords concerning housekeeping that would create health or sanitation problems.
        7) Information from personal references.
        8) The applicant's failure to pay an existing utility balance which results in a denial of service by the utility supplier.
2. The PHA may require an applicant to exclude a household member in order to be admitted to the public housing program where that household member has participated in or been culpable for actions that warrant denial.
3. The PHA may, where a statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, choose to continue that prohibition for a longer period of time.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

4. PHA tenant selection criteria are subject to regulations regarding Protections for VAWA violence/abuse. In cases of requests for emergency transfers under VAWA, with the written consent of the survivor of VAWA violence/abuse, the receiving PHA may accept and use the prior covered housing provider's determination of eligibility and tenant screening and all related verification information.
5. Drug and Criminal Activity

   A history of criminal activity involving drug-related activity, a pattern of alcohol abuse, crimes of physical violence to persons or property, or other criminal acts which would adversely affect the health, safety or welfare of other residents.
6. Applicants must conform to the occupancy standards on family size and family composition.
7. The PHA will use up-front or third-party verification of all information whenever possible, and the return envelope will be retained in the resident's file. If such up-front or third-party documentation is not available, the PHA will document the reason in the family file.
8. The family will also submit, directly to the PHA, all documentation required for purposes of determining or auditing a family's eligibility to receive housing assistance, for calculating the family's adjusted income for tenant rent, for verifying related information, or for monitoring compliance with equal opportunity requirements. Failure to provide requested documentation will result in the denial of assistance.
9. Home Visits

   The PHA may conduct a home visit to consider if the conditions they observe are the result of the resident's treatment of the unit or are caused by the unit's overall substandard condition. The PHA will give at least two (2) days' written notice to all applicants or residents. Reasons for a home visit may include, but not be limited to, the following circumstances:

   a. Conflicting or negative rental history received from previous landlords;
   b. Conflicting or negative information received from personal references;
   c. Applicant provides no previous rental references;
   d. Applicant provides only related personal references; or
   e. Applicant has no credit history.

B. Consideration of Favorable Factors

In the event unfavorable information with respect to an applicant is received, the PHA will give consideration to the time, nature and extent of applicant's conduct, and to factors which might indicate a reasonable probability to favorable future conduct or financial prospects, including but not limited to:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

1. Evidence of successful completion of an appropriate rehabilitation program for drug or alcohol-related problems (requiring certification from a health professional, or state certified program). The applicant or family may be required to provide evidence of otherwise being rehabilitated successfully (i.e., participation in AA, AL-ANON, or other drug/alcohol support group);
2. The seriousness of the offending action;
3. The effect on the community of denial or the failure of the PHA to take such action;
4. The extent of participation by the leaseholder in the offending action;
5. The effect of denial of admission on household members not involved in the offending action;
6. The demand for assisted housing by families who will adhere to lease responsibilities;
7. The extent to which the applicant has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
8. The effect of the PHA's action on the integrity of the program;
9. The willingness of the applicant to exclude the offending household member in order to be admitted to the housing program, where the identified member has participated in or been culpable for action or failure to act that warrants denial;
10. Evidence of the applicant family's participation in or willingness to participate in social services or other appropriate counseling programs, and the availability of such programs; and
11. Evidence of the applicant family's willingness to attempt to increase family income, and the availability of training or employment programs in the locality.

C. Falsified or Misrepresented Information

If the PHA determines that an applicant has falsified or misrepresented family income, composition, circumstances, conduct or behavior, the PHA will, on the basis of such falsification or misrepresentation, find the applicant ineligible for admission to a PHA unit. In justifiable cases, the PHA may take such other action as deemed advisable.

D. Mitigating Circumstances

Screening applicants who claim mitigating circumstances:

1. If unfavorable information about an applicant is received, the applicant will be provided an opportunity to present mitigating circumstances.
    a. The PHA will consider the time, nature and extent of the applicant's conduct.
    b. These mitigating circumstances must be verifiable.

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

2. Mitigating circumstances are facts relating to the applicant's unsuitable rental history or behavior which, when verified, would indicate both:
    a. The reason for the unsuitable behavior; and
    b. That the reason for the unsuitable rental history or behavior no longer applies or is under control and the applicant's prospect for lease compliance is an acceptable one, justifying admission.
    c. Such mitigating circumstances would overcome or outweigh information already gathered in the screening process.
3. If the mitigating circumstances relate to change in disability or handicap, the PHA will have the right to verify the information or to request further information which is reasonably needed to verify the mitigating circumstances, even if such information is of a medically confidential nature.
4. An applicant who is a survivor of a VAWA violence/abuse is afforded certain protections pursuant to the Violence Against Women Reauthorization Act.
5. Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 10: DENIAL OF ADMISSION

The PHA will determine the eligibility for admission into the public housing program for each applicant. All standards of eligibility determination shall be applied uniformly.

A. Denial of Admission Because of the Family's Action or Failure to Act

The PHA will deny an applicant's admission to the public housing program for program violations that are identified as grounds for denial of admission.

1. The PHA must deny admissions for an applicant:
    a. The applicant does not meet the income eligibility criteria, including exceeding the asset limitations established by HUD (e.g., the applicant's annual income exceeds the HUD established income limits by family size for the area in which the PHA is located).
    b. If any member of the family fails or refuses to sign and submit consent forms (i.e., citizen status, form HUD-9886-A, Authorization for the Release of Information/Privacy Act Notice, and other consent forms).
    c. If the family fails to submit required evidence of citizenship or eligible immigration status.

       If the family is determined ineligible due to lack of citizenship or eligible immigration status, the family may request an appeal to CIS.
    d. If the family fails to disclose SSNs for all household members.
2. The PHA has the authority to reject an application or deny admission of an applicant into the public housing program if:
    a. The PHA has notified the applicant of its intention to remove the applicant's name because the applicant is no longer eligible for public housing.
    b. The family fails to supply any information or documentation that is determined necessary by the PHA or HUD in the administration of the public housing program.
    c. Falsified or Misrepresented Information
        1) The applicant provides information that is not true or complete.
        2) If the PHA determines that an applicant has falsified or misrepresented family income, composition, circumstances, conduct or behavior, the PHA will, on the basis of such falsification or misrepresentation, find the applicant ineligible for admission to the public housing program.
        3) In justifiable cases, the PHA may take such other action as deemed advisable.
    d. If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federally assisted housing program.
    e. The family currently owes rent or other amounts to the PHA, another PHA, or Multifamily program.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

f. If the family breaches an agreement to repay amounts owed to the PHA, another PHA or Multifamily program.

1) The PHA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a PHA.

2) The PHA may prescribe the terms of the agreement.

g. If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.

h. The applicant fails to complete the pre-occupancy orientation, if required by the PHA.

i. The applicant fails to pay an existing utility balance which results in a denial of service by the utility supplier.

j. The applicant fails the PHA's screening because of the documented tenant history of:

1) Poor past performance in meeting financial obligations.

2) A record of disturbance of neighbors, destruction of property, or living/housekeeping habits in prior residences that may adversely affect the health, safety, or welfare of other tenants, or cause damage to the unit or development.

3) Involvement in criminal activity on the part of any applicant family member that would adversely affect the health, safety, or welfare of other tenants.

4) A record of eviction from housing or termination from residential program (considering relevant circumstances).

5) Inability or unwillingness to comply with the terms of the PHA's lease.

3. Removing or Dropping an Application for Refusal of a Unit Offer

If an applicant receives an offer of a public housing unit and rejects the offer without good cause, the PHA will remove the applicant from the waiting list requiring the applicant to reapply when the waiting list is reopened.

B. Denial of Admissions for Criminal Activity and/or Alcohol Abuse

HUD regulations allow the PHA to prohibit admission for certain criminal activities, including alcohol abuse, that a household member has engaged in.

1. The PHA will deny admission to the public housing program when:

a. A household member has been evicted from federally assisted housing within the last three (3) years for drug-related criminal activity. However, the PHA may admit the household if the PHA determines:

1) That the evicted household member who engaged in the drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA; or

2) That the circumstances leading to eviction no longer exist (for example, the

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

criminal household member has died or is imprisoned).

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

1) During the screening process, the PHA will perform ~~a~~ necessary criminal background checks to determine whether any household member is subject to a lifetime sex offender registration requirement in the state where the housing is located and in other states where the household members are known to reside.

2) The PHA will use the Dru Sjodin National Sex Offender Public Website (www.nsopw.gov) to search for a household member's sex offender registration. NSOPW is in partnership between the U.S. Department of Justice and state, territorial, and tribal governments.

c. Any household member has been convicted of manufacturing or producing methamphetamine on the premises of any federally assisted housing (including the building or complex in which the unit is located and associated common areas and grounds).

d. The PHA determines that any household member is currently engaging in illegal use of a drug or the PHA has determined that it has reasonable cause to believe that a household member's illegal drug or alcohol abuse or pattern of illegal drug or alcohol abuse may threaten the health, safety or right to peaceful enjoyment of the premises by other residents. However, the PHA may admit the household if the PHA determines:

1) Such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.

2) For this purpose, the PHA may 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.

2. The PHA has the authority to prohibit admission of a household to the public housing program if the PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before admission:

a. A drug-related criminal activity;

b. A violent criminal activity;

c. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or

d. Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor,

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

subcontractor, or agent).

3. The PHA has established the following standards to be applied as appropriate, for drug-related criminal activity, other criminal activity, and alcohol abuse concerning denial of admission:

   a. The PHA has determined a "pattern" as at least three (3) drug or alcohol related criminal offenses within the three (3) years period prior to application for PH assistance.

   b. The PHA shall consider a reasonable time before admission to the PH program as three (3) years after the date of the most recent conviction of any household member.

   c. Evidence of criminal activity shall be defined as a preponderance of evidence for criminal activity.

      The PHA may not deny admission to the public housing program based on mere suspicion that a household member has engaged in criminal activity or on an arrest record alone.

   d. Currently engaging in illegal use of a drug shall be defined as within 3 months/90 days from the date the PHA discovered the use of the illegal drug.

      1) This includes the use of state legalized marijuana for medical or recreational use.

      2) The Controlled Substances Act (CSA) list marijuana as a Schedule III drug for Food and Drug Administration (FDA) approved products containing marijuana, including marijuana subject to a state medical marijuana license, and a Schedule 1 drug for recreational use.

      3) Federal regulations require the PHA to deny admission to persons based on the illegal use of a controlled substance.

   e. Reasonable cause shall be determined by a preponderance of evidence of illegal use of a drug charge or other criminal activity.

   f. The PHA may determine the use of an illegal drug through preponderance of evidence of a drug-related charge.

   g. The PHA shall determine involvement in criminal activity through the preponderance of evidence for a criminal activity.

   h. The time period of ineligibility for admission for other drug-related or other criminal activities shall be three (3) years from the date of the conviction.

   i. There is no time period concerning the conviction of a drug-related charge for manufacturing, production, or distribution of methamphetamine on the premises of federally assisted housing. Such household member(s) being convicted of this offense will always be denied admission.

C. Denial of Admission Based on Consumer Reporting Agency Criminal Reports

1. When the PHA obtains the criminal background report from a consumer reporting agency

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

(CRA), the provision of the Fair Credit Reporting Act applies.

2. If a PHA denies assistance based in part on a report obtained from a CRA, the notice must include:
   a. Name, address and telephone number of the CRA;
   b. A statement that the CRA did not make the decision to deny the assistance; and
   c. Notice of the right to obtain a free copy of the report and dispute any information in the report.

D. Consideration of Circumstances Before Denial of Admission

The PHA may consider all specific circumstances of each application in determining whether to deny admission because of family's action or failure to act by members of the family.

In the event unfavorable information with respect to an applicant is received, circumstances the PHA may consider include but are not limited:

1. Time, nature, and extent of applicant's conduct, and to factors which might indicate a reasonable probability to favorable future conduct or financial responsibility.
2. If the family includes a person with disabilities, the PHA decision concerning such action is subject to consideration of reasonable accommodation.
3. The effects of the denial of admission on other family members who were not involved in the action or failure to act.
4. The extent of participation or culpability of individual family members.
5. The seriousness of the offending action.
6. The likelihood of reoccurrence of the action or failure to act.
7. Age of the individual at the time of the criminal activity.
8. Length of time since conviction.
9. An applicant who is a survivor of a VAWA violence/abuse afforded certain protections pursuant to the Violence Against Women Reauthorization Act of 2013.
10. Evidence of successful completion of an appropriate rehabilitation program for drug or alcohol-related problems (requiring certification from a health professional, or state certified program). The applicant or family may be required to provide evidence of otherwise being rehabilitated successfully (i.e., participation in AA, AL-ANON, or other drug/alcohol support group).
11. Mitigating circumstances:

    If unfavorable information about an applicant is received, the applicant will be provided an opportunity to present mitigating circumstances.

    a. Mitigating circumstances are facts relating to the applicant's unsuitable rental history

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

or behavior which, when verified, would indicate both:

1) The reason for the unsuitable behavior; and

2) The reason for the unsuitable rental history or behavior no longer applies or is under control and the applicant's prospect for lease compliance is an acceptable one, justifying admission.

b. The PHA will consider the time, nature, and extent of the applicant's conduct.

c. The mitigating circumstances must be verifiable.

1) Such mitigating circumstances would overcome or outweigh information gathered in the screening process.

2) If the mitigating circumstances relate to a change in disability or handicap, the PHA shall have the right to verify the information or to request further information which is reasonably needed to verify the mitigating circumstances.

3) Consideration of mitigating circumstances does not guarantee that the applicant will be eligible for admission.

12. The effect on the community of denial or the failure of the PHA to take such action,
13. The demand for assisted housing by families who will adhere to lease responsibilities.
14. The extent to which the applicant has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action.
15. The effect of the PHA's action on the integrity of the program.
16. The willingness of the applicant to exclude the offending household member in order to be admitted to the housing program, where the identified member has participated in or been culpable for action or failure to act that warrants denial.
17. Evidence of the applicant family's participation in or willingness to participate in social services or other appropriate counseling programs, and the availability of such programs.
18. Evidence of the applicant family's willingness to attempt to increase family income, and the availability of training or employment programs in the locality.
19. The PHA's denial of admission actions will be consistent with Fair Housing and Equal Opportunity provisions.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 11: DETERMINATION OF INCOME

The PHA will not devise or implement income or rent determination, verification, or other related policies or procedures in a way that discriminates against persons on the basis of race, color, national origin, sex, religion, familial status, and perceived or actual disability.

A. Annual Income

Income is defined by HUD regulations and is further interpreted in HUD notices and memorandums that must be followed. However, there are policy decisions that are needed in order to assure consistent interpretation of HUD regulations.

1. Annual income includes, with respect to the family:
    a. All amounts, not specifically excluded received from all sources by each member of the family who is 18 years of age or older or is the head of household, spouse of the head of household, or co-head, plus unearned income by or on behalf of each dependent who is under 18 years of age;
    b. All amounts received by the head of household, spouse, co-head, including the income of a day laborer, independent contractor, and seasonal worker regardless of age, unless otherwise excluded; and
    c. When the value of net family assets exceeds the asset threshold established annually by HUD and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current passbook saving rate (a figure that is adjusted annually for inflation), as determined by HUD.

    Note: Annual income includes all amounts received, not the amount the family may be legally entitled to receive but which the family does not receive.
2. Annual income is used to determine whether an applicant family is within the HUD income limits and the level of continued benefits for the family.

B. Earned Income

Means income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, social security, and governmental subsidies for certain benefits), or any cash or in-kind benefits.

C. Unearned Income

Means any annual income that is not earned income.

D. Income Inclusions

Annual income includes but is not limited to:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

1. Business Ownership/Self-Employment

   Net income a family member receives through self-employment or operation of a business.

   a. Gross income is all income amounts received into the business, prior to the deduction of business expenses.

   b. Net income from the operation of a business or profession.

      1) Net income is the gross income amount minus business expenses that allows the business to operate.

         a) Expenditures for business expansion or amortization of capital indebtedness are not deductible when determining the income from a business

         b) An allowance for the depreciation of assets used in a business or profession may be deducted, based on a straight-line depreciation, as provided in IRS's regulations.

      2) Any withdrawal of cash or assets from the operation of a business is income except to the extent that such withdrawal is to reimburse the family member for cash or assets that the family has invested in the operation of the business.

2. Include all actual income derived from all net family assets.

3. Public Assistance

   a. Public assistance includes:

      1) General Assistance

         Payments made under a financial or medical assistance program(s) provided by a state, tribe, or local government jurisdiction.

      2) Temporary Assistance to Needy Families (TANF)

         a) A benefit designed to meet a family's ongoing basic needs, which includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses) .

         b) Supportive services such as transportation and childcare are provided to families who are not employed.

   b. Special calculations must be made for benefits received in "as paid" state or local programs.

      1) "As paid" programs are those in which the family receives a specific amount for shelter and utilities and the amount is adjusted based upon the actual amount the family pays for shelter and utilities.

      2) In "as paid" programs, the amount of welfare assistance income shall consist of:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

a) The amount of the grant exclusive of the amount specifically designated for shelter and utilities; plus

b) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount counted, as income is the actual amount received.

4. Imputed Welfare Income

The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

a. A specified welfare benefit reduction is a reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of:

1) Fraud by a family member in connection with the welfare program; or

2) Noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

b. A specified welfare benefit reduction does not include a reduction or termination of welfare benefits by the welfare agency:

1) At expiration of a lifetime or other time limit on the payment of welfare benefits;

2) Because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or

3) Because a family member has not complied with other welfare agency requirements.

c. Before adjusting the welfare benefits, the PHA will request, by third-party written verification, the welfare agency to verify:

1) The reason for the welfare benefit reduction.

2) The amount and term of any specified welfare benefit reduction for a family member.

d. During the term of the welfare benefit reduction and as determined at the PHA's interim or regular reexamination, the PHA will include in the family's annual income the amount of imputed welfare income, plus the total amount of the family's other annual income.

e. The PHA will offset additional income from other sources received by the family member after the welfare sanction has been imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

f. If the family disputes that the PHA has not correctly calculated the amount of the imputed welfare income in accordance with HUD requirements, the family will be offered an opportunity for a grievance hearing.

g. The PHA will not include imputed welfare income in annual income if the family was not receiving housing assistance at the time of the sanction.

5. Periodic Payments and Determinable Allowances

   a. The full amount received from periodic amount such as but not limited to Social Security, SSI, Social Security Disability Insurance (SSDI), annuities, life insurance and endowment policies, retirement funds, profit sharing plans, pensions, disability payments, Individual Retirement Accounts (IRAS), Simplified Employee Pensions (SEPS), and comparable benefits under the Railroad Retirement Act. The lump sum payments may be treated as an asset.

   b. If benefits (such as Social Security or Veteran's benefits) are reduced due to a prior overpayment, the PHA will use the actual amount of the current allocation (before withholding for medical premiums).

   c. If benefits (such as Social Security or Veteran's benefits) are reduced due to other withholding, such as an IRS garnishment or child support garnishment, the PHA will use the full award amount.

6. Alimony and Child Support

   The PHA will include in annual income for alimony and/or child support all amounts received, not the amount the family may be legally entitled to receive but which the family does not receive.

7. Recurring Gifts and Regular Contributions

   The PHA shall count as income any gifts or regular contributions (monetary or not) that are provided to the family on a regular and routine basis from persons outside of the family (e.g., a relative or friend provides a member of the family with cash gifts on a recurring basis).

   a. This may include but is not limited to rent and utility payments paid on behalf of the family and other monetary and or non-monetary contributions provided on a regular basis.

   b. It does not include non-recurring gifts or contributions.

   c. The PHA shall follow the Verification Hierarchy and the PHA's verification procedures to verify income from recurring gifts and regular contributions.

   d. If the party providing the recurring gifts and regular contributions refused to verify the information, the PHA will document the file why third-party verification was not available.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

8. Independent Contractor, Day Laborer, and Cyclical or Seasonal Work

   Income received as an independent contractor, day laborer, or seasonal worker is not considered nonrecurring income and therefore is included in annual income even if the source, date, or amount of the income varies.

   When income varies due to cyclical or seasonal work, and the source of income has not changed from the previous year, the PHA may rely on the previous year's income to anticipate income for the coming year. Increases in pay rate over that of the previous year would be considered.

9. Lump Sum Payments Counted as Income

   Lump-sum payments received due to delayed start of periodic payments (e.g., unemployment, TANF, or child support), not excluded by regulation will be included in annual income.

   Any portion of the lump sum that is payment for a period prior to the family's participation in the public housing program will not be counted as annual income but may be included in net family assets.

10. Income of Dependents

    A dependent is a family member who is under 18 years of age, is disabled (regardless of age), or is a full-time student (regardless of age). The head of household, spouse, or co-head, foster child(ren)/adult(s), or live-in aide (including family of a live-in aide) are never dependents.

    a. Unearned income received by or on behalf of dependents will be included in annual income.

    b. Earned and unearned income received by or on behalf of dependents who are persons with disabilities aged 18 or older will be included in annual income**.**

    c. The PHA will include in annual income all income (earned and non-earned) of the head of household, spouse, or co-head, even if a full-time student or under the age of 18.

11. Income of Full-Time Students 18 years of Age and Older

    a. The amount of earned income of a full-time student will not exceed the amount of the dependent deduction, adjusted annually by HUD for inflation, rounded to the next lowest multiple of $25.

    b. If annual earned income is less than the dependent deduction, (adjusted annually by HUD for inflation, rounded to the next lowest multiple of $25), the PHA will include the full amount of the earned income.

    c. All earned income of a full-time student who is the head of household, spouse, co-head will be included in annual income.

    d. Unearned income, (including the determination of student financial assistance), which is not excluded by federal regulations, will be included in annual income.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

E. Federally Mandated Income Exclusions

HUD has determined certain income sources be prohibited from consideration in annual income for purposes of determining eligibility or tenant rent. These amounts are often referred to as income exclusions or excluded income and are not considered part of annual income.

1. Earned Income of Children (Family Members) Under 18 Years Old

   The full amount of earned income from employment of children (including foster children) under the age of 18 (excluding the head of household, spouse, or co-head).

2. Earned Income of Dependent Full-Time Students

   a. Earned income of dependent full-time students in excess of the amount of the deduction for a dependent (adjusted annually by HUD for inflation, rounded to the next lowest multiple of $25).

   b. All earned income of a full-time student who is the head of household, spouse, co-head will be included in annual income.

   c. The full-time student must be a dependent family member for this exclusion to apply.

3. Gross Income a Family Member Receives Through Self-Employment or Operation of a Business

   Except that the following shall be considered income to a family member:

   a. Net income from the operation of a business or profession.

      1) Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income.

      2) An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in IRS regulations; and

   b. Any withdrawal of cash or assets from the operation of a business or profession will be included in income if the withdrawal is a reimbursement of cash or assets invested in the operation by the family.

4. Nonrecurring Income

   Nonrecurring income, which is income that will not be repeated in the coming year (12 months following the effective date of the certification) based on information provided by the family.

   a. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income even if the source, date, or amount of the income varies.

   b. Income that has a discrete end date and will not be repeated beyond the coming year during the family's upcoming annual reexamination period will be excluded from the family's annual income as nonrecurring income.

      Unemployment income and other types of periodic payments paid at regular intervals

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

(such as weekly, monthly, or yearly) for a period of greater than one year that can be extended will be included in Annual Income.

c. Nonrecurring income includes but is not limited to:

1) Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment.

Any permanent employment with the U.S. Census Bureau should be considered in the annual income calculation.

2) Direct federal or state payments intended for economic stimulus or recovery.

3) Amounts directly received by the family as a result of state refundable tax credits or state tax refunds at the time they are received.

4) Amounts directly received by the family as a result of federal refundable tax credits and federal tax refunds at the time they are received (including Earned Income Tax Credit (EITC) refund payment).

5) Gifts for holidays, birthdays, or other significant life events or milestones (e.g., wedding gifts, baby showers, anniversaries).

6) Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization.

7) Lump Sum Benefits

a) Additions to net family assets, including but not limited to lottery or other contest winnings.

b) Lump sum benefits payable as a death benefit.

c) Lump sum amounts may count toward family assets.

8) Nonrecurring payments made to the family or to a third party on behalf of the family to assist with utilities, eviction prevention, and security deposits to secure housing.

9) Payments for participation in research studies depending on the duration.

10) General one-time payments received by or on behalf of the family.

5. Imputed Return on an Asset Equal to or Less Than the Asset Threshold Established Annually by HUD

Any imputed return on an asset when net family assets total the asset threshold established annually by HUD or less (adjusted annually by HUD for inflation) and no actual income from the net family assets can be determined.

6. Certain Types of Trust Distributions

The following types of trust distributions are not included in annual income:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

a. For an irrevocable trust or a revocable trust outside the control of the family or household excluded from the definition of net family assets:

1) Distributions of the principal or corpus of the trust; and

2) Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor.

b. For a revocable trust under the control of the family or household, any distributions from the trust; except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.

7. Lump Sum Payments of Deferred Benefits

a. Deferred periodic amounts from SSI, Social Security, and SSDI benefits that are received in a lump sum amount or in prospective monthly amounts, or

b. Any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.

8. Refunds or Rebates of Property Tax on a Home

Amounts received by a family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit.

9. Income Received from Any Account Under a Retirement Plan

a. Income received from any account under a retirement plan recognized as such by the IRS, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals.

b. Except that any distribution of periodic payments from such accounts shall be income at the time they are received by the family.

10. Education Savings Accounts

Income and distributions from any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and income earned by government contributions to, and distributions from, ''baby bond'' accounts created, authorized, or funded by federal, State, or local government.

11. Lump-Sum Additions to Family Assets

Lump-sum additions to family assets, including but not limited to lottery and other contest winnings.

12. Family Self-Sufficiency (FSS) Escrow

Income earned on amounts placed in a family's FSS account.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

13. Insurance Payments and Settlement

    1. Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation.

    2. Workers' compensation will always be excluded from annual income, regardless of the frequency or length of the payments.

14. Amounts Received Under Training Programs Funded by HUD

    Training programs funded by HUD will have goals and objectives. This is not to be confused with employment by the PHA.

    a. Amounts Set Aside for Use under PASS

       Amounts received by a person with a disability that are disregarded for a limited time for purposes of SSI eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).

    b. Amount received under a Resident Service Stipend

       1) Resident service stipend is a modest amount, not to exceed $200 per month, received by a resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in the development.

       2) Such services may include, but are not limited to, fire patrol, hall monitoring, ground maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board.

       3) No resident may receive more than one such stipend during the same period of time.

       4) The Public Housing Reform Act provides that the governing board of a PHA must generally contain at least one member who is directly assisted by the PHA. To support and facilitate implementation of this statutory requirement, HUD has clarified that the resident service stipend exclusion covers amounts received by residents who serve on the PHA governing board.

    c. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program.

    d. Incremental earnings and benefits resulting to any family member from participation in training programs funded by HUD or in qualifying federal, State, Tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff.

       1) A qualified training program is one that is part of a State or local employment-training program and has clear goals and objectives.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

a) This would include programs that have the goal of assisting participants in obtaining employment skills, and are authorized or funded by federal, State, or local law, or operated by a public agency.

b) These include programs through the Department of Labor, Employment Training Administration, and Welfare-to-Work Grants.

2) Amounts excluded by this provision are excluded only for the period during which the family member participates in the employment-training program.

15. Reimbursed Health and Medical Care Expenses

a. Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member.

b. This exclusion is not limited to elderly and disabled families that qualify for the unreimbursed medical expense deduction.

16. Income of Live-In Aides

All income of a live-in aide, including the live-in aide's family, is excluded.

17. Adoption Assistance Payments

Adoption assistance payments in excess of the amount of the deduction for a dependent.

18. Payments to Enable a Family Member with a Disability to Reside in the Family's Assisted Unit

a. Payments made by or authorized by a state Medicaid agency (including through a managed care entity) or other state or federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit.

b. Authorized payments may include payments to a member of the assisted family through the state Medicaid agency (including through a managed care entity) or other state or federal agency for caregiving services the family member provides to enable a family member who has a disability to reside in the family's assisted unit.

c. The payments are excluded from income as long as the amounts are provided to enable a family member with a disability to remain in the family's assisted unit.

d. Both the person providing the care and the person who has the disability must be family members (not household members) and must live in the same assisted household.

e. The exclusion does not apply to income earned by the family for other caregiving services provided to individuals outside of the assisted household.

19. Civil Action, Malpractice, or Negligence Payments or Settlements

a. Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

b. Any amount recovered are excluded irrespective of whether the amounts are received periodically or in a lump sum payment.

20. Civil Rights Settlements or Judgements

    a. Civil rights settlements or judgments, including settlements or judgments for back pay.

    b. Even where such payments are not lump-sum payments but instead may have a payment schedule, such payments are excluded.

21. Income of Foster Children and Foster Adults

    Income of foster children and foster adults is excluded from the family's calculation of annual income.

22. Payments Received for the Care of Foster Children or Foster Adults

    a. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone) or state or Tribal kinship or guardianship care payments.

    b. This income exclusion also applies to Kinship Guardian Assistance Payments (Kin-GAP), kinship care payments, and other state-based kinship or guardianship payments that are alternatives to traditional foster care programs.

23. Armed Forces Hostile Fire Pay

    The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

24. Aid and Attendance to Veterans

    Payments related to aid and attendance under 38 U.S.C. 1521 to veterans in need of regular aid and attendance.

    This income exclusion applies only to veterans in need of regular aid and attendance and not to other beneficiaries of the payments, such as a surviving spouse.

25. Foreign Government Reparation Payments

    Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.

26. Loan Proceeds

    a. Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or a third party (e.g., proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a car).

    b. The loan borrower or co-borrower must be a member of the family for the loan proceeds income exclusion to be applicable.

    c. Loan proceeds may include, but are not limited to, personal loans (with a loan

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

agreement) and student loans, regardless of whether the proceeds are received in the form of a refund to the student.

27. Tribal Claims Relating to Mismanagement of Assets Held in Trust by the U.S.

    a. Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code (IRC) or other federal law.

    b. A payment received by a tribal member from the tribe for distribution of Indian gaming profits is not a per-capita payment within the meaning of the Per Capita Distribution Act and does not qualify for income exclusion.

    c. If a family member who is a tribal member receives the IRS Form 1099–MISC, Miscellaneous Income, from the tribe for reporting Indian gaming profits, then this payment must be counted toward the family's annual income.

28. Housing Gap Payments

    a. Replacement housing ''gap'' payments made in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another federally subsidized housing unit.

    b. Such replacement housing ''gap'' payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing ''gap'' payments.

    c. Replacement housing "gap" payments should cover a minimum of 42 months of tenancy at the new unit.

29. Amounts Specifically Excluded by Any Other Federal Statute

    Amounts specifically excluded by any other federal status from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act.

    a. HUD will publish a notice in the Federal Register and distributed to PHAs identifying the benefits that qualify for this exclusion.

    b. Updates will be distributed when necessary.

    c. The following is a list of income sources that qualify for that exclusion:

        1) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977

        2) Payments to volunteers under the Domestic Volunteer Services Act which includes, but is not limited to:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

a) Retired Senior Volunteer Program (RSVP)

b) Foster Grandparents (FGP)

c) Senior Companion Program (SCP)

d) VISTA

e) Peace Corps

f) Service Learning Program

g) Special Volunteer Programs

3) Small Business Administration programs such as National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience;

4) Service Corps of Retired Executives (SCORE)

5) Active Corps of Executives (ACE)

6) Payments received under the Alaska Native Claims Settlement Act.

7) Income derived from certain sub-marginal land of the U.S. that is held in trust for certain Indian tribes.

8) Payments or allowances under Department of Health and Human Services Low-Income Home Energy Assistance Program (LIHEAP).

9) Income derived from the disposition of funds of the Grand River Band of the Ottawa Indians.

10) The first $2,000 of per capita shares from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court the interests of individual Indians in trust or restricted lands, including the first $2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands.

11) Payments received from programs funded under Title V of the Older Americans Act of 1965 which includes, but is not limited to:

a) Senior Community Services Employment Program

b) National Caucus Center on the Black Aged

c) National Urban League

d) Association National Pro Personas Mayors

e) National Council on Senior Citizens

f) Green Thumb

12) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any fund established pursuant to the settlement in In Re Agent Orange

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Liability Litigation.

13) Earned Income Tax Credit refund tax payments received on or after January 1, 1991, for program administered under the United States Housing Act of 1937, Title V of the Housing Act of 1949, Section 101 of the Housing and Urban Development Act of 1965, and Sections 221(d)(3) 235, and 236 of the National Housing Act (26 U.S.C. 32(j).

14) Payments received under the Maine Indian Claims Settlement Act of 1980.

15) The value of any childcare provided or arranged (or any amount received as payment for such care) or reimbursement for costs incurred for such care under the Child Care and Development Block Grant Act of 1990.

16) Payments by the Indian Claims Commission to the Confederate Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation.

17) Payments made under the Emergency Rental Assistance Program pursuant to the Consolidated Appropriations Act, 2021 and the American Rescue Plan Act of 2021.

18) Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990.

19) Any allowance paid under the provisions of 38 U.S.C. 1833(c) to children of Vietnam veterans born with spina bifida (38 U.S.C. 1802-05), children of women Vietnam veterans born with certain birth defects (38 U.S.C. 1811-16), and children of certain Korean service veterans born with spina bifida (38 U.S.C. 1821).

20) Any amount of crime victim compensation that the applicant (under the Victims of Crime Act) receives through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant.

21) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 reauthorized as the Workforce Innovation and Opportunity Act of 2014.

22) Any amounts received under the Richard B. Russell School Lunch Act and the Child Nutrition Act of 1966, including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants and Children (WIC).

23) Payments, funds, or distributions authorized, established or directed by the Seneca Nation Settlement Act of 1990.

24) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self-Determination Act (NAHASDA) and administered by the Office of Native American Programs.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

25) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, as provided in the Claims Resolution Act of 2010 for a period of one year from the time of receipt of that payment.

26) Any amounts in an "individual development account" as provided by the Assets for Independence Act, as amended in 2002.

27) Per capita payments made from the proceeds of Indian Tribal Trust Cases, Exclusion of Income of Payments under Recent Tribal Trust Settlements.

The list of Indian tribes who have entered into Tribal Trust Settlements with the U.S. in 2013 and for whom per-capita Tribal Trust payments are excluded from gross income, includes:

1. Assiniboine and Sioux Tribes of the Fort Peck Reservation 2. Bad River Band of Lake Superior Chippewa Indians 3. Blackfeet Tribe of the Blackfeet Indian Reservation 4. Bois Forte Band of Chippewa 5. Cachil Dehe Band of Wintun Indians of the Colusa Rancheria 6. Chippewa Cree Tribe of the Rocky Boy's Reservation 7. Coeur d'Alene Tribe 8. Confederated Salish and Kootenai Tribes 9. Confederated Tribes of Siletz Indians - 6 - 10. Confederated Tribes of the Colville Reservation 11. Confederated Tribes of the Goshute Reservation 12. Crow Creek Sioux Tribe 13. Eastern Shawnee Tribe of Oklahoma 14. Hualapai Indian Tribe 15. Iowa Tribe of Kansas and Nebraska 16. Kaibab Band of Paiute Indians of Arizona 17. Kickapoo Tribe of Kansas 18. Lac Courte Oreilles Band of Lake Superior Chippewa Indians 19. Lac du Flambeau Band of Lake Superior Chippewa Indians 20. Leech Lake Band of Ojibwe 21. Lower Brule Sioux Tribe 22. Makah Indian Tribe of the Makah Reservation 23. Mescalero Apache Tribe 24. Minnesota Chippewa Tribe 25. Nez Perce Tribe 26. Nooksack Indian Tribe 27. Northern Cheyenne Tribe of Indians 28. Omaha Tribe of Nebraska 29. Passamaquoddy Tribe of Maine 30. Pawnee Nation 31. Prairie Band of Potawatomi Nation 32. Pueblo of Zia 33. Quechan Tribe of the Fort Yuma Reservation 34. Red Cliff Band of Lake Superior Chippewa Indians 35. Rincon Luiseño Band of Indians 36. Rosebud Sioux Tribe 37. Round Valley Indian Tribes 38. Salt River Pima-Maricopa Indian Community 39. Santee Sioux Tribe of Nebraska 40. Sault Ste. Marie Tribe 41. Shoshone-Bannock Tribes of the Fort Hall Reservation 42. Soboba Band of Luiseno Indians 43. Spirit Lake Dakotah Nation 44. Spokane Tribe of Indians 45. Standing Rock Sioux Tribe 46. Stillaguamish Tribe of Indians 47. Summit Lake Paiute Tribe 48. Swinomish Indian Tribal Community 49. Te-Moak Tribe of Western Shoshone Indians 50. Tohono O'odham Nation 51. Tulalip Tribes 52. Tule River Indian Tribe 53. Ute Indian Tribe of the Uintah and Ouray Reservation 54. Ute Mountain Ute Tribe 55. Winnebago Tribe of Nebraska 56. Qawalangin Tribe of Unalaska - 7 - 57. Tlingit & Haida Tribes of Alaska 58. Northwestern Band of Shoshone Indians 59. Hoopa Valley Tribe 60. Ak-Chin Indian Community 61. Oglala Sioux Tribe

28) Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and comparable disaster assistance provided by states, local governments, and disaster assistance organizations will not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs.

F. Treatment of Financial Assistance Received by Students of Higher Education

The treatment of student financial assistance depends on the student/household characteristics and the type of financial assistance received by the student. The student financial assistance rules apply to both full-time and part-time students.

1. There are two (2) categories of student financial aid applicable to the public housing program:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

a. 479B Student Financial Assistance Programs

Section 479B under Title IV of the Higher Education Act (HEA) of 1965, as amended, (as well as Bureau of Indian Affairs Student Financial Assistance) requires that all assistance under HEA, even assistance provided to students in excess of tuition and required fees or charges, be excluded from HUD income calculations;

The types of financial assistance listed below are considered 479B student financial assistance programs. The list is not exhaustive and 479B will be updated as of July 1, 2024.

1) Federal Pell Grants;
2) Teach Grants;
3) Federal Work Study Programs;
4) Federal Perkins Loans;
5) Student financial assistance received under the Bureau of Indian Education;
6) Higher Education Tribal Grant;
7) Tribally Controlled Colleges or Universities Grant Program; and
8) Employment training program under section 134 of the Workforce Innovation and Opportunity Act (WIOA).

b. Other Student Financial Assistance

Other student financial assistance means a grant or scholarship received from:

1) The federal government;
2) A state (including U.S. territories), Tribe, or local government;
3) A private foundation registered as a nonprofit under 26 U.S.C. 501(c)(3);
4) A business entity (such as corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, or nonprofit entity); or
5) An institution of higher education.
6) A grant would include:
    a) A qualified tuition remission, reduction, waiver, or reimbursement (i.e., amounts received as reimbursement for the student's paid costs of tuition, books, and fees, etc.) by the educational institution, such as for an employee of the institution of higher education or an eligible family member of that employee.
    b) Assistance provided by an employer as part of an employee educational assistance program or tuition reimbursement program.

c. Other student financial assistance must be for educational expenses and does not

© 2024 The Nelrod Company, Fort Worth, TX 76107

include:

1) Any assistance that is excluded.

2) Financial support provided to the student in the form of a fee for services performed (e.g., a work study or teaching fellowship that is not excluded under Section 479B of the HEA).

3) Amounts received under work study may be excluded if:

   a) Provided pursuant to Title IV of HEA; or

   b) To the extent that the work study is being performed by a dependent full-time student.

4) Non-recurring gifts, including non-recurring gifts from family or friends.

   Gifts that are recurring and otherwise do not meet the criteria for the income exclusion for gifts would be counted as income, regardless of whether the recipient of the gift is a student.

5) Any amount of the scholarship or grant that either by itself or in combination with the excluded financial assistance under Section 479B of the HEA, exceeds the actual covered costs of the student.

2. Actual Covered Costs

   a. The actual covered costs of the student are the actual costs of:

      1) Tuition,

      2) Books and supplies (including supplies and equipment to support students with learning disabilities or other disabilities),

      3) Room and board, or

      4) Other fees required and charged to a student by the education institution, and

      5) For a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit (i.e., the student is living in off-campus/non-college owned housing while away at school instead of a dorm or college owned housing).

   b. All assistance under Section 479B of the HEA is excluded from income, regardless of whether those amounts exceed the actual covered costs described above.

      1) Student financial assistance must be:

         a) Expressly for tuition, books, room and board, or other fees required and charged to a student by the education institution;

         b) Expressly to assist a student with the costs of higher education; or

         c) Expressly to assist a student who is not the head of household or spouse with the reasonable and actual costs of housing while attending the education

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

institution and not residing in an assisted unit.

2) Student financial assistance may be paid directly to the student or to the educational institution on the student's behalf.

3) Student financial assistance paid to the student must be verified by the PHA as student financial assistance.

3. Calculating the Amount of Other Student Financial Assistance

All assistance received under Section 479B of the HEA by students participating in the public housing program is excluded from income. Other student financial assistance received by the student that, either by itself or in combination with HEA assistance, exceeds the actual covered costs is not excluded from income.

a. When determining the amount of other financial assistance in excess of actual covered costs, the financial assistance provided under Section 479B of the HEA will be the first student financial assistance deducted from the actual covered costs.

1) The financial assistance under Section 479B of the HEA is intended to pay the actual covered costs.

2) HUD has determined that financial assistance under Section 479B of the HEA must be the first amount subtracted from actual covered costs before any student financial assistance that HUD is excluding under HUD's discretionary exclusion authority.

b. When the student receives any financial assistance provided under Section 479B of the HEA, the amount of student's financial assistance is determined as follows:

1) If the amount of financial assistance excluded under Section 479B of the HEA exceeds the student's actual covered costs, then all of the amounts received from all financial assistance (other scholarships or grants), the student receives from other sources would be in excess of the actual covered costs and would not be considered student financial assistance that is excluded from income.

2) If the amount of financial assistance excluded under Section 479B of the HEA is less than the student's actual covered costs, then some or all of the amount of financial assistance (other scholarships and grants), that would be excluded from income is the lower of:

a) The total amount of student financial assistance (scholarships and grants) the student received that are not excluded under Section 479B of the HEA; or

b) The amount by which the student's actual covered costs exceeds the financial assistance the student received that is excluded under Section 479B of the HEA.

G. Net Family Assets

The net family assets is the net cash value of all assets owned by the family after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds, and

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

other form of capital investments. Any type of asset not specifically excluded will be included in the calculation of net family assets.

1. All assets are categorized as either real property (e.g., land, a home) or personal property.
2. Any type of asset not specifically excluded will be included in the calculation of net family assets.
3. Real Property Equity

   Real property includes land or real estate owned by a member of the family.

   a. Equity is the portion of the market value of the asset which is owned by the family (the amount which would be available to the family if the property were to be sold).

   b. The PHA will calculate the equity in real property using the following formula:

      Market Value - Loan (mortgage) = Equity

   c. The PHA will calculate the cash value of real property using the following formula:

      Equity - Expenses to covert to cash = Cash Value

   d. Expenses to convert the real property to cash value may include but are not limited to costs such as sales commissions, settlement/closing costs, transfer taxes, attorney fees, appraisal fees, monetary liens on the real property, and repair costs, etc., if applicable.

4. Life Insurance Policies

   Cash value of life insurance policies.

5. Tax Refunds or Refundable Tax Credits

   a. The anticipated income earned by the assets in which a family has deposited their federal tax refund or refundable tax credits must be included in the family's annual income unless the income is specifically excluded.

      1) At the time of an annual or interim reexamination of income, if the federal tax refund was received during the 12 months preceding the effective date of the reexamination, the PHA will subtract from the total value of the account in which the federal tax refund or refundable tax credits were deposited the amount of the refund that was received by the family.

      2) When the subtraction results in a negative number, then the balance of the asset is considered $0.

   b. If the tax refund or refundable tax credit is deposited into another excluded asset, such as a retirement account or a Coverdell Education Savings Account, then the deposit will have no effect on the balance of the asset (i.e., there is no need for the PHA to subtract the amount of the deposit from the value of the excluded asset).

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

6. Trusts

   A trust is a fiduciary relationship in which one party, known as a trustor, gives another party, the trustee, the right to hold title to property or assets for the benefit of a third party, the beneficiary.

   a. Trust as Net Family Assets

      For revocable trusts, the grantor can terminate and/or amend the trust at any time for any reason before his or her death.

      1) A revocable trust that is under the control of the family or household (e.g., the grantor is a member of the assisted family or household) is included in net family assets, and, therefore, income earned on the trust is included in the family's income from assets.

      2) If the PHA determines that the revocable trust is included in the calculation of net family assets, the actual income earned by the revocable trust is also included in the family's income.

      3) If the PHA determines that an irrevocable trust is excluded from net family assets, the PHA will not consider actual income earned by the trust (e.g., interest earned, rental income if property is held in the trust) for so long as the income from the trust is not distributed.

      4) The PHA will calculate imputed income on the revocable trust if net family assets are more than the asset threshold established annually by HUD, as adjusted by inflation, and actual income from the trust cannot be calculated (e.g., if the trust is comprised of farmland that is not in use).

   b. Trust Distributions and Annual Income

      1) Revocable trust considered part of net family assets:

         If the value of the trust is considered part of the family's net assets, then distributions from the trust are not considered income to the family.

      2) Revocable or irrevocable trust not considered part of net family assets:

         If the value of the trust is not considered part of the family's net assets, then distributions from the trust are treated as follows:

         a) All distributions from the trust's principal are excluded from income.

         b) Distributions of income earned by the trust (i.e., interest, dividends, realized gains, or other earnings on the trust's principal), are included as income unless the distribution is used to pay for the health and medical expenses for a minor.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

Trust Type	Is the Trust Considered a Net Family Asset?	Is the Actual Interest Earned by the Trust Considered Family Income?	Are Distributions of Trust Principal Considered Family Income?	Are Distributions of Interest Earned on the Trust Principal Considered Family Income?
Revocable Grantor is not part of the assisted family or household (and the family or household is not otherwise in control of the trust)	No	No	No	Yes, unless the distributions are used to pay for the health and medical expenses for a minor.
Revocable Grantor is part of the assisted family or household (or the trust is otherwise under control of the family or household)	Yes	Yes	No	No
Irrevocable (Typically, Special Needs Trusts or irrevocable.)	No	No	No	Yes, unless the distributions are used to pay for the health and medical expenses for a minor.

7. Assets Jointly Owned

    a. For assets jointly owned by the family and one or more individuals outside of the assisted family, the PHA will include the total value of the asset in the calculation of net family assets, unless the asset is otherwise excluded, or unless the assisted family can demonstrate that the asset is inaccessible to them, or that they cannot dispose of any portion of the asset without the consent of another owner who refuses to comply.

    b. If the family demonstrates that they can only access a portion of an asset, then only that portion's value shall be included in the calculation of net family assets for the family.

    c. Any income from a jointly owned asset must be included in annual income, unless that income is specifically excluded, or unless the family demonstrates that they do not have access to the income from that asset, or that they only have access to a portion of the income from that asset.

    d. If a family member is a beneficiary who is entitled to access the account's funds only upon the death of the account's owner, and may not otherwise withdraw funds from an account, then the account is not an asset to the assisted family, and the family should provide proper documentation demonstrating that they are only a beneficiary on the account.

8. Assets Owned by a Business Entity

    a. If a business entity (e.g., limited liability company or limited partnership) owns the asset, then the family's asset is their ownership stake in the business, not some portion

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

of the business's assets.

b. If the family holds the assets in their own name rather than in the name of a business entity, then the percentage value of the asset owned by the family is what is counted toward net family assets.

9. Assets Disposed of for Less than Fair Market Value

In determining net family assets, the PHA will include the value of any business or family assets disposed of by an applicant or family member for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received.

a. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or family member receives consideration not measurable in dollar terms.

b. An asset moved t a retirement account held by a family member is not considered to be an asset disposed of for less than fair market value.

c. The PHA will count as an asset the difference between the cash value and the actual amount received for the asset disposed of for less than market value during the two (2) years preceding the date of application for the PHA or reexamination, if the cumulative fair market value of the asset disposed of exceed the gross amount of the asset by $1,000.

H. Necessary Personal Property and Non-Necessary Personal Property

The PHA's determination on what is a necessary personal property and what is non-necessary personal property is a fact-specific determination, and therefore the PHA will gather enough facts to qualify whether an asset is necessary or non-necessary personal property. Items of personal property that do not qualify as necessary personal property will be classified as non-necessary personal property.

1. Necessary Personal Property

a. Includes more than merely items that are indispensable to the bare existence of the family.

b. Necessary personal property are items essential to the family for the maintenance, use, and occupancy of the premises as a home or they are necessary for employment, education, or health and wellness.

c. Necessary personal property includes but may not be limited to:

1) Personal effects (such as items that are ordinarily worn or utilized by the individual), items that are convenient or useful to a reasonable existence, and items that support and facilitate daily life within the family's home.

2) Items that assist family members with a disability, including any items related to

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

disability-related needs, or that may be required for a reasonable accommodation for a person with a disability.

3) Necessary personal property does not include bank accounts, other financial investments, or luxury items.

2. Non-Necessary Personal Property

   a. Non-necessary personal property with a combined value that does not exceed the asset threshold established annually by HUD, as adjusted by inflation, is excluded from net family assets.

   b. Non-necessary personal property with a combined value greater than the asset threshold established annually by HUD, as adjusted by inflation, is considered part of net family assets.

3. The following table lists examples of necessary and non-necessary personal property. This is not an exhaustive list.

   a. Necessary personal property is excluded from net family assets.

   b. Items of personal property that do not qualify as necessary personal property will be classified as non-necessary personal property.

Examples of Necessary and Non-Necessary Personal Property

Necessary Personal Property	Non-Necessary Personal Property
• Car(s)/vehicle(s) that a family relies on for transportation for personal or business use (e.g., bike, motorcycle, skateboard, scooter) • Furniture, carpets, linens, kitchenware • Common appliances • Common electronics (e.g., radio, television, DVD player, gaming system) • Clothing • Personal effects that are not luxury items (e.g., toys, books) • Wedding and engagement rings • Jewelry used in religious/cultural celebrations and ceremonies • Religious and cultural items • Medical equipment and supplies • Health care–related supplies • Musical instruments used by the family • Personal computers, phones, tablets, and related equipment • Professional tools of trade of the family, for example professional books • Educational materials and equipment used by the family, including equipment to accommodate persons with disabilities • Equipment used for exercising (e.g., treadmill, stationary bike, kayak, paddleboard, ski equipment)	• Recreational car/vehicle not needed for day-to-day transportation (campers, motorhomes, travel trailers, all-terrain vehicles (ATVs)) • Bank accounts or other financial investments (e.g., checking account, savings account, stocks/bonds) • Recreational boat/watercraft • Expensive jewelry without religious or cultural value, or which does not hold family significance • Collectables (e.g., coins/stamps) • Equipment/machinery that is not used to generate income for a business • Items such as gems/precious metals, antique cars, artwork, etc.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

I. Net Family Assets Do Not Include

Given that there are many categories of funds that would be considered assets and should be included in asset calculations, HUD does not believe that the regulation should specify every form of asset. Instead, any type of asset not specifically excluded should be included in the calculation of net family assets.

Required exclusions from net family assets include the following:

1. The value of necessary items of personal property.
2. The combined value of all non-necessary items of personal property, if the combined total value does not exceed the asset threshold established annually by HUD (adjusted annually by HUD for inflation).
3. The value of any account under a retirement plan recognized as such by the Internal Revenue Service, including:
    a. Individual Retirement Arrangements (IRAs)
    b. Employer retirement plans (e.g., 401(k), 403(b))
    c. Retirement plans for self-employed individuals (Keogh)
4. The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located.
    a. Co-ownership situations (including situations where one (1) owner is a survivor of VAWA violence/abuse)
    b. Where one (1) party cannot unilaterally sell the real property
    c. Property that is tied up in litigation
    d. Inherited property is in dispute
5. Civil Action, Malpractice, or Negligence Payments

    Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family being a person with disabilities.
6. The value of certain education or disability support savings account, including the value of any:
    a. Coverdell education savings account under Section 530 of the internal Revenue Code of 1986
    b. Qualified tuition program under Section 529 of such Code
    c. Achieving a Better Life Experience (ABLE) account authorized under Section 526A of such Code
        1) ABLE accounts are excluded from the definition of net family assets, and therefore income generated from such accounts is not considered when calculating income

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

from assets.

2) Distributions from these accounts are also excluded from income.

d. Baby bond account created, authorized, or funded by a federal, state, or local government (money held in trust by the government for children until they are adults).

7. Interest in Indian trust lands.
8. Equity in a manufactured home where the family receives HCV program assistance.
9. Equity in property under the Homeownership Option for which the family receives assistance under the HCV program.
10. Family Self-Sufficiency accounts.
11. Federal tax refunds or refundable tax credits, including EITC, for a period of 12 months after receipt by the family.

    Only the amount of federal tax refunds or refundable tax credits the family receives is excluded from net family assets, not the amount the family was supposed to receive.

12. Trust Funds
    a. The full amount of assets held in an irrevocable trust.
    b. Revocable Trust
        1) When a member of the assisted family is the beneficiary of a revocable trust, but the grantor is not a member of the assisted family, the beneficiary does not "own" the revocable trust, and the value of the trust is excluded from net family assets.
        2) For the revocable trust to be considered excluded from net family assets, no family or household member may be the account's trustee.
13. Term life insurance policies with no cash value
14. Assets not controlled by or accessible to the family and which provide no income for the family.

    A survivor of VAWA violence/abuse who because of the VAWA violence/abuse no longer has access to the real property and cannot convert it to cash.

J. Actual and Imputed Income from Net Family Assets

When the value of net family assets exceeds the asset threshold established annually by HUD (adjusted annually by HUD for inflation) and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current passbook savings rate, as determined by HUD, are included in annual income.

1. Determining the Net Cash Value of an Asset
    a. The PHA must determine the market value of an asset then calculate the cash value by subtracting the reasonable costs that would be incurred in disposing real property,

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

savings, stocks, bonds, and other forms of capital investments.

b. Reasonable Costs

Reasonable costs include but are not limited to costs such as:

1) Penalties for premature withdrawal, if penalties would be imposed for early withdrawal.

2) Broker and legal fees (e.g., a percentage of the value of the asset incurred in the sale of stocks, bonds, real estate, etc.); and

3) Settlement costs incurred in real estate transactions (e.g., the typical percentage of sales price for settlement in the locality).

2. Assets with Negative Equity

a. The cash value of real property or other assets with negative equity would be considered $0 for the purposes of calculating net family assets.

b. Negative equity in real property or other investments does not prohibit the family from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

3. Actual Income from Assets

Actual income from assets is always included in a family's (including minors) annual income, regardless of the total value of net family assets or whether the asset itself is included or excluded from net family assets, unless that income is specifically excluded.

a. Income or returns from assets are generally considered to be interest, dividend payments, and other actual income earned on the asset, and not the increase in market value of the asset.

b. The increase in market value is relevant to the cash value of the asset for the purpose of determining total net family assets and imputing income.

4. Imputed Income from Assets

a. The PHA will calculate imputed asset income for specific assets when three conditions are met:

1) The value of net family assets exceeds the asset threshold established annually by HUD (adjusted annually by HUD for inflation);

2) The specific asset is included in net family assets; and

3) Actual asset income cannot be calculated for the specific asset.

b. If the actual income from assets can be computed for some assets but not all assets, the PHA will:

1) Add the actual income from the assets, where actual income can be calculated, then

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

2) Calculate the imputed income for the assets where actual income could not be calculated.

c. After the PHA has calculated both the actual income and imputed income, the PHA will combine both amounts to account for income on net family assets with a combined value of over the asset threshold established annually by HUD

d. If the family's net family assets do not exceed the asset threshold established annually by HUD (adjusted annually by HUD for inflation), imputed income is not calculated.

e. If the actual income for an asset, which can equal $0, can be calculated, imputed income is not calculated for that asset.

f. Imputed asset income is never calculated on assets that are excluded from net family assets.

5. Summary Decisions for Determining Income from Assets

The following scenarios will determine how the PHA determines the income from net family assets.

a. If net family assets exceed the asset threshold established annually by HUD (adjusted annually by HUD for inflation), and the actual income can be calculated on all assets:

1) Annual income will include only actual income on assets (no imputed income).

2) The PHA will obtain third-party verification.

b. If net family assets exceed the asset threshold established annually by HUD (adjusted annual by HUD for inflation), and the actual income cannot be calculated on all assets:

1) Annual income will include the total of actual income that can be calculated and imputed income for all remaining net family assets where the actual income cannot be calculated.

2) The PHA will obtain third-party verification.

c. If net family assets do not exceed the asset threshold established annually by HUD (adjusted annual by HUD for inflation):

1) The annual income includes only the actual income on assets (no imputed income).

2) The PHA may accept the family's self-certification of net family assets.

K. Passbook Rate Determination

Annually HUD will publish the passbook rate based on the Federal Deposit Insurance Corporation (FDIC) National Deposit Rate for savings accounts, which is an average of national savings rates published on a monthly basis.

1. The PHA will use the HUD-published passbook rate when calculating imputed asset income for net family assets that exceed the asset threshold established annually by HUD (annually adjusted by HUD for inflation)

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

a. HUD does not authorize the PHA to set its own passbook rate.

b. The PHA must use the HUD-published passbook rate.

2. The HUD-published passbook rate will be posted to a dataset on the HUDUser Web site, alongside annual inflationary adjustments.

3. To determine the passbook rate for the next calendar year, HUD will average the most recent three (3) months of FDIC updates to the National Deposit Rate for savings accounts, rounded to the nearest hundredth of one (1) percent.

4. In order to ensure updated passbook rates may be used for reexaminations with an effective date of January 1, HUD will calculate the update in July each year, using FDIC data from April, May, and June for publication on HUDUser not later than September 1.

L. Calculation of Annual Income

The PHA must calculate family annual income as follows:

1. Initial Admission and Interim Reexaminations

   The PHA will use anticipated income, including asset income, (current income – i.e., the family's estimated income for the upcoming 12-month period) to determine the family's annual income at time of admission to the public housing program or during an interim reexamination.

2. Annual Reexaminations

   The PHA must determine the income of the family for the previous 12-month period and use this amount as the family income for annual reexaminations.

   a. The previous 12-month period is the twelve (12) months prior to the income calculation and not the previous calendar year.

   b. If the PHA determines that the family's previous 12-month's income does not reflect the family's current income, the PHA will adjust the income determination by:

      1) Taking into consideration any redetermination of income during the previous 12-month period resulting from an interim reexamination of the family; and

      2) Making adjustments to reflect current income if there was a change in income during the previous 12-month period that was not accounted for in the redetermination of income. A change in income may be:

         a) A loss of income

         b) The addition of a new source of income

         c) Cost of Living Adjustments (COLA) to Social Security and Social Security Disability Income

         d) Changing to a different employer in the prior year does not necessarily constitute a change if the income earned from either employer us substantially

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

the same

c. Steps in Calculating Annual Income at Annual Reexamination

1) Step 1: Determine the annual income for the previous 12-month period

a) If there have been no changes to income beyond this calculation, then this is the amount that will be used to determine the family's rental assistance.

b) The PHA will review the following information to determine prior-year income:

(1) The EIV Income Report (must be generated within 120 days of the effective date of the annual reexamination to be considered current);

(2) The income reported on the most recent reexamination on form HUD–50058; and

(3) What the family certified to on the PHA's annual reexamination paperwork for prior-year income.

2) Step 2: The PHA will take into consideration any interim reexamination of family income completed since the last annual reexamination.

a) If there was an interim reexamination performed, the PHA will use the annual income from the interim reexamination to determine the family's rental assistance, if there are no additional changes.

b) If the PHA did not perform an interim reexamination or there have been changes since the last reexamination, move to Step 3.

3) Step 3: If there were changes in annual income not processed by the PHA since the last reexamination, use current income.

a) Family reports their income for the prior year and whether there have been permanent changes.

b) If there are no reported changes to an income source, the PHA may use documentation of the prior-year income to calculate the annual income used for the current annual reexamination on form HUD–50058. The PHA could use the following documentation and certification from the family:

(1) EIV + self-certification (wages, SSI, Social Security, and unemployment)

(2) Current Level 4 documents verifying prior-year income that are dated within the required, 120 days of receipt by the PHA, timeframe, such as:

(a) Year-end statement

(b) Paycheck with year-to-date amount

(c) Tax forms (Form 1040, W2, 1099, etc.)

c) If there are reported changes by the family or if the PHA notes discrepancies between EIV and what the family reports, the PHA will follow the Verification

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Hierarchy to document and verify income.

3. Use of Other Programs' Determination of Income, "Safe Harbor"

   The PHA will not, but is not required to, use income calculation information from other programs or agencies to determine the family's income prior to applying deductions based on timely income determinations made within the previous 12-month period for the purposes of the following means-tested forms of federal public assistance.

4. Income from assets is always anticipated, irrespective of the income reexamination type.

5. Accuracy of Family Income Data: De Minimis Errors

   A de minimis error is an error where the PHA determination of family income deviates from the correct income determination by no more than $30 per month in monthly adjusted income ($360 in annual adjusted income) per family.

   a. The PHA will not be considered out of compliance solely due to de minimis errors in calculating family income but is still obligated to correct errors once the PHA becomes aware of the errors.

   b. HUD may revise the amount of the de minimis error through a rulemaking published in the Federal Register for public comment.

   c. If the PHA becomes aware of the existence of an income calculation error, the PHA is obligated to correct the error(s) retroactive to the effective date of the action the error was made regardless of the dollar amount associated with the error.

   d. The PHA will take any corrective action necessary to credit a family if the family has been overcharged their tenant rent as a result of the de minimis error in the income determination.

      1) The family will not be responsible for retroactive rent for errors made by the PHA in instances where the PHA has miscalculated income resulting in a family being undercharged the tenant rent.

         a) The PHA will notify the family in writing:

            (1) The total amount of the overcharged tenant rent; and

            (2) The effective date of the action of the overcharged tenant rent.

         b) The PHA will repay the overcharged tenant rent to the family by issuing the family a credit for the overcharged tenant rent.

      2) The family will be responsible for retroactive rent if the tenant rent was based on false or incomplete information supplied by the applicant or participant family.

M. Annualizing and Averaging Income

The PHA must convert the reported income to an annual figure. The PHA may choose the following methods to determine the anticipated annual income:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

1. Annualize current income (and subsequently conduct an interim reexamination if income changes). To annualize income, the PHA will multiply:
   a. Hourly income by the number of hours worked in a year;
   b. Weekly income by 52 weeks, unless it is verified that less weeks will be worked;
   c. Bi-weekly income (paid every other week) by 26 pay-periods;
   d. Semi-monthly income (paid twice each month) by 24 pay-periods; and
   e. Monthly by 12 pay-periods.
2. Average the income using the information available from all known income sources when the income sources are expected to change during the year (no interim adjustment is required if income remains as predicted).
   a. Income from the previous year may be analyzed to determine the amount of anticipated income when future income cannot be clearly verified.
   b. If, by averaging, a reasonable estimate can be made, that estimate will be used to anticipate annual income over the next 12 months, instead of changing the Total Tenant Payment (TTP) every month as the income fluctuates.
   c. Where income is seasonal or fluctuates as to hours or rates, such as for teachers, construction workers, farmers, or migrant workers, the PHA will use an average for 12 months based on past income history of the family and such anticipated income that can be verified.

N. Earned Income Disallowance (or Disregard) Self-Sufficiency Incentive (EID)

The EID calls for the exclusion of increases in income attributable to employment by a family member over income received by that family member prior to qualifying for the disallowance. The exclusion only applies to the income of the family member and not the entire family.

1. Elimination of EID

   The EID will not apply to any family who is not eligible for and already participating in the disallowance as of December 31, 2023. No new families may be added.

   a. Families receiving the EID benefit as of December 31, 2023, may continue to receive the full benefit until the remaining timeframe for an individual family's EID expires without any regulatory changes.
   b. Because the EID lasts up to 24 consecutive months, no family will still be receiving the EID benefit after December 31, 2025.
   c. Jobs Plus Earned Income Disregard (JPEID)

      Families eligible to receive the Jobs Plus program rent incentive, JPEID pursuant to the FY2023 Notice of Funding Opportunity (NOFO) or earlier appropriation distributed through prior Jobs Plus NOFOs, may continue to receive JPEID under the terms of the

© 2024 The Nelrod Company, Fort Worth, TX 76107

NOFO.

1) This clarification is necessary to ensure that FY22 Jobs Plus grantees, as well as all prior Jobs Plus grantees, can offer JPEID as a rent incentive to individuals living at Jobs Plus target sites.

2) The JPEID was established by HUD as an alternative requirement to EID for Jobs Plus grantees.

2. Qualifications:

a. The exclusion only applies to families currently receiving public housing assistance.

b. An applicant family is not eligible for the EID.

c. A public housing family whose annual income increases as a result of employment of a family member who was previously unemployed for one or more years prior to employment;

1) Previously unemployed includes a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours a week for 50 weeks at the established minimum wage.

2) The established minimum wage means the federal minimum wage unless there is a higher state or local minimum wage.

d. A public housing family whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or

1) The increase in earning must occur while the person is enrolled in the economic self-sufficient or other job training program.

2) An economic self-sufficiency program is any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

e. A public housing family whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six (6) months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act. The TANF program includes formula-driven maintenance assistance and such benefits and services as one-time payments; wage subsidies and transportation assistance-provided that the total amount over a six (6)-month period is at least $500.

Note: Receipt of Food Stamps and/or Medicaid is not part of the TANF program. If no

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

TANF assistance is provided as listed above, the family will not qualify for the earned income disallowance under TANF provisions but may qualify under the remaining criteria. The PHA will verify receipt of benefit or services other than monthly maintenance with the TANF provider if the family indicates that their eligibility for the earned income disallowance is based on other assistance under TANF.

3. EID Maximum Lifetime Benefit

   Maximum 24 Straight Month Lifetime Disallowance Period

   a. Once the family member is determined to be eligible for the EID, the 24-calendar month period starts.

   b. During the first 12–calendar month period, the PHA must exclude 100% of the increased income resulting from the qualifying employment of the family member.

   c. If the family member discontinues the employment that initially qualified the family member for the EID, the 24–calendar month period continues.

   d. During the 24–calendar month period, EID benefits are recalculated based on changes to family member's income and employment.

   e. After the first 12–calendar month period, the PHA must exclude from annual income of the family at least 50% of any increase in income of the family member as a result of employment over the family member's income before the qualifying event (i.e., the family member's baseline income).

   f. At the end of the 24-months, EID ends regardless of how many months were used.

4. This section will lapse on January 1, 2030.

O. Adjusted Annual Income

Adjusted income is the annual income of all the members of the family residing in or intending to reside in the unit less the HUD mandatory and permissive deductions and allowances.

P. HUD Mandatory Deductions and Allowances

The PHA must deduct the following amounts from annual income:

1. Dependent Allowance

   a. The PHA will deduct the HUD established dependent allowance from the annual income for each family member who is:

      1) Under 18 years of age, including children who are adopted;

      2) A person with disabilities, regardless of age; or

      3) A full-time student, regardless of age.

   b. The head of household, spouse, co-head, foster child/adult, live-in aide, or live-in aide family members may never be counted as a dependent or receive the dependent

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

allowance.

c. The dependent allowance will be adjusted annually by HUD for inflation, rounded to the next lowest multiple of $25, and applies at the family's next annual or interim reexamination after the annual adjustment, whichever is sooner.

2. Elderly/Disabled Allowance

a. The PHA will deduct the HUD established elderly/disabled allowance for families whose head of household, spouse, or co-head is 62 years or older (elderly families) or who is a person with disabilities (disabled families).

b. Each elderly or disabled family is limited to one elderly/disabled allowance even if both the head of household and spouse are elderly or persons with disabilities.

c. The elderly/disabled allowance will be adjusted annually by HUD for inflation, rounded to the next lowest multiple of $25.

3. Unreimbursed Childcare Expenses

Reasonable unreimbursed childcare expenses, (hereinafter referred to as childcare expenses), for the care of children under the age of 13, including foster children, may be deducted from annual income if the following is true:

a. The childcare expense is necessary to enable a family member to be employed (e.g., work, look for work) or further their education (academic or vocational).

1) Childcare expenses to enable a family member to work:

a) The childcare expenses to enable a family to work may not exceed the amount of employment (earned income) included in annual income.

b) The person enabled to work is the adult member of the family who earns the least amount of income from employment, unless it is obvious that another family member is enabled to work.

2) Childcare expenses to enable a family member to go to school:

a) To qualify for childcare deductions under the provision of furthering education, the family member must demonstrate that they are enrolled in some accredited or approved educational or training program (academic or vocational).

b) Furthering education can include but is not limited to; completing high school or equivalency (GED), trade school, Community or Junior College, four-year college/university, technical schools, ESL or basic education classes, apprenticeship programs, certificate programs, clerical school and even independent study, if the family member must access online educational programs out of the home.

c) The childcare expenses to enable a family member to go to school is not capped by the amount earned, but will be calculated for:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

(1) The time needed to drop off children to the childcare provider, if the childcare is provided outside the home.

(2) The time to attend school; and

(3) The time needed to pick up the children from the childcare provider, if the childcare is provided outside the home.

d) The family member must provide and the PHA must verify information on the type of educational program, the number of units or hours of participation, the name of the educational institution or training facility.

3) Childcare expenses to enable a family member to seek employment:

a) The deduction for childcare to seek employment must not exceed the annual adjusted income of the family member seeking employment.

b) The deduction does not include transportation costs, or other expenses incurred, and are limited to one year per individual.

c) The family member may be a participant in an official job search program or may simply demonstrate independent job search activities. In either case, in order to verify the time spent in seeking employment, the PHA will require the family to maintain a log that reflects the following:

(1) The date and time of departure from home (including time needed to drop off children for childcare, if provided outside the home);

(2) The name and location of the prospective employer, unemployment office or employment agency;

(3) The name of the person(s) contacted and telephone number;

(4) The length of time for completion of the application, the interview, testing or other job search activity;

(5) The time the children are picked up and the time arrived at home;

(6) The name, address, telephone number and SSN/EIN of the childcare provider; and

(7) The total amount paid for the childcare expenses.

d) If multiple applications or interviews are held consecutively or on the same day, the above information should be provided for each prospective employer or agency. The PHA will use this information to verify the contacts and the eligibility of childcare expenses.

e) Since job search activities may be irregular and not easily anticipated, the PHA may attempt a limited inclusion at the annual reexamination and conduct an interim reexamination after actual expenditures have been incurred. In many instances, job search periods will be of limited duration, but in some cases the

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

job search period may be extended, especially if the type of employment sought is limited in availability, employment opportunities of any kind are scarce, or the job skills needed are unusual.

b. Reasonable Childcare Expenses

1) The amount of childcare expenses must be reasonable.

2) The PHA will make a determination as to what is a reasonable rate for childcare based on local conditions and rates.

3) The PHA will also evaluate expenses which may exceed the norm if childcare must be provided in the evenings, nights, or weekends for either educational or employment purposes.

4) If the family has school age children who require care only before and/or after school hours, the PHA will consider reasonable childcare expenses for before and/or after school activities in lieu of individual childcare.

5) The PHA will allow for reasonable childcare expenses to include pick-up and drop-off of children at the provider's location (generally determined to be no more than one hour before or after scheduled work hours or school times).

6) If it is determined that there is a significant difference between in-home care and childcare center charges, the PHA will develop a separate scale for each.

c. The childcare expenses must not be reimbursed

1) The childcare expenses must not be reimbursed by an agency or individual outside the household.

2) The deduction for childcare is not permitted if an agency or individual outside the household reimburses the family for the childcare expenses.

d. Childcare Provider

1) The family shall decide who will provide the childcare for the family child(ren).

2) The family shall decide the type of childcare available for the family's child(ren).

3) The PHA may not disallow childcare expenses because there is an unemployed adult household member who may be available to provide childcare.

e. Childcare expenses may be divided between two households in cases of joint/split custody.

1) If only one custodian is an assisted family, the cost of childcare expenses will be pro-rated based on the percentage paid by each custodial parent.

2) The cap on eligibility for childcare expenses allowed the assisted family would still be based on the earned income limitation.

f. Childcare payments made on behalf of a child under 13 years of age not living in the

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

assisted unit cannot be deducted

g. Child support payments are not considered childcare expenses and the PHA will not deduct the child support payments as a childcare expense.

h. Attendant care expenses for family members with disabilities over the age of 12 cannot be deducted as a childcare expense but may qualify as a reasonable attendant care expense.

i. The PHA will review the work hours or educational hours to assure that the combined employment or education hours plus pick-up/drop-off times are within a reasonable timeframe. Exceptions may be made for overtime, special seminars, or testing, providing the PHA can verify the extended times.

j. At annual certification, the PHA will determine the total anticipated childcare expense for the employed family members (including increases for childcare need during school breaks and summer vacations for school age children aged 12 and under) and average the amount over 12 months. Should there be a significant variation from the estimated amount, the family may request an interim reexamination adjustment.

4. Health and Medical Care Expense

The amount, if any, by which 10% of the family's annual income exceeds qualifying expenses.

a. Qualifying expenses are the sum of the following expenses:

1) Unreimbursed health and medical care expenses for elderly/disabled families include:

a) Any costs incurred for the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body.

b) Medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

2) Any unreimbursed reasonable disability assistance expenses (DAE).

b. When the sum of the qualifying expenses are less than 10% of annual income, the family will not receive a health and medical expense deduction.

c. Unreimbursed Health and Medical Care Expense Deduction

The unreimbursed health and medical care expense deduction is permitted only for elderly or disabled families (families where the head of household, spouse, or co-head is at least 62 years old or a person with disabilities).

1) If the family is eligible for the health and medical care expense deduction, the health and medical care expenses of all family members may be counted.

2) The health and medical care deduction is not intended to give a family a deduction

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

to previous year's expenses, but to anticipate regular ongoing and anticipated health and medical care expenses to be incurred during the twelve (12) months following certification or reexamination which will not be reimbursed by an outside source such as insurance.

a) Past one-time nonrecurring health and medical care expenses that have been paid in full are not applicable when calculating anticipated health and medical care expenses.

b) If the family is under a payment plan, the PHA will count the health and medical care expense as anticipated.

c) The PHA may address the one-time health and medical care expenses by adding them to the family's total health and medical care expenses either:

(1) At the time the health and medical care expense occurs, through an interim reexamination, or

(2) At the upcoming annual reexamination, if they have not been paid yet.

(3) If the PHA added the one-time health and medical care expense at an interim reexamination, it cannot be added to the health and medical care expenses at the annual reexamination.

3) The PHA will include the following as a standard health and medical care expense deduction when determining the family's health and medical care expenses deduction:

a) The amount of unreimbursed out-of-pocket health and medical care for prescription drugs.

b) Any premiums incurred for a Medicare prescription drug plan.

c) The PHA will review each expense to determine whether it is eligible in accordance with HUD's definition of health and medical care expenses.

d. Unreimbursed Reasonable Attendant Care and Auxiliary Apparatus Expenses (DAE)

Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to enable any member of the family, 18 years of age or older, (including the member who is a person with disabilities) to be employed.

1) DAE may not be paid to a member of the household family nor reimbursed by an outside source.

2) DAE Cap

a) The DAE may not exceed the combined earned income received by the family members who are 18 years of age or older who were able to work because of the attendant care or auxiliary apparatus.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

b) The combined earned income received by the family members who are 18 years of age or older will determine the DAE cap.

c) If the DAE exceeds the combined earned income received by the family members who are 18 years of age or older who were able to work because of the attendant care or auxiliary apparatus, the DAE will be capped at the combined earned income.

3) Attendant care includes the actual cost of providing an attendant to care for a person with disabilities based on local standards for hourly pay or salary. Attendant care includes but is not limited to:

a) In-home care

b) Adult day care

c) Nursing

d) Housekeeping

e) Personal care

f) Errand services

g) An interpreter for persons who are hearing impaired

h) Reader for persons with visual disabilities.

4) Auxiliary apparatus, including the cost of maintenance and upkeep, includes but is not limited to:

a) Wheelchairs (manual and electric)

b) Walkers

c) Scooters

d) Ramps to provide access to and from the unit

e) Devices to allow persons with visual disabilities to read or type

f) Modifications or adaptations to or special equipment added to vehicles to permit their use by the family member with a disability

g) The veterinarian, grooming, and food costs for a service animal

5) If the apparatus is not used exclusively by the person with the disability the PHA must prorate the total cost and allow a specific amount for the disability assistance expense.

6) The PHA must be able to verify that there is a direct link between the DAE claimed by the family and the members of the family (including the family member who is a person with disabilities) enabled to go to work.

7) The PHA must determine what is "reasonable" based on local conditions and costs

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

as well as whether the expenses are directly linked to enabling the family member to work.

8) Reasonable attendant care costs for the locality should be verified through a local social services agency which handles attendant care needs, or an Independent Living Center that assists families in matching attendants with clients with disabilities.

9) This deduction is not available for DAE expenses that enable the member of the family, including the member who is a person with disabilities, to attend school.

e. Family Eligible for Disability Assistance Expenses and Childcare Expenses

1) If the family includes child(ren) under age 13 and child(ren) aged 13 and over with disabilities and is paying for care for both children in order to enable adult family member(s) to work, DAE and the childcare expenses must be applied appropriately since the rules differ for the two (2) deductions.

2) If both childcare and DAE are needed to enable a family member to work, the PHA will use the same employment income to justify the childcare expense and the DAE.

3) For Disability Assistance Expenses:

The combined earned income received by the family members who are 18 years of age or older who were able to work because of the attendant care or auxiliary apparatus will be used to determine the cap on the DAE.

4) For Childcare Expenses:

a) The childcare expenses must be reasonable.

b) The PHA must decide which adult was enabled to work to determine the cap as the childcare deduction may not exceed the amount of income earned by the person enabled to work.

c) If the childcare expenses are associated with attending school or seeking employment, there is no cap.

5. Permissive/Additional Deductions

The PHA may adopt permissive (additional) deductions from annual income.

a. Permissive deductions may be used to respond to a wide range community needs including to encourage self-sufficiency and economic mobility or to provide incentives to work.

b. The PHA may adopt permissible deductions provided the amounts are not already deducted from annual income or reimbursed to the family from other sources.

c. If the PHA adopts permissive deductions, the PHA must:

1) Have sufficient funding to cover the loss in rental income as that loss is not

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

compensated by an increase in operating subsidy;

2) Grant the permissive deductions to all families that qualify for them; and

3) Apply the permissive deductions consistently.

d. When establishing permissive deductions, PHAs are still subject to federal nondiscrimination requirements, including the obligation to provide reasonable accommodations that may be necessary for households with family members with disabilities.

e. Permissive deductions may not materially increase federal expenditures.

f. If the PHA adopts permissive deductions, the PHA will not be eligible for an increase in Capital Fund and Operating Fund formula grants based on the application of the permissive deductions.

g. Permissive Deductions and Tenant Rent

1) Permissive deductions do not affect the family's annual income and consequently have no impact on the family's income eligibility for the public housing program.

2) Permissive deductions impact the calculation of the family's adjusted income that is used to determine the TTP, which is then used to calculate the tenant rent in the public housing program.

h. {if:The PHA has elected not to adopt permissive deductions.

Q. Hardship Exemptions for Unreimbursed Health and Medical Care and DAE

The PHA has established financial hardship exemptions for families affected by the statutory increase in the threshold for the unreimbursed health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses.

1. There are two (2) categories of hardship exemptions to the 10% threshold for unreimbursed health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses.

2. Category 1: Phased-In Relief: Families Already Receiving a Health and Medical Deduction

a. Eligibility for Relief

To receive the phase-in hardship relief, the family must have been receiving a deduction from annual income of qualified health and medical expenses exceeding 3% of annual income as of their most recent income review prior to January 1, 2024.

b. Form and Duration of Relief

1) First Year: The PHA will deduct eligible expenses exceeding 5% of the family's income.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

2) Second Year: The PHA will deduct expenses exceeding 7.5% of the family's annual income.

3) Third Year: 23waassz24 months after the initial relief, the phase-in hardship exemption expires, the PHA will deduct expenses exceeding 10% of the family's annual income, unless the family requests, before the end of the 24-month transition period and qualifies for a new exemption under Category 2.

4) Once the family chooses to obtain relief under Category 2, the family will no longer be eligible to receive Category 1 relief, even if the family has not finished the 24-month period.

c. The PHA will track the 24-month phase-period for each eligible family, even if a family's expenses go below the appropriate phase-in percentage, during the first or second 12-month phase-in period.

d. The phase-in must also continue for families who move to another public housing unit at the same PHA.

e. The PHA will not continue the phased-in hardship relief for families who were eligible for relief as of January 1, 2024 under a different eligible program who are treated as a new admission under the public housing program.

3. Category 2: General Financial Hardships: Families Who Can Demonstrate a Financial Hardship

Provides financial relief for an elderly or disabled family or a family that includes a person with disabilities, who were not receiving the deduction from annual income of qualified unreimbursed health and medical care expenses and/or reasonable attendant care and auxiliary apparatus expenses deduction or may not have been receiving housing assistance, that is experiencing a financial hardship due to the change in the threshold.

a. Eligibility for Relief

1) The family must demonstrate that the family's applicable health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses increased, or the family's financial hardship is a result of a change in circumstances that would not otherwise trigger an interim reexamination.

a) Relief is available regardless of whether the family previously received an unreimbursed health and medical care expense deduction, unreimbursed reasonable attendant care, and auxiliary apparatus expense deduction, are currently receiving phased-in hardship relief, or were previously eligible for either the General Financial Hardship or the Phased-in Relief.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

b) The family may have had qualifying medical care expenses that did not exceed the 3% threshold, but whose health and medical care expenses increased, but did not exceed the new 10% threshold.

2) PHA's definition of change in circumstances includes but is not limited to: a decrease in income, or a change in family composition.

b. Form and Duration of Relief

1) The family will receive a deduction for the sum of the eligible expenses exceeding 5% of annual income.

2) The family's hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after 90 days, whichever comes earlier.

3) The PHA will extend the relief while the family's hardship condition continues.

a) The PHA will extend the relief for one additional 90-day period.

b) For any additional general financial hardship request, the PHA will review the hardship condition on a case-by-case basis.

c. Verification of the Financial Hardship

1) The PHA will obtain third-party verification of the financial hardship or document in the family file the reason why third-party verification was not available.

2) The PHA will attempt to obtain the third-party verification prior to the end of the 90-day financial hardship period.

d. The PHA will not conduct an interim reexamination to add, remove, or extend a hardship exemption, unless another change experienced by the family triggers an interim reexamination under the applicable regulation or in accordance with the PHA's policies on conducting interim reexaminations for adjusted income decreases that are less than 10%.

Instead, the PHA will process and submit a non-interim reexamination transaction.

R. Hardship Exemptions for Childcare Expenses

A family whose eligibility for the childcare expense deduction is ending may request a financial hardship exemption to continue the deduction.

1. Eligibility for Relief

The family must demonstrate that the family is unable to pay the family's rent because of loss of the childcare deduction, and the childcare expense is still necessary even though the family member is no longer employed or furthering education.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

2. Form and Duration of Relief

    a. The hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of up to 90 days.

    b. The PHA will not extend the relief while the family's childcare hardship condition continues.

    c. The PHA may terminate the hardship exemption if the PHA determines that the family's financial hardship no longer exist.

3. Childcare Financial Hardships

    The PHA has established the following to constitute a financial hardship for the purposes of the childcare expense hardship exemption:

    a. A loss of wages

        a. Laid-off from employment

        b. Reduction in hours

        c. Strike

        d. Accidents, injuries, or illnesses

        e. Pregnancy/maternity or paternity leave

    b. No longer furthering education

        a. Withdrawal due to no student financial assistance

        b. School breaks

4. Verification of the Family's Inability to Pay Rent

    a. The PHA will obtain third-party verification of the family's inability to pay rent or document in the family file the reason why third-party verification was not available.

    b. The PHA will attempt to obtain the third-party verification prior to the end of the 90-day financial hardship period.

5. The PHA will recalculate the family's adjusted income and continue the childcare deduction if the family demonstrates to the PHA's satisfaction that the family is unable to pay the family's rent because of loss of the childcare expense deduction, and the childcare expense is still necessary even though the family member is no longer employed or furthering his or her education.

6. The PHA will not conduct an interim reexamination to add, remove, or extend a hardship exemption, unless another change experienced by the family triggers an interim reexamination under the applicable regulation or in accordance with the PHA's policies on conducting interim reexaminations for adjusted income decreases that are less than 10%.

    Instead, the PHA will process and submit a non-interim reexamination transaction.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

S. PHA Financial Hardship Policy

The PHA has established a policy on how the PHA defines what constitutes a hardship and how the PHA will determine the family's inability to pay the rent, for purposes of determining eligibility for a hardship exemption.

1. The PHA's definition of a financial hardship for the purpose of providing hardship exemptions for unreimbursed health and medical care expenses, reasonable attendant care and auxiliary apparatus expenses, and unreimbursed childcare expenses includes but is not limited to the following circumstances in which the family:
   a. Has lost eligibility or are awaiting an eligibility determination for a federal, state, or local assistance program, including a family that has a noncitizen household member lawfully admitted for permanent residence who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.
   b. Experienced an income (earned or unearned) decrease because of a change in circumstances, including the loss of employment and/or change in household composition.
   c. Would be evicted as a result of imposing the statutory increase in the threshold for the unreimbursed health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses.
   d. Had a death in the family.
   e. May have had other financial hardship situations as determined by the PHA on a case-by-case basis.
2. The PHA's determination of family's inability to pay the tenant rent.
   a. The PHA will consider a family's inability to pay the tenant rent when the family request a financial hardship exemption in writing;
   b. The PHA may request documentation of the financial hardship to determine if a financial hardship exist.
   c. If the family requests a financial hardship exemption, the PHA will determine if the family is eligible for the relief.
   d. If the family is eligible for the relief, the family will receive the respective form and duration of the relief.
   e. If the PHA determines there is no qualifying financial hardship, the family will not receive the financial hardship exemption.
   f. Denial of a financial hardship exemption is subject to the PHA's grievance procedures.
3. Family Notification

   The PHA will promptly, within 10 business days, notify the family in writing of the PHA's

© 2024 The Nelrod Company, Fort Worth, TX 76107

determination of the family's request for a hardship exemption.

a. Approval of Hardship Exemption

1) The PHA will, within 10 business days of the determination, notify the family in writing of the family's approval for the hardship exemption and change in the determination of adjusted income resulting from the hardship exemption.

2) The notice will inform the family:

a) When the hardship exemption will begin and expire (i.e., the respective time periods or within 90 days or at such time as the PHA determines the exemption is no longer necessary);

b) The requirement for the family to report timely if the circumstances that made the family eligible for relief are no longer applicable; and

c) The adjusted income and tenant rent will be recalculated upon expiration of the hardship exemption.

3) The PHA will provide families at least a 30 days' notice of any increase in the tenant rent.

b. Denial of the Hardship Exemption

1) The PHA will promptly, within 10 business days of the determination, notify the family in writing of the denial of either an initial hardship exemption or an additional 90-day extension of the hardship exemption.

2) The notice will specify the reason for the denial.

3) Denial of the hardship exemption is subject to the PHA's grievance procedures.

c. Termination of the Hardship Exemption

1) The PHA will notify the family if the hardship exemption is no longer necessary and will be terminated because the circumstances that made the family eligible for the exemption are no longer applicable.

2) The notice must:

a) State the termination date; and

b) Provide a 30-days' notice of increases in tenant, if applicable; and

c) State that the termination of the hardship exemption is subject to the PHA's grievance procedures.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

T. HUD's Annually Published Inflation Adjustments

HUD will annually publish the eight inflation-adjusted items no later than September 1, and the updated values will be shared online at the HUDUser Web site. The revised amounts will be effective on January 1 of the following year.

The PHA will use the adjusted levels posted to HUDUser for income and asset calculations effective on or after January 1 of the following year.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 12: VERIFICATION REQUIREMENTS

The PHA must verify all applicant and family information used to determine eligibility and level of assistance. The PHA's verification procedures are essential to accurately determine the family's income, assets, and deductions. The verification requirements described in this chapter are applicable to factors that determine eligibility, annual reexaminations, and interim reexaminations.

A. General Verification Requirements

1. The PHA will obtain and document in the family file, third-party verification of the following factors, or will document the family file why third-party verification was not available:
    a. Reported family annual income;
    b. The value of assets;
    c. Expenses related to deduction from annual income; and
    d. Other factors that affect the determination of adjusted income.
2. Verified information not subject to change, such as a household member's personal identifying information (PII), name, date of birth (DoB), and SSN need not be reverified.
3. The PHA will accept current original and authentic documentation/verification generated by a third-party source dated within 120-day of the date received by the PHA. For fixed-income sources, a statement dated within the appropriate benefit year will be considered acceptable.
4. Income verifications will remain valid for 120 calendar days from the date of receipt.
5. Information to be verified by the PHA may include but is not limited to the following:
    a. U.S. citizenship or eligible non-citizen status.
    b. SSNs for all members of the household.
    c. Criminal drug usage/activities background checks.
    d. Verifying previous and present employment with detailed information i.e., dates of employment, date of wage increases, bonuses, etc.
    e. All sources of earned and non-earned income.
    f. Assets, including assets disposed of for less than fair market value in the preceding two (2) years.
    g. Full-time student status including High School students who are 18 years of age or older.
    h. Childcare expenses when it allows an adult family member to be employed, look for work, or further their education.
    i. Determination of disability for allowances, deductions, or requests for a reasonable

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

accommodation, including the need for a live-in aide.

j. Total medical expenses of all family members in households whose head, spouse, or co-head is elderly or disabled.

k. Attendance care and auxiliary apparatus expenses to include only those costs associated with attendant care or auxiliary apparatus that allow any adult family member, including the person with the disability, to be employed.

l. Preferences applicable to placement on and selection from the waiting list based on the selection preferences adopted by the PHA

B. The EIV System

The Enterprise Income Verification (EIV) System is a web-based application which provides the PHA with employment, wage, unemployment compensation, and social security benefit information for families who participate in public housing and various Section 8, including the HCV, programs under the jurisdiction of the PIH.

Information in EIV is derived from computer matching programs initiated by HUD with the SSA and the U.S. Department of Health and Human Services (HHS) using the National Directory of New Hires (NDNH) database, for all program participants with valid PII reported on the form HUD-50058.

1. In accordance with HUD administrative guidance, the PHA will utilize HUD's EIV System in its entirety, including using all of the required reports, such as the Existing Tenant Search and Income Reports, to verify tenant employment and income information.
2. The PHA will utilize HUD's EIV System to:
   a. Verify tenant employment and income information at annual reexamination and interim reexaminations of family composition and income; and
   b. Reduce administrative and subsidy payment errors.
3. Disclosure of EIV Information
   a. The Federal Privacy Act (5 USC §552a(b), as amended) prohibits the disclosure of an individual's information to another person without the written consent of such individual.
      1) The PHA will not share, will not provide a copy, and will not display the EIV data of an adult household member with another adult household member, unless the individual identified in the EIV data has provided written consent to disclose such information.
      2) However, the PHA can elect to discuss with and show the head of household how the household's income and rent were determined based on the total family income reported to and verified by the PHA.
   b. EIV information and any other information obtained by the PHA for the purpose of

© 2024 The Nelrod Company, Fort Worth, TX 76107

determining eligibility for the public housing program may not and will not be disclosed to third parties for any reason, unless the tenant has authorized such disclosure in writing.

4. The PHA is prohibited from taking adverse action based solely on EIV information.

C. Verification Hierarchy and PHA Verification Procedures

HUD has established six (6) verification hierarchy levels. (Appendix A)

1. The PHA will begin with Level 6, the 'highest mandatory' form of acceptable third-party verification technique.
2. The PHA will attempt the next lower level of the third-party verification techniques after at least one (1) documented attempt or if 10 business days have elapsed since the request to obtain third-party verification at a higher level.
3. If the PHA is unable to obtain third-party verification, the PHA will use Level 1, the 'lowest - last resort' of the acceptable verification techniques.
4. The PHA will document in the family file the attempts made at each level, the reasons, and why third-party verification was not available.
5. The PHA may also request for the family to provide additional/required documents, verification, and/or information.
    a. The PHA will give the family an Information Needed Form which will include the date the documents, verification, or information is due to the PHA.
    b. The family will be given 10 business days from the date of the Information Needed form to provide the additional/required documents, verification, and/or information to the PHA.
    c. If the family fails to provide the additional/required documents, verification, and/or information to the PHA by the due date, the PHA may deny the family's admission to the public housing program or terminate the family's public housing assistance.

D. Verification Hierarchy Techniques

1. Level 6/5 (Highest): Upfront Income Verification (UIV), using HUD's Enterprise Income Verification (EIV) System:
    a. It is the verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals.
    b. EIV is available to the PHA as a UIV technique.
    c. The PHA is encouraged to use other non-HUD UIV tools, such as The Work Number (an automated verification system), cccverify.com, valutverify.com, and state government databases to verify tenant-reported income.

© 2024 The Nelrod Company, Fort Worth, TX 76107

NOTE: NOT AVAILABLE FOR INCOME VERIFICATION OF APPLICANTS

2. Level 4 (High): Written Third Party Verification:
   a. Tenant Provided Documents
      1) The PHA will accept an original or authentic document in the possession of the applicant or tenant generated by a third-party source dated within the 120 days of the date received by the PHA.
      2) For fixed income sources, a statement dated within the appropriate benefit year is acceptable documentation.
      3) The PHA may obtain any tenant-provided documents and follow up directly with the third-party source to obtain necessary verification of information, when necessary.
   b. Acceptable Level 4 verification includes but are not limited to:
      1) Pay stubs

         For new income sources or when two (2) pay stubs are not available, the PHA will determine income using Level 3 (a traditional written third-party verification form) verification or the best available information.
      2) Payroll summary report
      3) Employer notice/letter of hire/termination
      4) SSA benefit letter
      5) VA benefit letter
      6) Pension/retirement benefit letter/notice
      7) Bank statements

         When verification of assets is required, the PHA will obtain a minimum of one (1) statement that reflects the current balance of banking/financial accounts.
      8) Child support payment stubs/printout
      9) Unemployment benefit notice
      10) Welfare benefit letters/printout
      11) Income tax returns with corresponding official tax forms and schedules attached, including third-party receipt of transmission for income tax return filed (i.e., tax preparer's transmittal receipt, summary or transmittal from online source, etc.).
   c. EIV + Self-Certification
      a. EIV may be used as Level 4 verification and may be used to calculate income as long as the family agrees with the information in EIV.
      b. If EIV Income Report indicates four (4) or more quarters, the PHA will use the last

© 2024 The Nelrod Company, Fort Worth, TX 76107

four (4) quarters combined to calculate the annual income.

c. If EIV Income Report indicates less than four (4) quarters, the PHA will average the number of quarters indicated to calculate the annual income.

d. The PHA is required to obtain a minimum of two (2) current and consecutive pay stubs for determining annual income from wages when:

a) The PHA does not elect to use EIV + Self-Certification, or

b) The income type is not reported in EIV.

e. The EIV Income Report must be generated within 120 days prior to the reexamination effective date.

d. The PHA may reject documentation/verification provided by the family for the following PHA-approved reasons:

1) The document is not an original; or

2) The original document has been altered, mutilated, or is not legible; or

3) The document appears to be forged document (i.e., does not appear to be authentic).

3. Level 3 (Medium): Written (Traditional) Third Party Verification Form:

a. The PHA will request written third-party verification when the PHA requires additional information that is not available in EIV and/or the family is unable to provide the PHA with current acceptable tenant-provided documentation.

b. Examples of additional information include but are not limited to:

1) Effective dates of income (i.e., employment, unemployment compensation, or Social Security benefits).

2) For new employment: rate of pay, number of hours worked per week, pay frequency, etc.

3) Confirmation of changes in circumstances (i.e., reduced hours, reduced rate of pay, temporary leave of absence, etc.).

c. The PHA will send a verification request form directly (by mail, fax or email) to the third-party source to obtain information, recording the source, date, and method of the request for information.

d. The PHA will ensure to protect the family's personally identifiable information (PII).

e. The PHA may skip Level 3 verification before attempting Level 2 verification.

4. Level 2 (Medium): Oral Third-Party Verification:

a. The PHA will attempt to obtain the third-party verification by contacting the individual income/expense source(s) as identified through the UIV technique, or identified by the family, via telephone or in-person visit.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

b. The PHA will use Level 2 verification if the family is unable to provide Level 4 verification within 10 business days or the Level 3 source does not respond to the PHA's mail, fax, or email within 10 business days of the date of the Level 3 verification.

c. The PHA will document in the family file:

1) The telephone number of the third-party source, if applicable.

2) The date and time of the telephone call or in-person visit.

3) The name of the person contacted.

4) The confirmed information from the third-party source.

d. If the PHA is unable to contact the third-party source on the first attempt, the PHA shall attempt a second contact within 10 business days of the first Level 2 attempt.

e. If the PHA is unable to contact the third-party source on the second Level 2 attempt, the PHA will request Level 1 verification from the family.

f. The PHA may skip Level 2 verification before attempting Level 1 verification if the PHA has attempted Level 3 verification.

5. Level 1 (Low): Self Certification:

a. Is not a third-party verification technique.

b. Used as a last resort when the PHA has not been successful in obtaining third-party verification.

c. HUD does not require that a self-certification be notarized; however, HUD recommends including language on any self-certification to ensure the certifier understands the consequences of knowingly providing false information.

Sample language to use in a self-certification: "I/We, the undersigned, certify under penalty of perjury that the information provided here is true and correct, to the best of my knowledge and recollection. WARNING: Anyone who knowingly submits a false claim or knowingly makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties, (18.U.S.C. 287, 1001, 1010, 1012; 31 U.S.C. 3279, 3802)"

d. The PHA will document in the family file why third-party verification was not available.

6. Exceptions to Third-Party Verification Requirements

a. The PHA has made numerous attempts to obtain third-party verification, and the third-party source has not responded.

b. The third-party source does not have the capability of sending the verification directly to the PHA or facilitating oral verification.

c. It is not cost effective for the PHA to obtain third-party verification of income, assets, or expenses when the item to be verified is an insignificant amount that would have a

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

minimal impact on the total tenant payment (TTP) and the PHA is able to verify the amount through original documents provided by the family.

d. The PHA will document in the family file why third-party verification was not available.

E. Verification of Legal Identity

The PHA will require the family to provide verification of legal identity for each household member 18 years of age and older.

1. Government issued photo identification card
   a. State issued driver's license
   b. State issued identification card
2. Passport
3. Alien registration card
4. U.S. military discharge paperwork, DD214

F. Verification of Date of Birth

The PHA will verify the date of birth for all household members to reduce the number of identity failures resulting from an incorrect date of birth. The PHA may use any of the following to verify the date of birth:

1. Birth certificate
2. Certificate of birth
   a. A certificate of live birth filed with the registrar of the county of birth.
   b. The certificate of live birth must contain information as per the county where filed such as but not limited to:
      1) The child's name
      2) Date of birth
      3) Place of birth
      4) Time of birth, if known
      5) The name, signature, and date of the physician or other person (midwife) who certifies that the child was born alive on the date, place, and time stated on the certificate of birth
3. Valid faith-based record for birth (such as a baptism, confirmation, bar mitzvah, or bat mitzvah showing age or date of birth)
4. U.S. Naturalization certification
5. Passport

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

6. Alien registration card
7. Divorce decree
8. Court ordered documents
9. Federal tax return
10. SSA documentation
11. Pension/retirement information
12. Military discharge paperwork, DD214

G. Verification of Relationships

Family relationships are only verified to the extent necessary for the PHA to determine the family's eligibility and level of assistance.

1. Marital Status, including Common Law Marriage
   a. Certification by the head of household
   b. Marriage license/certificate
   c. Common law marriage in states that recognize common law marriages, where the couple demonstrates that they hold themselves to be married (e.g., telling others they are married, calling each other husband or wife, using the surname, living together as a married couple, filing joint income tax returns)
2. Divorce or Separation
   a. Certification by the head of household
   b. Copy of the divorce decree, signed by a court officer
   c. Copy of a court-ordered maintenance or other court record of separation

H. Verification of Citizenship or Eligible Immigration Status

The PHA is required to verify eligible immigration status through the U.S. Citizenship and Immigration Service (CIS).

1. Primary Verification Method

   The PHA shall use the CIS automated Systematic Alien Verification of Entitlements (SAVE) system which provides access to names, file numbers and admission numbers of noncitizens.

   a. The PHA shall use the SAVE system prior to providing assistance.
   b. The PHA may elect to provide assistance to the family before the verification of the eligibility of the individual or one family member.
   c. If the SAVE system does not verify eligible immigration status or verifies immigration

© 2024 The Nelrod Company, Fort Worth, TX 76107

status that is ineligible, the PHA will use the secondary verification method.

2. Secondary Verification Method

   If the SAVE system does not verify eligible immigration status, the PHA must perform a secondary verification.

   a. Manual search of CIS records

      1) The PHA must request secondary verification within 10 days of receiving the results of the primary verification from the SAVE system. The PHA will forward the following and any other form specified by CIS to a designated CIS office for review:

         a) Photocopies (front and back) of the original CIS documents required for the immigration status declared,

         b) Attach the CIS document verification request form (G-845S, Document Verification Request), or

   b. Failure of Secondary Verification Method

      1) If the secondary verification method fails (it did not verify eligible immigration status), the PHA will provide the family a notice of denial of admission or termination of assistance.

      2) The notice of denial of admission or termination of assistance shall advise the family:

         a) The housing assistance will be denied or terminated and a brief description or explanation of the reasons for the denial or termination.

         b) If a current assisted household, the criteria and procedures for requesting or obtaining prorated assistance, except for families exceeding the income limit or over-income families.

         c) The right to request an appeal to the CIS of the results of the secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal.

            (1) The family shall have 30 days from the date the PHA's notification to request an appeal of the CIS results.

            (2) The request for appeal shall be made by the family communicating that request in writing directly to the CIS.

            (3) The family must provide the PHA with a copy of the written request for appeal and proof of mailing.

         d) The right to request an informal hearing with the PHA either upon completion of the INS appeal or in lieu of the CIS appeal.

         e) For applicants, the PHA shall advise that the assistance may not be delayed until the conclusion of the CIS appeal process, but it may be delayed during

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

the pendency of the informal hearing process.

3. The PHA shall not be liable for any action, delay, or failure of CIS in conducting the automated or manual verification.

I. Verification of Social Security Numbers and Social Security/SSI Benefits

The PHA must request the applicant and participant, including each member of the household, who are not exempt from disclosure of SSN, to provide documentation of each disclosed SSN.

1. Acceptable Verification of SSN

   HUD recognizes the difficulty for some applicants, in particular individuals experiencing homelessness, to comply with the SSN disclosure requirements and to protect an individual's privacy, many federal, state, and local agencies no longer print an individual's SSN on an official document, HUD has adjusted acceptable documentation of SSN.

   a. The PHA will attempt to obtain one of the following third-party verifications of the SSN prior to admission:

      1) A valid SSN card issued by the SSA;

      2) Original document issued by a federal or state government agency which contains the name and SSN of the individual, along with other identifying information of the individual; or

      3) Such other evidence of the SSN as HUD may prescribe in administrative instructions.

   b. If the PHA has exhausted all other attempts to obtain the SSN, the PHA will accept a self-certification and a third-party document with the applicant's name printed on it to satisfy the SSN disclosure requirement.

   c. The PHA will document why other SSN documentation was not available.

2. HUD-SSA Computer Matching of SSN

   HUD, via its computer matching program with the SSA, will validate the SSN (along with the individual's name and date of birth) against the SSA's database.

   a. HUD does not initiate computer matching efforts for applicants.

   b. The PHA must ensure that the personal identifier information entered in section 3 of the form HUD-50058 (i.e., household members' name, date of birth, and SSN) is complete and accurate.

   c. If a family's form HUD-50058 is not successfully submitted to PIC or if it has been 15 or more months since the effective date listed on the current form HUD-50058 available in PIC, HUD will not initiate computer matching for these individuals and new income information will not be available in EIV.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

d. EIV will report the status of the identity verification process as Verified, Failed, Pending, Excluded, or Deceased

1) Verified.

a) If the information matches the SSA database, the individual's identity verification status will be Verified.

b) No further action is required by the PHA.

c) Once the individual's identity verification status is classified as "Verified", the PHA will not remove and destroy the copy of the SSN documents in the family file.

2) Failed.

a) If the information does not match the SSA database, the identity verification status will be Failed.

b) The PHA will generate EIV's Identity Verification Report to correct, within 30 calendar days, the personal identifiers for the household member (date of birth, surname, and/or SSN) or invalid form HUD-50058 transmitted date (e.g., effective date of action is 15 months or more months ago).

3) Pending.

a) If an individual's identity verification status is Pending, this means that HUD has not yet sent the tenant's personal identifiers to SSA for validation.

b) No action is required by the PHA.

4) Excluded.

Effective April 30, 2012, if an individual's identity verification status is Excluded, this means that HUD will not send the tenant personal identifiers to SSA for validation because a valid SSN is not reported on line 3n of the form HUD-50058 or the individual has failed EIV pre-screening.

5) Deceased.

a) If an individual's identity verification status is Deceased, this means SSA's records indicate the person is deceased.

b) The PHA is required to confirm the death with the family's head of household or listed emergency contact person.

c) If the individual is deceased and the only household member or the only surviving household members are a live-in aide and the live-in aide's family (single member household), the PHA must complete an action code 6, end of participation (EOP), on form HUD-50058 and discontinue assistance and/or tenancy.

d) If the individual is not deceased, the PHA will immediately notify the individual

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

in writing and advise the individual to contact SSA so that SSA may correct its records.

e) If there are authorized household members remaining in the public housing program, the PHA will update the family composition accordingly and complete an interim reexamination.

3. SSN Verification in EIV
   a. If the individual's SSN becomes verified in EIV, then no further verification is required.
   b. If the individual's SSN fails the SSA identity match, the PHA must obtain a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual.
   c. The assistance must be terminated if they fail to provide the required documentation.
4. The PHA may reject documentation of the SSN provided by the applicant or participant for only the following reasons:
   a. The document is not an original document; or
   b. The original document has been altered, mutilated, is not legible; or
   c. The document appears to be a forged document (i.e., does not appear to be authentic).
   d. The PHA shall provide a written explanation to the reasons(s) why the document is not acceptable.
5. Verification of Social Security/SSI Benefits for Applicants and Participant Families

   The PHA will refrain from sending or requesting applicants to go to SSA offices to obtain Social Security/SSI benefit verification or submitting requests to the SSA to verify that a family is not receiving Social Security/SSI benefits.

   a. Third-Party Verification of Social Security/SSI Benefits
      1) It is HUD's position that an SSA benefit verification letter (either dated within ~~the last~~ 120 days of the date received by the PHA or within the appropriate benefit year) provided by the family or an undisputed EIV Income Report which displays the current Social Security/SSI benefit amount is third-party verification.
      2) No additional verification is required by the PHA.
   b. Third-Party Verification of Social Security/SSI Benefits for Applicants

      EIV does not contain Social Security/SSI benefit information of applicants.

      1) The PHA must request applicants to provide a copy of their Social Security/SSI benefit letter, dated either within the last 120 days or the appropriate benefit year, for each household member that receives Social Security/SSI benefits.

© 2024 The Nelrod Company, Fort Worth, TX 76107

2) Applicants can request the Social Security/SSI benefit letter:

   a) From the SSA's website, www.ssa.gov, and clicking on the *Get benefit verification letter* link and following the prompts, or

   b) By using the SSA's automated phone assistance by calling 1-800-772-1213 or for TTY, 1-800-325-0778. This service is available in English and Spanish 24/7.

   c) HUD encourages applicants to use the SSA website rather than the toll-free numbers.

   d) The applicant should receive the benefit letter within 10 business days of the request.

3) The PHA will make a copy of the original Social Security/SSI benefit letter for the family file.

4) The PHA will use the gross Social Security/SSI benefit amount reported by the SSA's benefit letter to calculate the annual income.

c. Third-Party Verification of Social Security/SSI Benefits for Participant Families

Social Security/SSI benefit information for participant household members whose individual identity verification status in EIV is Verified, is available from the EIV system.

1) The PHA will use EIV to verify Social Security/SSI benefits of current participants and household members.

2) The PHA will view the EIV Income Report and confirm with the family that the current listed Social Security/SSI benefit amount is correct.

   a) If the family agrees with the current EIV-reported amount, the PHA will use the EIV-reported gross Social Security/SSI benefit amount to calculate annual income from Social Security/SSI benefits.

   b) If the family disputes the EIV-reported Social Security/SSI benefit amount, the PHA will request the family to provide current (dated either within the last 120 days or the appropriate benefit year) SSA benefit letter.

   c) If the family's Social Security/SSI benefit letter is not available in EIV or the family is unable to provide the Social Security/SSI benefit letter, the PHA will require the family to request the Social Security/SSI benefit letter via the SSA website or phone number.

      (1) The PHA will make a copy of the original Social Security/SSI benefit letter for the family file.

      (2) The PHA will use the gross Social Security/SSI benefit amount reported by the SSA's benefit letter to calculate the annual income.

d. The PHA will not use photocopies of Social Security/SSI checks or bank statements as acceptable forms of verification of Social Security/SSI benefits as the dollar amount

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

listed may not be the gross Social Security/SSI benefit amount.

J. Verification of Included Income

The PHA will use the following to verify included income:

1. Verify the income in accordance with the HUD-prescribed Verification Hierarchy;
2. Document in the tenant file why third-party verification was not available; and
3. Report the income in Section 7 of the form HUD-50058.

K. Verification Requirements for Excluded Income

There are two (2) categories of excluded income, fully excluded and partially excluded income. Each category has different verification requirements.

1. Fully Excluded Income

   Income that is fully excluded means the entire amount qualifies to be excluded from annual income in accordance with the federally mandated income exclusions and any Federal Register notice on mandatory exclusions issued by HUD.

   a. For fully excluded income the PHA is not required to:

      1) Verify the income using third-party verification;

      2) Document in the tenant file why third-party verification was not available; and

      3) Report the income in Section 7 of the form HUD-50058.

   b. The PHA may accept an applicant or participant's self-certification as verification of fully excluded income. The PHA's application and reexamination documentation, which is signed by all adult family members, may serve as the self-certification of the fully excluded income.

   c. The PHA may elevate the verification requirements, on a case-by-case basis, to determine if a source of income qualifies for a full exclusion.

   d. Examples of common fully excluded income categories that are verifiable through applicant or participant self-certification are:

      1) Supplemental Nutrition Assistance Program (SNAP) benefits, formerly known as food stamps.

      2) Income from a live-in aide.

2. Partially Excluded Income

   Income that is partially excluded means that only a certain portion of the income reported by the family qualifies to be excluded, while the remainder must be included when determining the family's annual income.

   a. For partially excluded income, the PHA is required to:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

1) Comply with HUD-prescribed verification requirements and all applicable regulations pertaining to the determination of annual income, including documenting why third-party verification is not available; and

2) Report the income in Section 7 of the form HUD-50058.

b. Examples of partially excluded income that are subject to regular verification requirements include:

1) Earnings in excess of $480 (annually adjusted by HUD for inflation) for full-time students 18 years old or older.

2) Income subject to the 50% phase-in period of the Earned Income Disallowance.

c. To determine the amount of earnings to include in the calculation of the family's annual income, the PHA must verify the amount of employment income for these family members.

L. Verification of Assets and Income from Assets

The PHA will obtain verification of all family assets to which any member has access and the income from those assets upon admitting the family to the public housing program.

1. At the time of admission and reexamination the PHA will not accept the family's self-certification of net assets and real property as acceptable documentation.

a. Family Verification of Net Assets Equal to or Less Than the Asset Threshold Established Annually by HUD

In determining the value of net assets, the PHA will use the average balances of the last six (6) months consecutive months bank statements verified/generated by a third-party source dated within 120 days preceding the PHA request date or reexamination.

b. Verification of Family Real Property Ownership

If the family declares present ownership in real property, the PHA will seek third-party verification of the following, as applicable:

1) Whether or not the family has the legal right to reside in the property; and

2) Whether or not the family has the effective legal authority to sell the property; and

3) Whether or not the property is suitable for occupancy by the family as a residence.

NOTE: In the case of a family member who is a survivor of VAWA violence/abuse, the PHA will comply with the confidentiality requirement regarding documenting the occurrence of VAWA violence/abuse. The PHA will accept a self-certification from the family, and the restrictions on requesting documentation from a survivor of VAWA violence/abuse will apply.

c. If the PHA's verification of net family assets show transactions via money transferring applications such as but not limited to CashApp, Zelle, Venmo, and PayPal, the PHA

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

will question the family about these transactions to ascertain whether the reoccurring transactions should be considered income.

d. The PHA will verify the family's assets on an annual basis.

2. Net Assets Equal that Exceed the Asset Threshold Established Annually by HUD

   The PHA will verify, by third-party verification, net family assets that exceed the asset threshold established annually by HUD (adjusted annually by HUD for inflation).

3. Verification of Federal Tax Refund or Refundable Tax Credits

   a. The PHA is not required to verify the amount of the family's federal tax refund or refundable tax credit(s) if the family's net assets are equal to or below the asset threshold established annually by HUD (adjusted annually for inflation), even in years when full verification of assets is required or if the PHA does not accept self-certification of assets.

   b. The PHA will verify the amount of the family's federal tax refund or refundable tax credits if the family's net assets are greater than the asset threshold established annually by HUD.

4. Verification of Assets for New Additions to the Family

   a. The PHA will obtain third-party verification of assets and income from assets for new additions to the family.

   b. At the next annual reexamination of income following the addition of the new family member, the PHA will obtain third-party verification of all family assets if the addition of the new family member's assets puts the family above the asset threshold established annually by HUD

   c. If the addition of the new family member's assets does not put the family above the asset threshold established annually by HUD, the PHA will not obtain third-party verification of all family assets at the next annual reexamination of income following the addition of the family member.

   d. The PHA will obtain third-party verification of all family assets at least every three (3) years.

5. If the PHA has adopted a previous self-certification of assets provision, the PHA will obtain third-party verification of all family assets at the family next income reexamination if the family has provided self-certification of assets for the two (2) previous income reexaminations

6. Lump Sum Additions

   The PHA will verify payments of inheritances through the executor; health, accident, and worker's compensation payments through the provider; capital gains through the broker, original 1099s or tax returns; and settlements for personal or property losses through the insurer.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

7. Annuities
    a. Annuities may provide for either fixed or variable payment.
    b. For variable payments, the PHA will evaluate historical information to determine the approximate anticipated payment amount for the next 12-month period.
    c. This annualized income may be adjusted based on significant changes from the anticipated income.
    d. The holder of an annuity may withdraw the funds at any time before maturity but will pay a penalty for early withdrawal.
    e. Verification of the penalty amount may be obtained from the company holding the annuity and should be deducted from the total distribution before determining asset or income amounts.
    f. Monthly or periodic regular annuity payments are included as income while the principal of the annuity remains an asset until fully liquidated.
    g. Verification of any annuity expenses will be obtained from the annuity provider.

M. Verification of Deductions from Annual Income

The PHA will follow the HUD Verification Hierarchy which may include but will not be limited to one or more of the methods listed below:

1. Dependent

    A dependent is a member of the family (except the head of household, spouse, co-head, live-in aide, live-in aide family or foster children/adults) who is under 18 years of age, is a full-time student, or a person with a disability.

    a. Under the age of 18 years of age (Minor)
        1) Birth certificate
        2) Certificate of birth
            a) A certificate of live birth filed with the registrar of the county of birth.
            b) The certificate of live birth must contain information as per the county where filed such as but not limited to:
                (1) The child's name
                (2) Date of birth
                (3) Place of birth
                (4) Time of birth, if known
                (5) The name, signature, and date of the physician or other person (midwife) who certifies that the child was born alive on the date, place, and time stated on the certificate of birth

© 2024 The Nelrod Company, Fort Worth, TX 76107

3) Valid faith-based record for birth (such as a baptism, confirmation, bar, and bat mitzvah showing age or date of birth)
4) U.S. Nationalization certification
5) Passport
6) Alien registration card
7) Divorce decree or custody documents
8) Certificate of adoption
9) Court ordered documents
10) Federal tax return that includes the child(ren) as dependents
11) School records

b. Full-time student

The educational institution defines the time commitment or subject load that is needed to be a full-time student. Verification may include, but is not limited to:

1) Enrollment verification letter
2) Printout from student portal verifying courseload

c. Person with a Disability

1) If a person's disability is obvious or otherwise known, the PHA may not request additional information about the disability.
2) If the person's disability is not obvious or not otherwise known:
    a) The PHA may, but is not required to, accept a statement of the disability by the person with disabilities.
    b) PHAs may require a statement from a qualified professional who treats the person for his/her disability:
        (1) A doctor or licensed medical/health professional
        (2) A peer support group
        (3) A social service/disability agency or counselor
        (4) A case manager
3) PHAs may not
    a) Ask the nature or extent of a person's disability.
    b) Ask if a person can live independently.
    c) Impose expensive or burdensome requirements to "prove" a disability.

© 2024 The Nelrod Company, Fort Worth, TX 76107

2. Elderly and Disabled
    a. Elderly (62 years of age or older)
        1) Birth certificate
        2) Certificate of Birth
            a) A certificate of live birth filed with the registrar of the county of birth.
            b) The certificate of live birth must contain information as per the county where filed such as but not limited to:
                (1) The child's name
                (2) Date of birth
                (3) Place of birth
                (4) Time of birth, if known
                (5) The name, signature, and date of the physician or other person (midwife) who certifies that the child was born alive on the date, place, and time stated on the certificate of birth
        3) Valid faith-based record for birth (such as a baptism, confirmation, bar and bat mitzvah showing age or date of birth)
        4) U.S. Naturalization certification
        5) Passport
        6) Alien registration card
        7) Divorce decree
        8) Court ordered documents
        9) Federal tax return
        10) SSA documentation
        11) Pension/retirement information
        12) Military discharge paperwork, DD214
    b. Disabled

        See above under dependent verifications.
3. Childcare Expenses

    The PHA will:

    a. Verify that the childcare is reasonable.

        The PHA will obtain information from the social services agency that certifies childcare providers, day care centers, federally funded after school programs, etc., and

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

determine a scale of reasonable costs.

b. The PHA will verify the following information about the childcare provider:

1) Complete name of the provider

2) Complete address of the provider a childcare center

3) Telephone number of childcare provider

4) The names and ages of the child(ren) being cared for

5) The number of hours and days for which childcare is provided

6) The rate of pay

7) The typical yearly amount paid (considering school and vacation periods)

8) Amount reimbursed by an outside agency, if applicable

4. Unreimbursed Health and Medical Care Expenses

a. HUD does not permit the PHA to specifically align their policies with IRS Publication 502 for determining which expenses may be included as health and medical care expenses.

b. Health and medical care expenses include any unreimbursed costs that are incurred for the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Examples include, but are not limited to:

1) Services of doctors and health care professionals

2) Services of health care facilities

3) Medical insurance premiums, including long-term care premiums

4) Prescriptions/non-prescription medicines (prescribed by a physician)

5) Transportation to treatment (cab/rideshare fare, mileage)

6) Dental expenses, eyeglasses, hearing aids, batteries

7) Live-in or periodic medical assistance

8) Monthly payments on accumulated medical bills (regular monthly payments on a bill that was previously incurred). This allowance may include only the amount expected to be paid in the coming twelve (12) months)

5. Unreimbursed medical expenses will be verified by one or more of the methods listed below:

1) EIV and/or written third-party verification from the SSA of Medicare premiums to be paid by the family.

2) A computer printout provided by the family will be accepted for medical and/or

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

pharmacy expenses.

3) Written third-party verification by a doctor, hospital or clinic personnel, dentist, pharmacist, concerning anticipated medical costs to be incurred by the family and regular payments due on medical bills; and extent to which those expenses will be reimbursed by insurance or a government agency.

4) Written third-party confirmation by the insurance company or employer of health insurance premiums to be paid by the family.

6. Disability Assistance Expense Deduction

a. The relationship between the disability and the disability assistance expense and whether the expense is directly related to enabling employment.

b. The PHA will obtain third-party verification that verifies:

1) Attendant Care

a) The date the attendant provides care.

b) Total hours of care per week/month.

c) Total and rate of pay per week/month.

d) Amount received from the family per week/month.

e) Amount received from other sources per week/month.

f) If any amount will be reimbursed by a third-party, and if so, how much per week/month.

2) Auxiliary Apparatus

a) The type of apparatus: wheelchair, walker, reading devices, etc.

b) Cost of the apparatus, amount paid per week/month.

c) Description of modification and cost per week/month.

3) The amount of earned income received by the family member(s) age 18 years or older who is able to work due to the attendant care or auxiliary apparatus.

N. Verification of Local Preferences

Verification of the family's preferences will be conducted at the time of selection from the waiting list. At the time of application, the preference claimed by the applicant is used to place the applicant on the waiting list.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

The following methods may be used based upon the PHA's preference policies:

PREFERENCES	ACCEPTABLE FORMS OF VERIFICATION
Residency	• Utility bills in the name of the family; or • Telephone/cable bills; or • Verification from schools where children are enrolled; or • Rental or lease agreements; or • Landlord statements
Working Families	**{if:Employment:** • Employer verification of employment or offer of employment, Paycheck Stubs with year-to-date earnings. **School/Education/Job Training:** • Educational institution verification of student/trainee status (full-time/part-time) • Statement from job training site
Persons with Disabilities	• Documentation of disability must confirm only the existence of a disability and not the nature or extent of the disability. • Verification of disability may be provided by form or letter, from a physician, psychologist, clinical social worker, or other licensed health care professional. • In addition, verification of disability may also be provided by documentation verifying receipt of Social Security disability payments
Survivors of VAWA violence/abuse	Upon request by the PHA, an individual may provide any one of the following documents as a means of documenting the incident or incidents of domestic violence, dating violence, sexual assault, or stalking: • Form HUD-5382, the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation • A document: 1. Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse:

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

PREFERENCES	ACCEPTABLE FORMS OF VERIFICATION
	2. Signed by the applicant or tenant; and 3. That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or • A record of a Federal, State, tribal, territorial or local law enforcement agency (may include a police report), court, or administrative agency; or • At the discretion of the PHA, a statement or other evidence provided by the applicant or tenant. • The PHA should also accept the individual's verbal statement or other corroborating evidence. The PHA is prohibited from requiring third-party documentation of victim status, unless: 1. More than one applicant or tenant provides documentation to show they are victims of domestic violence, dating violence, sexual assault or stalking, and the information in one person's documentation conflicts with the information in another person's documentation; or 2. Submitted documentation contains information that conflicts with existing information already available to the PHA.
For Single Persons Who are Elderly, displaced, Homeless or Persons with Disabilities	**Elderly**: Birth Certificate **Displaced:** • Documentation of disability must confirm only the existence of a disability and not the nature or extent of the disability. • Verification of disability may be provided by form or letter, from a physician, psychologist, clinical social worker, or other licensed health care professional. • In addition, verification of disability may also be provided by documentation verifying receipt of Social Security disability payments. **Homeless:** **Category 1**: An individual or family who **lacks a fixed, regular, and adequate nighttime residence,** meaning:

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

PREFERENCES	ACCEPTABLE FORMS OF VERIFICATION
	1. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; **or** 2. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); **or** 3. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. **Category 4**: Any individual or family who: 1. Is **fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking,** or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; **and** 2. Has no other residence; **and** 3. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.zszz **Disabled:** • Documentation of disability must confirm only the existence of a disability and not the nature or extent of the disability. Verification of disability may be provided by form or letter, from a physician, psychologist, clinical social worker, or other licensed health care professional. • In addition, verification of disability may also be provided by documentation verifying receipt of Social Security disability payments.
{if:Veteran	Provide copy of their military service record, proof of service, or discharge documents (DD214)
Persons who are elderly	Birth Certificate

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

PREFERENCES	ACCEPTABLE FORMS OF VERIFICATION
Involuntarily Displaced	• Certification from a unit or agency of government that an applicant has been or will be displaced as a result of a disaster. • Certification from a unit or agency of government that an applicant has been or will be displaced by government action; Certification from an owner or owner's agent, that an applicant had to, or will have a vacate a unit by a certain date because of an owner action specified in the regulations. • Certification of displacement because of domestic violence from the local police department, social services agency, or court of competent jurisdiction, or a clergyman, physician, or public or private facility that provides shelter or counseling to the victims of domestic violence. The applicant family will be required to certify that the abuser will not return to the residence without prior written permission of PHA. • Certification of displacement to avoid reprisals, if a family member is providing information to a law enforcement agency. The law enforcement agency must conduct a threat assessment and recommend that the family be re-housed to avoid or minimize risk. • Certification of displacement by hate crimes, if one or more family members is a victim of a hate crime and law enforcement officials and/or appropriate social services agencies show that the hate crime occurred recently or is of a continuing nature. A hate crime is actual or threatened physical violence or intimidation that is directed against a person or his/her property and that is based on the person's race, color, religion, sex, natural origin, disability, or familial status. The owner and/or the appropriate social service agency can provide certification of displacement due to inaccessibility of the unit. In this case, the owner must be able to demonstrate that he/she is not required by law to make the unit accessible. • Certification by HUD or other governmental or relocation agency regarding the displacement of families in a multi-family housing development that is subject to disposition.

O. Verifications from Drug Abuse Treatment Facilities

The PHA has the authority to request and obtain information from drug abuse treatment facilities concerning applicants.

The PHA does not request verification information directly from drug abuse treatment facilities

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

CHAPTER 13: NOTIFICATION OF ELIGIBILITY

After completing the screening process, the PHA will, in writing, promptly notify applicants, both ineligible and eligible, of the results of the screening. This will be done as follows.

A. Ineligible Applicants

The PHA will promptly notify, in writing, any applicant determined to be ineligible for admission to a development of the basis for such determination within 10 working days, and will provide the applicant, upon request, an opportunity for an informal hearing on such determination.

Informal hearings may be conducted with the mediator/hearing officer attending either in person or by remote electronic access such as webcam.

1. Informal hearing for denial of admission due to ineligibility, other than non-citizen eligibility:
    a. The notice will contain a brief statement of the reasons for the determination and will state that the applicant has the right to meet with the PHA's designated person to review it.
    b. If the meeting is requested, it will be conducted by a person or persons designated by the PHA. Those designated may be an officer or an employee of the PHA, excluding the person who made or reviewed the determination, or his or her subordinate.
    c. The policies will be carried out in accordance with HUD's requirements.
    d. The applicant may exercise other rights if the applicant believes that he or she has been discriminated against on the basis of race, color, religion, sex, national origin, age, familial status, sexual orientation, gender identity, marital status or disability.
    e. The request for a hearing must be submitted to the PHA either orally or in writing no later than 14 calendar days from the postmark date of the denial notice.
    f. If the PHA determines that an applicant does not meet the criteria for receiving a preference, the PHA will provide the applicant with written notice of the determination within 10 days.
2. Informal Hearing Policies for Applicants Denied Assistance for Non-Eligible Immigration Status.
    a. Requests for an informal hearing will be personally presented either orally or in writing, to the PHA's administrative office so that the grievance may be discussed informally.
    b. The applicant shall be provided a hearing before any person(s) designated by the PHA (including an officer or employee of the PHA), other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.
    c. The applicant shall be provided the opportunity to examine and copy at the applicant's

© 2024 The Nelrod Company, Fort Worth, TX 76107

expense, at a reasonable time in advance of the hearing, any documents in the possession of the PHA pertaining to the applicant's eligibility status, or in the possession of the CIS (as permitted by CIS requirements), including any records and regulations that may be relevant to the hearing.

d. The applicant shall be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

e. The applicant shall be provided the opportunity to controvert evidence relied upon by the PHA and to confront and cross-examine all witnesses on whose testimony or information the PHA relies.

f. The applicant shall be entitled to be represented by an attorney, or other designee, at the applicant's expense, and to have such person make statements on the applicant's behalf.

g. The applicant shall be entitled to arrange for an interpreter to attend the hearing, at the expense of the applicant or the PHA, as may be agreed upon by both parties.

h. The applicant shall be entitled to have the hearing recorded by audiotape (a transcript of the hearing may but is not required to be provided by the PHA).

i. The PHA shall provide the applicant with a written final decision, based solely on the facts presented at the hearing within 14 days of the date of the informal hearing.

j. A decision against a family member, issued in accordance with 24 CFR 5.514(d) does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

k. If the family chooses not to continue to contend eligible immigration status, the family may be offered prorated housing assistance, if at least one family member is a U.S. citizen or has eligible immigration status (not a non-citizen student), except for families exceeding the income limit or over-income families .

B. Eligible Applicants

When a determination has been made that an applicant is eligible and satisfies all requirements for admission, including the resident selection criteria, the applicant will be notified, in writing, of the approximate date of occupancy insofar as that date can be reasonably projected.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 14: PRE-OCCUPANCY ORIENTATION

When the PHA selects applicant families to participate in the public housing program, the families will be required to participate in a pre-occupancy orientation to educate and acquaint them about the public housing program.

A. Scheduling the Pre-Occupancy Orientation

Prior to public housing occupancy, the PHA will give the family a pre-occupancy orientation and an orientation information packet. It is the PHA's discretion to provide a pre-occupancy orientation to families who are transferring from one public housing unit to another.

1. Pre-Occupancy Notice
    a. The head of applicant family will be notified by mail at least 10 business days in advance of the pre-occupancy orientation date and time.
    b. The head of household and all adult household members 18 years of age and older must attend the pre-occupancy orientation.
    c. If the family fails to appear, the family may be rescheduled for the next pre-occupancy orientation.
        1) If the family fails to appear a second time, the application will be withdrawn.
        2) The family can reapply when the PHA is accepting applications.
    d. As a reasonable accommodation request for persons with disabilities, the PHA will:
        1) Provide the notice in an accessible format.
        2) Conduct an alternative pre-occupancy orientation, such as a home visit. This alternative pre-occupancy orientation may also be conducted for elderly applicants.
2. The PHA may conduct individual or group pre-occupancy orientations.
3. The PHA may conduct the pre-occupancy orientation by in person, face-to-face appointment
4. If requested by the family, a family representative or social service representative may assist the family with the pre-occupancy orientation process.

B. Pre-Occupancy Orientation Topics

The PHA's pre-occupancy orientation may include, but is not limited to the following topics:

1. PHA policies, (the ACOP and other PHA policies)
2. The public housing program lease and changes to the lease
3. PHA and resident responsibilities
4. Information on federal, state and local equal opportunity laws, and a copy of the housing

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

discrimination complaint form.

5. Enterprise Income Verification (EIV) System
6. Explanation of choice of flat or income-based rents
7. How the PHA determines the tenant rent for the family
8. PHA continued occupancy policies regarding over-income families
9. Pro-ration of tenant rent for mixed families
10. Utility allowance and utility conservation
11. Payment of tenant rent
12. Housekeeping standards
13. Unit transfers
14. If the family includes a person with disabilities, the family may request an accessible unit.
15. Requesting maintenance services
16. Emergency maintenance services
17. Security
18. Resident Advisory Board (RAB)
19. Services provided by the PHA
20. Information whereby if the family is in non-compliance with a PHA repayment agreement that the family may be subject to termination of tenancy or assistance, or both.
21. Violence Against Women Reauthorization Act protections.
22. Requirements for reporting changes between reexaminations.
23. Explanation of reasonable accommodation and how persons with disabilities may request a reasonable accommodation.
24. The grounds on which the PHA may terminate assistance for the family because of the family's actions or failure to act.
25. Grievance procedures, including how to request a grievance.
26. Information about general locations and characteristics of neighborhoods in the PHA's jurisdiction.
27. Procedures for notifying the PHA and/or HUD of public housing program abuses.
28. Advise after resident move-in, the PHA staff will acquaint the family with the operation of heating, cooling, and plumbing equipment in the units.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

C. Effective Communication

The PHA will take appropriate steps to ensure effective communication during the pre-occupancy orientation for families that includes persons with disabilities or persons with Limited English Proficiency.

The PHA will ensure that the pre-occupancy orientation materials are in an appropriate alternative format as needed to ensure effective communication such as:

1. Braille materials
2. Audio
3. Large type
4. Sign language
5. Interpreters
6. Accessible electronic communications
7. Transcription services,
8. Assistive listening devices

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 15: TYPES OF DEVELOPMENTS AND REQUIREMENTS

PHAs typically have several types of housing developments and unit sizes. Admission requirements for these may be different. The following outlines requirements for general occupancy developments, developments for the elderly, and units designed for the disabled.

A. General Occupancy Developments

1. The PHA will not give elderly families or non-elderly families a preference over single applicants for admission to general occupancy developments.
2. An elderly family that wants to, or needs to, be admitted to a general occupancy development must be considered on the same basis as any other family.
3. If units of appropriate sizes are available in both a general occupancy development and a development for the elderly, elderly families with children or young disabled family members may choose to be housed in the general occupancy development.

B. Mixed Population Developments

1. Preference for Elderly Families

   Unless the PHA has obtained HUD approval to designate certain developments or portions of developments for the elderly and/or disabled, the PHA may not limit occupancy of certain units to those groups.

   a. If a non-elderly, non-disabled applicant is next on the waiting list and the unit available is located in a development originally built for elderly/disabled but not designated as such by HUD, the PHA must offer that unit to the applicant, even if the family includes children, as long as the composition and size of the family meets the PHA's occupancy standards.

   b. Elderly and non-elderly disabled may receive preference over non-elderly families in mixed population developments.

   c. Elderly and non-elderly disabled families will not receive preference in general occupancy developments.

2. Selection Preference for Mixed Population Developments

a. The PHA is required to give preference to elderly families and disabled families equally in determining priority for admission to mixed population developments. No limit will be established on the number of elderly or disabled families who may be accepted for occupancy in such developments.

b. When offering units in mixed population developments, the PHA will first offer units with accessible features to persons with disabilities who require the accessibility features of the unit.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

3. Discretionary Preference for Near-Elderly Families in Mixed Population Developments

   A near-elderly person(s) is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

   a. In no event will the PHA admit a near-elderly family to a development for elderly families if there are eligible elderly families on the PHA's waiting list that would be willing to accept an offer of a suitable vacant unit in a mixed population development.

   b. When the PHA determines that there are not enough elderly families to fill all the units that are currently vacant or expected to become vacant within the next twelve (12) months, the PHA will give near-elderly families a preference for admission to mixed population developments.

   c. Before electing to give near-elderly families such a preference, however, the PHA will conduct outreach to attract eligible elderly families, including:

      1) Those groups that historically have been the least likely to apply; and

      2) Where appropriate, elderly families residing in general occupancy developments.

   d. If the PHA elects to give near-elderly families a preference for admission to a mixed population development, the PHA will apply the preference when it selects applicants for admission from among near-elderly families.

4. Discretionary Preference for Near-Elderly Single Persons in Mixed Population Developments.

   If a near-elderly applicant is a single person, as that term is defined in HUD regulations, the near-elderly single person is given a preference for admission over other single persons to mixed population developments.

5. The PHA will not set a minimum age (such as 50 or 55) for the admission of persons who are disabled to mixed population developments.

6. The PHA will not exclude families with children from mixed population developments, provided such developments have units of the appropriate sizes for such families.

C. Units Designed for Persons with Disabilities

1. Without incurring vacancies, the PHA will make every reasonable effort to provide units that are specially designed for families with physically disabled members who require such units.

2. The PHA may provide a unit designed for the disabled to a family that includes a mobility impaired person (such as a child or a grandparent who uses a wheelchair) even though the family head or spouse is not disabled.

3. When there are not enough disabled applicants or participants to fill units especially

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

designed for such persons, non-disabled applicants may be offered such units. However, it must be made clear to the family that when another unit becomes available which meets the family's needs, they will be required to move if the accessible unit is needed for a family with a member who has a disability. The lease agreement will be modified to reflect this requirement.

4. Should there be a disabled applicant or resident needing a unit with special features, that applicant/resident will be offered the unit prior to transferring a family or individual who is over-housed or under-housed.

D. Designated Housing

The PHA will give priority for occupancy of the designated housing development units to designated families.

1. If there are an insufficient number of elderly or disabled families to fully occupy the units in the designated development, the PHA may make units available to near-elderly families, who qualify for preference.
2. If there are an insufficient number of elderly, disabled or near-elderly families to fully occupy the units in the designated development, the PHA shall make available to all other families any unit that is:

a. Ready for re-rental and for a new lease to take effect; and

b. Vacant for more than 60 consecutive days.

3. If any disabled family or elderly family chooses not to occupy or accept occupancy in a designated development, there will be no adverse effect on:

    a. The family's admission to or continued occupancy in public housing; or

    b. The family's position on or placement on a public housing waiting list.

E. See Appendix D for Development Units

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 16: OCCUPANCY STANDARDS

The PHA's occupancy standards specify the minimum and maximum number of household members who will be permitted to occupy units of various sizes, depending on family size, composition, and extenuating circumstances, such as the ages, sexes, and disabilities of household members. The standards take into consideration the need to assign a unit with the smallest number of bedrooms that will avoid overcrowding the unit or project and minimize vacancies. The occupancy standards are as follows.

1. The occupancy standards described below take into consideration the minimum number of occupants for admission and the maximum number of persons for continued occupancy based on an occupancy standard of two persons per bedroom.

Number of Bedrooms	Minimum Number of Persons	Maximum Number of Persons
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

2. Units will be assigned so that persons of the opposite sex, other than spouses and intimate partners, will not be required to occupy the same bedroom, except for minors under the age of five (5) years old.
3. Normally, two persons will be assigned to each bedroom.

   Persons of opposite sex, five (5) years of age or older will not be required to occupy the same bedroom, except where no unit of a suitable size is available for transfer of the family.
4. A live-in aide, who is not a family member, will be provided a separate bedroom.
5. Every household member, regardless of age, will be counted as a person. For the purpose of establishing the unit size for a family, children who are temporarily absent due to foster care, children in the process of being adopted, and the unborn child(ren) of a pregnant applicant will be counted as a member of the family household.
6. For reasons of health (age (elderly), physical disability, etc.), a separate bedroom may be provided for individual family members, as verified by a medical professional.
7. When the PHA determines that a family is over-housed or under-housed according to the occupancy standards, the PHA will require the family to transfer to a unit of the appropriate size. Transfers of this nature will be effective prior to voluntary or family requested transfers.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

8. Foster children will be counted as family members in determining the bedrooms to be assigned.
9. If the PHA is unable to fill units with families of appropriate sizes and types, it will house eligible families of the most nearly appropriate sizes on a temporary basis. Each such family will be informed, before moving in, of the dwelling lease agreement "to transfer to an appropriate size dwelling unit, based on family composition, upon appropriate notice by PHA that such a dwelling unit is available."
10. Exceptions to the minimum standards will be made if they are necessary to provide reasonable accommodation for a person with disabilities.
11. A single head of household shall not be required (but may choose) to share a bedroom with his/her children.
12. Guest and Visitors
    a. Additional bedrooms are not provided for visitors or guests.
    b. The family will be allowed to have guests for a period of up to 30 cumulative days in any 12-month period, except in the case of a family member requiring care during illness or recuperation from illness or injury as certified by a medical professional.
    c. Written permission must be obtained from the PHA for any deviation from the occupancy standards included in this policy which may result from the presence of the temporary care giver in the unit.
13. IMPORTANT: The maximum and minimum number of persons per unit shall be discussed with each applicant family. Families will also be informed about the status and movement of the various waiting lists and sub-lists maintained by the PHA.
    a. Families will be asked to declare in writing the waiting list on which they wish to be placed.
    b. If a family opts for a smaller unit than would normally be assigned under the occupancy standard (because, for example, the list is moving faster), the family will be required to sign a statement agreeing to occupy the unit assigned at their request until their family size or circumstances change.
    c. The PHA shall change the family's sub-list at any time while the family is on the waiting list at the family's request.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 17: OFFERING THE UNITS (TENANT SELECTION AND ASSIGNMENT PLAN)

As units become available for occupancy, the PHA will offer units to applicants on the waiting list. In accordance with the QHWRA, the PHA encourages occupancy of its developments by families with a broad range of incomes. At a minimum, 40% of all new admissions during the fiscal year will be extremely low-income families (See Appendix E for Income Limits). The offer of assistance will be made without discrimination because of race, color, religion, sex, national origin, age, disability or familial status.

A. Deconcentration

The offers will be made in the following manner. To the maximum extent feasible, the deconcentration and income-mixing requirements of the QHWRA will be followed.

1. Families with incomes ranging from 0% to 80% of median income will be selected in accordance with the tenant selection section of this ACOP.
    a. Families with the highest incomes will be offered units in developments where average family incomes are lowest.
    b. Conversely, families with the lowest incomes will be offered units in developments with the highest average family incomes.
    c. The PHA may offer incentives to families to accomplish the deconcentration and income mixing objectives.
2. The PHA may employ a system of income ranges in order to maintain a resident body composed of families with a range of incomes and tenant rent paying abilities representative of the range of incomes among low-income families in the PHA's area of operation and may take into account the average tenant rent the PHA should receive to maintain financial solvency.
3. The PHA's selection policies are designed so that selection of new public housing residents will bring the PHA's actual distribution of tenant rents closer to the projected distribution of tenant rents.
4. The PHA will select, based on date and time of application and preferences, two (2) families in the extremely low-income category and two (2) families from the lower income category (31% to 80% of area median income) alternately until the 40% admission requirement of extremely low-income families is achieved (2 plus 2 policy).
5. After the minimum level is reached, all selections will be made based solely on preferences and date and time.
6. Any applicants passed over as a result of implementing this 2 plus 2 policies will retain their place on the waiting list and will be offered a unit in order of their original placement on the waiting list.

© 2024 The Nelrod Company, Fort Worth, TX 76107

B. Unit Offer

The PHA will offer the eligible applicant at the top of the waiting list a unit of appropriate size and type (including accessible features if required and available) which has been ready to lease the longest.

1. Method of Notification of Unit Offer
   a. The PHA will make the unit offer by telephone or by preferred method of contact as designated by the applicant.
   b. Unit offers made by telephone will be confirmed by mailing the applicant a written notice of the unit offer.
2. The PHA will give the applicant three (3) days after the date the PHA made the unit offer to accept or refuse the unit offer.
3. If the applicant refuses the unit without good cause, the PHA will remove the applicant from the waiting list.
4. Good Cause for Refusal of Unit Offer

   The applicant should be able to document the claim of good cause for refusing an offer of housing. If good cause is verified, the refusal of the offer(s) will not require that the applicant be removed from the waiting list. The applicant's application will remain at the top of the waiting list until the applicant receives an offer for which they have no good cause refusal. The applicant will not be considered to have been offered a suitable unit if:

   a. The applicant is unable to move at the time of the offer and presents clear evidence that substantiates to the satisfaction of the PHA. Examples:
      1) A physician verifies that the applicant has just undergone major surgery and needs a period of time to recuperate; or
      2) A court verifies that the applicant is serving on a jury which has been sequestered.
   b. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on the final application) or live-in aide necessary to the care of the principal household member.
   c. The unit is not ready for move-in at the time of the unit offering.
      1) Meaning the unit has deficiencies according to the National Standards for the Inspection of Real Estate (NSPIRE) protocols.
      2) If the unit is not ready for move-in, the PHA will offer the next appropriate unit ready for move-in to the applicant.
   d. The applicant demonstrates to PHA's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy.
      1) The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

a law enforcement agency.

2) The reasons offered must be specific to the family.

3) Refusals due to location alone do not qualify the applicant for this good cause exemption.

e. The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

f. Inaccessibility to employment, education or job training, children's day care or educational programs for children with disabilities if the move would require an adult household member to quit a job, drop out of an education institution or training program, or take the child out of day care or an educational program for children with disabilities.

g. The unit contains lead-based paint and accepting the offer could result in subjecting the applicant's children who are under six (6) years of age to lead-based paint poisoning.

h. The unit is not of the proper size and type, and the applicant would be able to reside there only temporarily (e.g., a specially designed unit that is awaiting a disabled applicant needing such a unit).

i. An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing.

5. When leasing a vacant unit, the PHA will offer the unit to applicants on the waiting list in sequence, until an applicant accepts the unit,{if: in accordance with the PHA's local preferences and/or the date and time of application.

6. The PHA will maintain a record of the units offered, including location, date, the circumstances for each offer, and each acceptance or refusal.

7. To the maximum extent possible, the offer will also be made to affect the PHA's policy of economic deconcentration.

8. If more than one unit of the appropriate size and type is available, the first unit to be offered will be the unit that will serve to achieve the PHA's goal of economic deconcentration.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 18: USE AND OCCUPANCY

The lease shall provide that the tenant shall have the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests.

A. Primary Residence

1. The unit leased from the PHA must be the family's primary residence. Public housing assistance will be terminated if the PHA determines the leased unit is not the family's primary residence.
2. Factors that may be considered in determining whether the unit remains the family's primary resident may include but are not limited to:

   a.Family members using an address other than the PHA unit as a place of residence on any tax return, motor vehicle registration, driver's license, or other documents filed with a public agency.

   b.Using an address other than the PHA unit as a voting address.

   c.Subletting the unit.

B. Absence from the Unit

1. Time Limits on Family Absences

   Family absence means that no member of the family listed on the lease is residing in the unit. The PHA establishes how long the family may be absent from the unit.

   a. The family must promptly, within 10 business days of occurrence, notify the PHA of the family's absence from the unit.

   b. The family may not be absent from the unit for a period of more than 60 consecutive calendar days without written consent from the PHA.

   c. The Executive Director or designee may approve a temporary absence from the unit of up to 120 consecutive calendar days for extraordinary reasons, such as but not limited to military leave, hospitalization, or imprisonment, as long as the tenant rent, and utilities are current and not delinquent.

2. Absence of Children Because of Placement in Foster Care

   The family must promptly, within 10 business days of occurrence, notify the PHA of the absence from the unit of any children listed on the lease due to placement in foster care. The PHA will contact the agency responsible for the children's placement in foster care to determine the approximate length of time the children are expected to be away from the unit.

   a. If the agency indicates that the children are expected to return to the unit at some point, the children will remain a part of the family composition and will be counted

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

toward the family's occupancy standards but will not be counted as dependents until they return to the unit.

b. If the children are not expected to be returned to the unit, the children will be removed from the family composition and the family's occupancy standards will be reduced accordingly.

c. If the agency indicates that it is unknown whether the children will be returned to the unit, the children will remain a part of the family composition.

d. Oral conversations with the agency will be thoroughly documented in the family file, including the date of contact, name and title of contact person, name of agency, telephone number, and the details of the conversation.

3. Use of Caretaker Due to Absence of Head of Household

The family must promptly, within 10 business calendar days of occurrence, notify the PHA of the absence of the head of household due to imprisonment, hospitalization, admittance into a nursing home, military service, school etc. Upon notification to the PHA, when the head of household is absent from the unit as a result of imprisonment, hospitalization, military service, etc., and there are no other adult household members, upon approval of the PHA, another adult may move into the unit to care for the children, while the head of household is absent.

a. The public housing assistance will not be terminated.

b. The head of household's name shall be temporarily removed.

1) The family composition will be modified to include the name of the caretaker as head of household.

2) The PHA will document the file explaining the circumstances.

3) The original head of household will be reinstated as the head of household upon their return.

c. The caretaker's income will not be included in the family annual income.

d. Upon the head of household's return, upon PHA approval, the caretaker may leave or remain as part of the household as long as the addition of the caretaker would not result in a violation of the PHA's occupancy standards. If the caretaker remains, their income will be included in the calculation of family annual income.

4. Temporarily Absence Due to Military Service or School

The family must promptly, within 10 business days of occurrence, notify the PHA of the absence of family members due to military service or school.

a. Head of Household, Spouse, or Co-Head

If the head of household, spouse or co-head is temporarily absent from the unit due to serve in the military or to attend school, the PHA shall include their income in the

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

calculation of annual income.

b. Other Family Members

If a family member other than the head of household, spouse or co-head is temporarily absent from the unit due to service in the military or to attend school, the family has the option of:

1) Considering the family member temporarily absent from the household. In this case, the temporarily absent family member:

a) Will have their income be included in annual income;

b) Will have their name remain on the lease; and

c) Will be counted toward the occupancy standards.

2) Considering the family member permanently absent from the household. In this case, the former member of the household:

a) Will not have their income be included in annual income;

b) Will have their name removed from the lease; and

c) Will not be counted toward the occupancy standards.

d) If the family wishes to add the former member back to the household as a family member again, the former member will be required to meet the PHA screening criteria prior to being added back to the household.

5. Absence Due to Hospitalization or Admittance into a Nursing Home

The family must promptly, within 10 business days of occurrence, notify the PHA of the family member's absence of the unit due to hospitalization or admittance into a nursing home.

a. Sole Member

1) When the family consists of only one member and that person is absent from the unit because of admittance into a hospital or nursing home for a period of more than 10 business days, the public housing assistance will be terminated unless written consent has been obtained by the PHA and tenant rent and utilities are not delinquent.

2) If a medical provider documents that the person is expected to return to the unit in 10 business days or less, the sole member shall continue to receive housing assistance as long as tenant rent and utilities are current and not delinquent.

b. If the sole family member is absent from the unit for 60 calendar days during the lease term or any renewal or extension period while the tenant rent is delinquent, the PHA may deem the unit abandoned if an inspection shows that all or most of the family's property has been removed.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

c. Other Family Members

If a family member other than the head of household, spouse or co-head is temporarily absent from the unit because of admittance into the hospital or nursing home, the family has the option of:

1) Considering the family member temporarily absent from the household. The temporary absent family member:

a) Will have their income be counted in annual income;

b) Will have their name remain on the lease; and

c) Will be counted for the occupancy standards.

2) Considering the family member permanently absent from the household. The former member of the household:

a) Will not have their income be counted in annual income;

b) Will have their name removed from the lease; and

c) Will not be counted for the occupancy standards.

d) If the family wishes to add the former member back to the household as a family member again, the former member will be required to meet the PHA screening criteria prior to being added back to the household.

6. Verification of Absence from the Unit

The family must supply any information or certification requested by the PHA to verify that the family is residing in the unit or relating to the family's absence from the unit.

a. The family must provide the PHA any PHA-requested information or certification on the purposes of the family absence.

b. The PHA may utilize appropriate techniques to verify family occupancy or absence, including, but not limited to, sending notifications/letters to the family at the unit, phone calls, visits to the unit, interviews/questions of neighbors, or verify with the utility suppliers if the utilities are in service.

c. The PHA will determine that the unit is not the family's primary residence if all family members are absent for 60 consecutive days during a lease period without notice and/or PHA approval.

C. Abandonment of the Unit

Abandonment is distinguished from an absence from the unit by the family's failure to pay the tenant rent due for the unit and failure to acknowledge or respond to PHA notices regarding the past due tenant rent or absence from the unit.

1. If the family and all other persons are absent from the unit for 30 consecutive days during the lease term or any renewal or extension period while the tenant rent is delinquent, the

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

PHA may deem the unit abandoned if an inspection shows that all or most of the family's property has been removed.

2. If the unit is determined to be abandoned, the PHA will terminate the family's housing assistance.
3. The PHA shall inform the family of its rights to request a hearing if the housing assistance is terminated.

D. VAWA Exception

If the family is absent or has moved from the unit in violation of the lease and without notice to the PHA in order to protect the health or safety of a person who is or has been the survivor of a VAWA crime and who reasonably believes to be threatened with imminent harm from further violence by remaining in the unit (or any family member has been the survivor of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's move), and has otherwise complied with all other obligations under the public housing program, the PHA will not terminate the family's public housing assistance.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 19: CHOICE OF RENT

The PHA will provide through its orientations, individual counseling, and by written notices, sufficient information to allow families to make an informed choice of rent payment options. At a minimum, families will be advised of:

1. The dollar amounts of the flat rent and the income-based rent; and
2. The PHA's policies on switching the type of rent in circumstances of financial hardship.

A. Rent Options and Annual Reviews

Annually, the PHA will give families the option to choose between paying the flat rent or the income-based rent. The PHA will not give families the choice of rent option more than once per year, except in the case where the family has chosen the flat rent and experiences a financial hardship.

1. The PHA will provide the following information to allow a family to make an informed choice regarding rent options:
   a. The PHA's policies on switching the type of rent due to financial hardship; and
   b. The dollar amount of the flat rent and the income-based rent.
2. Regardless of whether the family chooses to pay flat rent or income-based rent, the family must pay at least the minimum rent.
3. Non-Public Housing Over-Income Families (NPHOI)
   a. If allowed by the PHA to remain in a public housing unit, NPHOI family will not have a choice in rent.
   b. NPHOI families must pay the alternative non-public housing rent.
4. Annual Reviews

   The PHA will comply with the requirement to review rent options annually with families and to provide families with sufficient information to make an informed choice of rent. The PHA will do the following:

   a. At initial occupancy, or in any year where a current program participating family is paying the income-based rent:
      1) Conduct a full reexamination of family income and composition at the first annual rent option (Year 1);
      2) Inform the family of the flat rent amount and the income-based rent amount determined by the reexamination of family income and composition;
      3) Inform the family of the PHA's policies on switching rent types due to a financial hardship; and
      4) Apply the family's rent choice at the next lease renewal.

© 2024 The Nelrod Company, Fort Worth, TX 76107

b. At the second and third annual rent options, for families that choose to switch from income-based rent to pay the flat rent, the PHA:

   1) Will conduct a full reexamination of family income and composition for the second and third annual rent option.

   2) For a family that has paid the flat rent for the previous three (3) years, and for which the PHA has not conducted a re-examination of family income and composition in the last three (3) years, the PHA must complete a full reexamination of family income and composition in order to update the income-based rent amount.

   3) Must inform the family of the updated flat rent amount, and the rent amount determined by the most recent reexamination of family income and composition;

   4) Must inform the family of the PHA's policy of switching rent types due to a financial hardship; and

   5) Must apply the family's rent decision at the next lease renewal.

c. At the next annual rent option, the PHA will offer the updated flat rent amount and permit the family to choose between the flat rent amount or the income-based rent, subject to the phase-in requirements.

d. For a family that chooses the flat rent option, the PHA will conduct a reexamination of family income and composition at least once every three (3) years, except for families a PHA determines exceed the over-income limit. Once a PHA determines that a family has an income exceeding the over-income limit, the PHA must follow the income reexamination and notification requirements.

B. Flat Rent

The FY 2014 Appropriations Act required PHAs to establish flat rents at no less than 80% of the applicable Fair Market Rent (FMR), and established rent increase phase-in requirements to prevent family rental payments from increasing by more than 35%.

The FY 2015 Appropriations Act maintained the FY 2014 rent increase phase-in requirements and amended the 2014 Act to require that flat rents for each public housing unit be set at no less than the lower of:

1. 80% of the applicable FMR; or
2. At the discretion of the Secretary, 80% of such other applicable FMR established by the Secretary that the Secretary determines more accurately reflects local market conditions and is based on an applicable market area that is geographically smaller than the applicable market area used for purposes of the applicable FMR (such as the applicable Small Area Fair Market Rent (SAFMR) or unadjusted rent).

C. Flat Rent, Utilities and Utility Allowance

1. The PHA will consider who is responsible for direct utility payments to the utility suppliers

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

and provide for a utility allowance as necessary.

2. For units where the utilities are tenant-paid, the PHA must adjust the flat rent downward by the amount of a utility allowance for which the family might otherwise be eligible.
3. Formula to Calculate a FMR-Based Flat Rent

   Flat rents are always inclusive of utilities. In the case of a flat rent set using the FMR, the utility allowance should be subtracted before setting the flat rent.

   a. FMR (or SAFMR/unadjusted rent as applicable) x 80% - utility allowance
   b. If the PHA sets an exception flat rent using a market study, then the market study takes into account and adjusts for the value of utilities. The cost of utilities is included in the flat rent.
   c. If the PHA sets a flat rent above 80% of the FMR, the PHA will maintain the appropriate records to document the rent levels.

D. Annual Flat Rent Compliance

To comply with the flat rent requirements annually, no later than 90 days after the effective date of the new FMRs or SAFMRs published by HUD, the PHA will:

1. Compare the current flat rent amount to the applicable FMRs or SAFMRs/unadjusted rent. The PHA will be in compliance with the flat rent requirement and no further action is necessary, if the flat rent is at least equal to the lower of:

   a. 80% of the applicable FMR; or
   b. 80% of the applicable SAFMR (or if no SAFMR is available, 80% of unadjusted rent).
   c. If the current flat rent is less than the lower of the above, the PHA must set flat rents at no less than 80% of the lower of the 80% FMR or 80% SAFMR/80% unadjusted rent, subject to the utilities adjustment, or the PHA may request an exception flat rent;
2. Update the flat rent policies in the ACOP, as necessary;
3. Permit the family to choose between flat rent amount and the income-based rent for all new admissions; and
4. Offer the updated flat rent amount at the next annual rent option for families that are current public housing residents and permit the family to choose between the flat rent amount and the income-based rent, subject to the phase-in requirements.

E. Flat Rent Exception

The PHA does not need to submit exception requests to set flat rents at or above 80% of the FMR or SAFMR, or if the SAFMR is not available, 80% of the unadjusted rent.

1. HUD requires flat rent exception requests if the PHA's current flat rent is less than the lower of:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

a. 80% of the FMR, or

b. 80% of the SAFMR (or if a SAFMR is not available, 80% of the unadjusted rent).

2. The PHA will have 90 days from the effective date of the current year's FMR to submit a flat rent exception request.

3. Market Analysis Content and Justification

   a. In order to demonstrate the need for an exception flat rent, the PHA must submit a market analysis that demonstrates the value of the unit. The PHA may not request an exception flat rent that is lower than the demonstrated market value of the unit.

   b. The PHA must demonstrate, based on the market analysis, that the proposed flat rent is a reasonable rent in comparison to rent for other comparable unassisted units, based on the location, quality, size, unit type, and age of the public housing unit and any amenities, housing services, maintenance, and utilities to be provided by the PHA in accordance with the lease.

4. Approved Flat Rent Exception Request

   The PHA must receive written HUD approval to utilize an exception flat rent prior to implementing the new exception flat rent rates.

   a. The PHA may continue to utilize its current flat rent schedule, while HUD is reviewing the PHA's flat rent exception request and supplemental information.

   b. The approved exception request will remain in effect until the end of the 90-day period commencing upon the effective date of HUD's Final Fiscal Year FMRs or the date on which a PHA updates and makes effective its flat rent schedule based on that fiscal year's FMRs, whichever comes first.

   c. The PHA must update its flat rents to the approved flat rent exception amount immediately after the date of HUD's approval for all intake and reexamination activities.

   d. The PHA may apply the approved flat rent exception amount immediately to intakes and reexaminations and must apply it to any intake or reexamination that takes effect 60 days or more after the approval date.

5. Previous Approved Flat Rent Exception Request

   a. If HUD approved the PHA's flat rent exception request from a previous fiscal year, the PHA may request an extension of this approval under the following circumstance:

      1) The PHA request an extension of the exact rents as previously approved by HUD;

      2) The market study accompanying the previously approved request is no more than two (2) years old;

      3) The market conditions remain unchanged; and

      4) The PHA submits the extension request to HUD no later than 90 days after the

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

effective date of the final FMRs published by HUD.

b. HUD will not approve extension requests that include changes or additions to previously approved exception flat rents.

6. Disapproval of Flat Rent Exception Request

HUD will review the PHA's flat rent exception request.

a. HUD may disapprove incomplete, unresponsive, or otherwise deficient requests. Prior to making a final determination, HUD may, at its discretion, provide the PHA the opportunity to cure a deficiency or submit additional information requested by HUD.

b. The PHA must respond in writing no later than fifteen (15) days after receiving HUD's notification of an insufficient submission or request for information. The response should include any new information the PHA believes is necessary to supplement the original submission and must include the corrections identified in HUD's review.

c. The PHA may continue to utilize its current flat rent schedule while awaiting the results of HUD's review of the additional information.

d. If the PHA cannot provide sufficient information to justify the exception after requests for additional information, HUD will deny the flat rent exception request.

e. If the PHA's exception request is denied, the PHA must immediately revise its flat rent rates using the applicable FMR and the updated flat rent must be applied to any intake or reexamination that takes effect 60 days after the denial date.

7. Flat Rent Increase Phase-In Requirements

If an existing flat rent tenant's rental payment prior to any applicable adjustments for utilities payments increases by more than 35% as a result of changes to the flat rent amount, the increase must be phased-in such that a family does not experience an increase in their rental payment of more than 35%.

a. On a case-by-case basis at the family's next annual rent option, the PHA will compare the updated flat rent amount applicable to the unit to the rent that was being paid by the family immediately prior to the annual rent option:

1) If the new flat rent amount would not increase a family's rental payment by more than 35%, the family may choose to pay either the updated flat rent amount or the previously calculated income-based rent; or

2) If the PHA determines that the updated flat rent amount would increase the family's rental payment by more than 35%, the family may choose to pay the phased-in flat rent amount resulting from the flat rent impact analysis or the previously calculated income-based rent.

b. Families paying flat rent will not have their flat rent amount adjusted until their annual reexamination or annual update.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

F. Income-Based Rent

Income-based rent is a tenant rent which is based on the family's income and the PHA's rent policies for determination of the rent.

1. The income-based tenant rent must not exceed the total tenant payment (TTP) for the family minus any applicable utility allowance for tenant-paid utilities.
2. The PHA will use the standard formula for calculating income-based rent.

G. Switch from Flat Rent to Income-Based Rent Because of Financial Hardship

If the family that is paying a flat rent experiences a financial hardship, the family may at any time, before the next annual choice of rent option, request to be switched to income-based rent.

1. The PHA has established the following policies for determining when payment of flat rent is a financial hardship:
   a. The family's income has decreased because of changed circumstances, including loss or reduction of employment, death in the family which results in reduction of income or payment of funeral expenses, reduction in or loss of earnings, or reduction or loss of other assistance;
   b. The family has experienced an increase in expenses, because of changed circumstances, for unreimbursed medical costs, childcare, transportation, education, or similar items; and
   c. Other reasonable financial hardship circumstances which may be applied on a case-by-case basis at the discretion of the PHA.
2. The PHA will switch the family's rent from flat rent to income-based rent on the first of the month following verification of the financial hardship.
3. Once the family switches from flat rent to income-based rent due to financial hardship, the family may not change back to flat rent until the family's next annual reexamination.

H. Prorated Tenant Rent

For families which include both members who are citizens or have eligible immigration status and members who do not have eligible immigration status (or elect not to state that they have eligible immigration status), the amount of tenant rent will be prorated.

1. To calculate prorated tenant rent, the PHA will follow the steps below:

   Step 1. Determine the TTP.

   Annual income includes income of all family members, including any family member who has not established eligible immigration status.

   Step 2. Subtract the TTP from the PHA-established flat rent applicable to the unit.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

The result is the maximum subsidy for which the family could qualify if all members were eligible ("Family Maximum Subsidy").

Step 3. Divide the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status ("Eligible Family Member").

The subsidy per eligible family member is the "Member Maximum Subsidy."

Step 4. Multiply the Member Maximum Subsidy by the number of family members who have citizenship or eligible immigration status ("Eligible Family Members").

Step 5. The product of Steps 1 through 4 is the amount of subsidy for which the family is eligible ("Eligible Subsidy").

The family's rent is the PHA-established flat rent minus the amount of the Eligible Subsidy.

2. Method of prorating assistance when the mixed family's TTP is greater than the public housing flat rent.
   a. When the mixed family's TTP is greater than the flat rent, the PHA must use the TTP as the mixed family TTP.
   b. The PHA subtracts from the mixed family TTP any established utility allowance, and the sum becomes the mixed family rent.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 20: TENANT RENT AND OTHER CHARGES

The following outlines the policies for calculating rental fees and other charges to be paid by PHA residents.

A. Tenant Rent

Tenant rent is the amount of rent payable by the family to the PHA.

1. The tenant shall pay the amount of the monthly tenant rent determined by the PHA in accordance with HUD regulations and other requirements.
2. The amount of the tenant rent is subject to change in accordance with HUD requirements.
    a. The lease shall specify the initial amount of the tenant rent at the beginning of the initial lease term.
    b. The PHA will give the tenant written notice stating any change in the amount of tenant rent, and when the change is effective.
3. Tenant rent is due and payable on the 1st day of the month and is delinquent if not paid by the close of business on the 10th day of the month, unless the falls on 10th day a weekend or PHA recognized holiday, in which case tenant rent will be late as of the close of business on the next full business day.

B. Changes in Addition to Tenant Rent

Appendix B of this policy contains the PHA's list of charges in addition to rent. The lease imposes charges for the following:

1. Penalties for late payments
2. NSF check charges
3. Security deposits, see Chapter 21
4. Charges for maintenance and repair beyond normal wear and tear
5. Charges for the consumption of excess utilities
6. Pet security deposits
7. The payment of all court costs, expenses and attorney fees incurred in enforcing the dwelling lease or in recovering possession of the premises, if ordered by the court, unless the tenant prevails in such legal action.
8. The PHA will provide basic pest control services without charge to the tenants. Only PHA staff or contractors who possess current pest control licensing will conduct pest control activities subject to law or regulation.
9. The pet security deposit and/or fee is paid in full prior to the pet being brought into the unit. Partial payments for pet security deposits or fees will not be considered for any

© 2024 The Nelrod Company, Fort Worth, TX 76107

reason. Security deposits for a pet are not charged if the animal is determined to be a service animal needed by a person with a disability.

10. The other charges listed above will become due and payable the first day of the month following the month in which the charge or charges incur and two (2) weeks after the PHA notice is provided to the resident.
11. The tenant will be provided a copy of the work order with charges or will be invoiced by the PHA. Invoices and work orders will state that the tenant has a right to grieve said charges according to the PHA's established Grievance Procedures.

C. Forms of Payment

1. The PHA's policy does not allow acceptance of cash for tenant rent or other charges.
2. Tenant rent and other payments will be accepted only in the form of money orders, cashier's checks.
3. Personal checks may be presented until or unless more than one Non-Sufficient Funds (NSF) check is presented. The resident will then be required to make payment using money orders or cashier's checks.

D. Delinquent Charges and Late Fees

If rent is unpaid by the close of business on the 10th day of the month, a one-time per month late fee of $25.00 will be assessed.

E. Total Tenant Payment (TTP)

The Income-Based TTP for families shall be the highest of the following, rounded to the nearest dollar:

1. Thirty percent (30%) of the family's Monthly Adjusted Income;
2. Ten percent (10%) of the family's Monthly Gross Income;
3. Welfare rent (in as-paid welfare states); When welfare rent is the higher, the PHA will recalculate rent once after the welfare department recalculates welfare based on the PHA's initial rent determination.
4. A minimum rent of $50.00; or
5. The alternative non-public housing rent, as determined in accordance with § 960.102 of this title.

F. Minimum Rent

The minimum rent is the minimum rent payable by the family.

1. The PHA may establish a minimum rent between $0 and $50.
2. The PHA has established a minimum rent for the public housing program at $50.00.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

G. Minimum Rent Hardship Exemption

The PHA recognizes that in some circumstances the minimum rent may create a financial hardship for families.

If the PHA adopts a minimum rent greater than $0, the PHA must grant exemptions from the minimum rent requirement to any family if the PHA determines that the family is unable to pay the amount due to financial hardships, unless the hardship is temporary.

1. Financial hardship includes the following:
    a. The family has lost eligibility or is awaiting an eligibility determination to receive federal, state, or local assistance, including a family having a non-citizen household member lawfully admitted for permanent residence and who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996;
    b. The family income has decreased due to changed circumstances such as separation, divorce, and/or abandonment;
    c. One or more family members have lost employment;
    d. The family would be evicted as a result of imposing the minimum rent requirement;
    e. There has been a death in the family; or
    f. There are other hardship situations determined by the PHA on a case-by-case basis, i.e., alimony, child support, etc.
2. The PHA may request documentation of the hardship and will promptly, within 10 business days, determine if the hardship is temporary or long term.
3. The PHA will suspend the minimum rent requirement and adjust the Total Tenant Payment (TTP) accordingly beginning the month following the family's written request for a hardship exemption until the PHA determines whether there is a qualifying financial hardship, and whether the hardship is temporary or long term.
    a. The financial hardship exemption only applies to payment of minimum rent for determining the TTP.
    b. The TTP is still calculated excluding the minimum rent.
    c. The family will pay the higher of 30% of the monthly adjusted income, 10% of the monthly income, or the welfare rent, as applicable, during the term of the suspended minimum rent.
4. Temporary Hardship Exemption

    The PHA has defined a temporary hardship as a hardship to last less than 90 days.

    a. If the hardship is determined to be temporary, the PHA will not impose the minimum rent during the 90-day period beginning the month following the date the family's request for a hardship exemption.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

b. At the end of the 90-day suspension period, the minimum rent is reinstated retroactively to the date of suspension.

c. The family must execute a Repayment Agreement for the back rent owed by the family.

5. Long Term Hardship Exemption

   The PHA has defined long term hardship as a hardship that last more than 90 days.

   a. If the hardship is determined to be long term, the PHA will exempt the family from the minimum rent requirements for long as such hardship continues.

   b. The PHA shall apply this exemption from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying financial hardship.

   c. The family is not required to repay the difference between the TTP and the minimum rent to the PHA once the hardship is over.

6. If the PHA is unable to determine if the hardship exemption will be temporary or long term, the PHA may approve a temporary hardship exemption and redetermine the family's status at the end of the temporary hardship exemption term.

7. No Qualifying Hardship

   a. If the PHA determines there is no qualifying financial hardship, the PHA must reinstate the minimum rent, including back rent owed from the beginning of the suspension.

   b. The family must execute a Repayment Agreement for the back rent owed by the family.

8. Denial of a minimum rent hardship exemption is subject to the PHA's grievance procedures.

H. Special Reexamination

1. If, at the time of admission, a family's existing conditions of employment are too unstable to develop the adjusted income into the coming 12-month period for the purpose of determining TTP, the PHA will schedule a special reexamination.

   a. This special reexamination will take place within 30, 60, or 90 days of admission, or at a date by which the PHA estimates that the family's circumstances will be stable.

   b. If at the time of such special reexamination it is still not possible to make a reasonable estimate of adjusted income, special reexaminations will continue to be scheduled until a reasonable estimate of the adjusted income can be made.

   c. Increases in rent determined at special reexaminations shall be made effective the first of the second month following the final rent determination. If the determination results in a decrease in rent, the effective date will be the first of the month following the reexamination verification.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

d. Until the final rent determination can be made, the family will pay rent based upon the existing adjusted income.

2. Persons reporting zero income will have their circumstances reexamined every 30 days until they have a stable income.

3. Persons claiming zero income will also be asked to complete a family expense form. This form will ask residents to estimate how much they spend on food, beverages, transportation, health care, childcare, debts, household items, etc. Residents will then be asked how they pay for these items.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 21: SECURITY DEPOSIT

A security deposit is used to reimburse the PHA for any resident-caused damage to the unit, unpaid tenant rent, and other unpaid charges when the resident vacates the unit.

1. The PHA requires all resident families to pay a security deposit prior to occupying a unit.
2. The security deposit will not exceed one month's rent, or a reasonable fixed amount established by the PHA, in accordance with state law. The PHA's security deposits amounts are detailed in Appendix F of this Policy.
3. {if:The PHA may provide for the gradual accumulation of the security deposit paid by a resident on a case-by-case basis, not to exceed three (3) payments. If payments are approved, the PHA requires a minimum of 33% of the security deposit to be paid prior to move-in.
4. The family's security deposit, including any agreement for gradual accumulation of the security deposit, will be listed in the lease.
5. The PHA will deposit the family paid security deposit into an interest bearing account and will maintain full, accurate, and detailed accounting records with the financial institution.
6. The PHA will not use the security deposit for any purpose whatsoever while the family occupies the unit.
7. Subject to state and local laws, the security deposit and any interest earned on the security deposit will be refunded to the family when the family vacates the unit, provided the following conditions have been met:
    a. The PHA has inspected the unit and attests that there are no resident-caused damages, or if there are such damages, the resident has paid the PHA for the cost of the necessary repairs and/or replacements to the unit.
    b. The resident does not owe the PHA rent or other charges.
    c. The unit and all equipment therein have been left reasonably clean and free of all trash and debris.
    d. The resident has returned all keys to the unit and any or all tools, supplies, and equipment borrowed from the PHA.
8. If the head of a single member family dies and all of the above conditions prevail, the PHA will dispose of the security deposit in accordance with state and local laws, rules, and regulations pertaining to the resident's estate.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 22: UTILITIES AND THE UTILITY ALLOWANCE

The PHA is required to provide adequate utility service in order to provide safe, decent, and sanitary units.

A. Utility Services

Utility services are the services needed to operate and maintain buildings in good working order.

1. The lease will identify the utilities that the tenant is responsible for paying.
2. If the family fails to pay the utilities identified in the lease, the PHA may terminate the family's tenancy.
3. Utility services may include:
    a. Electricity
    b. Gas
    c. Heating fuel
    d. Water
    e. Sewer
4. Utility services do not include:
    a. Services to remove garbage or refuse from a facility
        1) Waste removal (garbage) services are not an eligible utility expense as they are already included as part of the Operating Fund Formula Project Expense Level (PEL).
        2) If the family is responsible for paying for waste removal services, the PHA may include a reasonable cost in the utility allowance calculation.
    b. Fuel to operate vehicles, independent of whether the vehicles are owned by the PHA
    c. Pest management services
    d. Cable television
    e. Internet services
    f. Building maintenance material or services

B. Individual Metering of Utilities

1. The PHA will individually meter utilities for each individual unit, either through provision of retail service to the residents by the utility supplier or through the use of check-meters, unless:
    a. Individual metering is impractical, such as in the case of a central heating system in a development;

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

b. Change from master-metering system to individual meters would not be financially justified based upon a benefit/cost analysis. The PHA will conduct a benefits/cost analysist for converting to an individually metered system at least every five (5) years; or

c. Check-metering is not permissible under state or local law, or under the policies of the particular utility supplier or public service commission.

2. Where check-metering is not permissible, retail service shall be considered.

3. Where check-metering is permissible, the type of individual metering offering the most savings to the PHA will be selected.

C. Establishment of Utility Allowances

The PHA will establish separate allowances for each utility and for each category of units (type/size) determined by the PHA to be reasonably comparable as to factors affecting utility usage.

1. The PHA will take the following actions with respect to allowances:

   a. Establish utility allowances for PHA-furnished utilities for all check-metered utilities.

   b. Establish utility allowances for resident-purchased utilities for all utilities purchased directly by residents from the utility suppliers.

   c. Maintain a record that documents the basis on which allowances and scheduled surcharges are established and revised and make such records available for inspection by residents.

   d. Notify all residents of proposed allowances, scheduled surcharges, and revisions.

      1) The PHA will provide the notice to the residents not less than 60 days before the proposed effective date of the new allowances, scheduled surcharges, or revisions.

      2) The PHA will include in the notice, with reasonable particularity, the basis for determination of the allowances, scheduled surcharges, or revisions.

      3) The PHA will include in the notice a statement of the specific items of equipment and function whose utility consumption requirements were included in determining the amount of the allowance, scheduled surcharges, or revisions.

      4) The notice will include the place where the PHA maintains records pertaining to allowances, scheduled surcharges, or revisions, and that the records are available for inspections.

      5) The notice shall advise that the residents have an opportunity to submit written comments during a period expiring not less than 30 days before the proposed effective date of the allowances, scheduled surcharges, or revisions.

      6) The notice shall state that the residents' written comments will be retained by the PHA and will be available for inspection by the residents.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

2. Schedules of allowances and scheduled surcharges will not be subject to HUD approval before becoming effective but will be reviewed in the course of HUD audits or reviews of the PHA's operations.
3. The PHA's determination of allowances, scheduled surcharges, and revisions will be final and valid unless found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.
4. Standards for Allowances for Utilities

   The PHA will design methods of establishing utility allowances and surcharges for each unit category and unit size to cover a reasonable amount of consumption for an energy-conservative household of modest circumstances.

   a. The PHA's established allowances for both PHA-furnished utilities and resident-purchased utilities will be designed to include reasonable consumption for:

      1) Major equipment or utility functions furnished by the PHA for all residents, such as a heating furnace and a hot water heater;
      2) Essential equipment, whether or not furnished by the PHA, such as a cooking stove, range or refrigerator; and
      3) Minor items of equipment furnished by residents, such as toasters, radios and television sets.

   b. The PHA has the discretion to choose the methodology for calculating allowances and surcharges.
   c. In establishing allowances and surcharges, the PHA will take into account relevant factors affecting consumption requirements, including:

      1) The equipment and functions to be covered by the allowance for which the utility will be used
      2) The local climate
      3) The size of the units and the number of occupants per unit
      4) The design and construction of the housing development
      5) The energy efficiency of PHA-supplied appliances and equipment
      6) The utility consumption requirements of appliances and equipment whose reasonable consumption is intended to be covered by the total resident payment
      7) The physical condition, including insulation and weatherization
      8) Temperature levels intended to be maintained in the unit during the day and at night, in cold and warm weather and the temperature of domestic hot water.

   d. If the PHA installs air conditioning, it will provide, to the maximum extent economically feasible systems that give residents the option of choosing to use air conditioning in

© 2024 The Nelrod Company, Fort Worth, TX 76107

their units.

1) The design of systems that offer each resident the option to choose air conditioning shall include retail meters or check-meters, and residents shall pay for the energy used in its operation.

2) For systems that offer residents the option to choose air conditioning, the PHA will not include air conditioning in the utility allowances.

3) For systems that offer residents the option to choose air conditioning but cannot be check-metered, residents are to be surcharged in accordance with the provisions in this chapter.

4) If an air conditioning system does not provide for resident option, residents are not to be charged, and these systems should be avoided whenever possible.

5. Period for Which Allowances are Established

   a. PHA-Furnished Utilities:

      1) Allowances will normally be established on a quarterly basis; however, the PHA may surcharge the residents on a monthly basis.

      2) The PHA may provide for seasonal variations for the allowances.

   b. Resident-Purchased Utilities:

      1) The PHA will establish monthly allowances.

      2) The PHA may provide for seasonal variations for the allowances.

D. Resident-Purchased Utilities

For units with resident-purchased utilities, the local utility supplier, owns, operates, maintains, and read the individual utility meters for each individual unit.

1. The resident will be required to establish individual accounts in the name of an eligible family member with the local utility supplier and pay the utility supplier directly for consumption.
2. The resident will be required to sign a third-party notification agreement so that the PHA will be notified if the resident fails to pay the utility bill.
3. The PHA will provide a utility allowance to cover reasonable utility expenditures for the unit and the resident pays the utility supplier directly each time a utility bill is issued.
4. If the utility costs exceed the utility allowance, the resident is responsible for the entire bill and must make up the difference.
5. If the utility cost is less than the utility allowance, the resident will benefit from their consumption efforts.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

E. PHA-Furnished Utilities

For units with PHA-furnished utilities, the PHA pays for the entire building's utility consumption and the resident is not responsible for paying the utility supplier.

1. Examples of PHA-furnished utilities include but are not limited to:
    a. Electricity service
    b. Electricity service for common area hallways, meeting rooms, offices
    c. Electricity service for communal outdoor space, such as a courtyard, playground, or parking lot
    d. Water service
    e. Natural gas service
    f. Electricity, natural gas, or water service for an administration building
2. If the building is individually metered to measure utility consumption for individual units, the PHA will assign tenant responsibility through utility surcharges.
3. If the building is not individually metered to measure actual utility consumption for individual units, the PHA will not be able to assign tenant responsibility for actual utility consumption.
4. If there is no tenant accountability for actual utility consumption, the PHA may surcharge the residents for the installation of resident-owned major appliances, such as resident-owned air conditioning units, or to optional functions of PHA-furnished equipment.

F. Surcharges for Excess Consumption of PHA-Furnished Utilities

1. For units subject to allowances for PHA-furnished utilities where check-meters have been installed:
    a. The PHA will establish surcharges for utility consumption in excess of the allowances.
    b. The PHA will compute the surcharges on a straight per unit of purchase basis (e.g., cents per kilowatt hour of electricity) or for stated block of excess consumption, based on the PHA's average utility rate.
    c. The PHA will describe the basis for calculating such surcharges in the PHA Schedule of Allowances and Surcharges.
    d. Changes in the dollar amount of surcharges based directly on changes in the PHA's average utility rate will not be subject to the advance notice requirements of this chapter.
2. For units served by PHA-furnished utility where check-meters have not been installed:
    a. The PHA will establish schedules of surcharges indicating additional dollar amounts residents will be required to pay by reason of estimated utility consumption

© 2024 The Nelrod Company, Fort Worth, TX 76107

attributable to resident-owned major appliances or to optional function of PHA-furnished equipment.

b. The PHA Schedule of Allowances and Surcharges will state the resident-owned equipment or functions of PHA-furnished equipment for which surcharges will be made, and the amounts of such surcharges, based on the PHA's cost of the utility consumption estimated to be attributable to the reasonable use of equipment.

3. Surcharges in Relationship to Tenant Rent

a. Neither the utility consumption nor the surcharges will impact the tenant rent.

b. The surcharges are collected in addition to the calculated tenant rent.

c. The PHA must give the tenant at least two (2) weeks' notice to pay any surcharges Charges assessed for surcharges will not be due and collectible until two (2) weeks after the PHA provides the tenant with written notice.

G. Review and Revision of Allowances

1. Annual Review

a. The PHA will review at least annually, the basis on which utility allowances and surcharges have been established and update as necessary.

b. The PHA will include in the annual review all changes in circumstances, such as the completion of a modernization program, energy conservation measures, and changes in utility rates.

c. If the utility supplier's website states that there is an approved utility rate increase, the PHA will take this into account when determining allowances for the upcoming year.

d. The PHA will maintain documentation of annual reviews regardless of whether changes to the allowances or surcharges are made.

2. Revision as a Result of Rate Changes

a. The PHA may revise it allowances for resident-purchased utilities between annual reviews if there is a rate change (including fuel adjustments) and will be required to do so if such change, by itself or together with prior rate changes not adjusted for, results in a change of 10% or more from the rates on which such allowances were based.

b. Adjustments to resident payments as a result of such changes shall be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision become effective.

c. The rate changes shall not be subject to the 60-day notice requirement.

H. Utility Reimbursement

When the family's total tenant payment is less than the utility allowance, the PHA will pay the difference between the total tenant payment and the utility allowance. This is referred to as

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

the utility reimbursement.

The PHA pays for Utilities

I. Reasonable Accommodation and Individual Relief

The PHA may adjust utility allowances and surcharges for families where at least one occupant is a person with disabilities or has a special need.

1. Upon a request from a family that includes a member who is a person with disabilities, a person with special needs, or an elderly person, the PHA will approve a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and useable by the family.
2. The PHA may grant, on a case-by-case basis, relief from surcharges for excess consumption of PHA-purchased utilities or from payment of utility supplier billings in excess of the allowances for resident-purchased utilities, based on reasonable grounds as the PHA deem appropriate, such as special needs of elderly, ill or residents with disabilities, or based on special factors affecting utility usage not within the control of the resident.
    a. The PHA will adopt the criteria for granting such relief, and the procedures for requesting such relief, at the same time as the methods and procedures for determining utility allowances.
    b. The PHA will provide notice with information about the availability of such relief (including the identification of the PHA representative with whom initial contact may be made by residents) to existing and upon admission, to new residents.

J. General Utility Policies

1. The PHA will pay the utility bill when a unit is vacant.
2. If the PHA updates utility allowances and surcharges, the PHA has the option to conduct interim adjustments for all tenants at the time the allowances are updated or apply the updated allowance at the tenants next annual reexamination.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 23: THE DWELLING LEASE

The dwelling lease (hereinafter referred to as lease), provides the initial and renewal terms, occupancy policies, and lease enforcement to public housing residents.

A. Lease Provisions

The PHA incorporates the regulatory provisions under the U. S. Housing Act of 1937, as amended, in all leases for dwelling units assisted in developments owned by or leased to the PHA and leased or sublet to residents.

HUD regulations establish both required and prohibited provisions for public housing leases. In addition to HUD's requirements for lease language, the PHA is bound by state and local landlord-tenant laws.

The PHA is permitted to add other provisions as long as the provisions are considered reasonable, satisfy HUD requirements, and conform to the requirements of state and local laws.

In the case of any conflict between the PHA lease and state and local laws, the lease adopted must follow the rule that is the most beneficial to the tenant.

B. PHA Lease Requirements

The PHA will execute a lease with each adult tenant.

1. The PHA lease will specify the following:
    a. Description of the Parties of the Leased Unit
        1) Name of the PHA and name of the head of household and spouse or co-head, if applicable, who will be the tenant in the unit.
        2) The composition of the household as approved by the PHA (family members).
            a) The tenant must promptly inform the PHA of the birth, adoption, or court-awarded custody of a child.
            b) The tenant must request PHA approval to add any other family member as an occupant of the unit.
            c) A lease addendum will be executed to list household members (live-in aide and foster children/adults) who are approved to reside in the unit.
        3) The head of household and spouse or co-head, if applicable, are required to execute the lease prior to actual move-in.
        4) All members of the household 18 years of age or older will be required to sign and date the lease.
    b. The address of the unit leased (address, apartment number, and any other information needed to identify the specific unit)

© 2024 The Nelrod Company, Fort Worth, TX 76107

c. The term of the lease (initial lease term and renewal)

d. Utilities, Services, Equipment, and Appliances

   1) A statement of what utilities, services, equipment are to be supplied by the PHA without additional cost.

   2) A statement of what utilities and appliances are to be paid for by the tenant.

e. The PHA's smoke-free rules.

f. HUD's regulations regarding the protection for survivors of VAWA violence/abuse.

g. Rental Payments, Late Charges

h. Other Charges

i. Payment Location

j. Security Deposit

k. Terms and Conditions

l. PHA Obligations

m. Tenant Obligations

   1) Occupancy of the unit

   2) Community Service Requirements

n. Redetermination of Rent, Dwelling Size, and Eligibility

o. Defects Hazardous to Life, Health, or Safety

p. Move-In and Move-Out Inspections

q. Maintenance, Repairs, and Services

r. Entry of the Dwelling Unit During Occupancy

s. Abandonment and Abandoned Property

t. Notices

u. Notice Procedures

v. Termination of Lease

w. Bifurcation of Lease

x. Grievance Procedures, including a description of the PHA's policies on selecting a Hearing Officer.

y. Modification of the Lease

z. Accommodation of Persons with Disabilities

aa. Solicitation, Trespassing and Exclusion of Non-Residents

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

bb. Waiver

cc. Warranties and Representation of the Resident

dd. PHA's Commitment to Investigate Misrepresentations and Pursue Remedies

2. The PHA will explain the contents of the lease in detail to the tenant and the tenant household members prior to execution of the lease.
3. The lease shall be kept current at all times.
4. A (one) copy of the lease will be given to the tenant and the original lease will be filed as part of the permanent records established for the family.

C. Lease Term and Renewal

Lease, admission, and occupancy policies outline the initial and renewal terms for PHA tenants.

1. The initial lease term for each unit must be a 12-month term.
2. When establishing the initial lease term, the PHA may extend the period a few days beyond 12 months to make the lease term extend to the end of a month.
3. The lease term must be automatically renewed for the same period.
4. Month-to-month leases and month-to-month renewals are prohibited.
5. The PHA will not renew the lease if the family has violated the requirement for resident performance of their community service and self-sufficiency requirements (CSSR)
6. The lease shall convert to a month-to-month term for families determined to be over-income whose tenancy will be terminated per the PHA's public housing over-income policy. The PHA will charge these families, who will still be considered public housing program participants, the family's choice of rent or prorated rent for mixed families during the period before termination.
7. At any time, the PHA or the tenant may terminate the tenancy in accordance with the terms of the lease.

D. Lead-Based Paint Notification and Records

There are two (2) HUD rules related to lead-based paint that affect public housing leases, the Lead Disclosure Rule and the Lead Safe Housing Rule.

These rules apply to all target housing, housing that was constructed prior to 1978, except housing for the elderly, persons with disabilities, or any zero-bedroom dwelling (unless a child of less than six (6) years of age resides or is expected to reside in such housing for the elderly, persons with disabilities, or zero-bedroom dwelling).

1. Lead Disclosure Rule
    a. The PHA must inform the family, including applicants, about the risk of lead-based paint and lead-based paint hazards and provide copies of all lead-based paint records

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

and reports. Unless the development is exempt, the PHA must complete the following at lease initiation:

1) Disclose the presence of any known lead-based paint and/or lead-based paint hazards;

2) Provide the family with an EPA-approved lead hazard information pamphlet, Protect Your Family from Lead in Your Home (available in English, Spanish, Russian, Arabic, Somali, and Vietnamese), to inform the family of the dangers of exposure to lead-based paint hazards; and

3) Provide any available records and reports related to the lead-based paint and/or lead-based paint hazards at the property (in units, common areas and exterior).

   Records and reports may include evaluation reports, reduction activity reports, clearance reports, and any additional information, such as the location of the lead-based paint or hazard or the condition of painted surfaces.

b. The lease must also include a Lead Disclosure Addendum, signed and dated by the PHA, any leasing agent of the PHA, and the family, that:

   1) Contains the required Lead Warning Statement;

   2) Discloses the presence of known lead-based paint and lead-based paint hazards;

   3) Discloses whether the PHA has records or reports that are being provided or that there are no records or reports to disclose;

   4) Documents the receipt by the family of the EPA pamphlet, Protect Your Family from Lead in Your Home, and of records and reports on lead-based paint and lead-based paint hazards; and

   5) Includes a statement that acknowledges that the family received the lead disclosure statement, including any records or reports, and the pamphlet and certifies the accuracy of these statements.

c. Units exempt from the lead-based paint requirements is limited to housing that:

   1) Has been certified as lead-based paint free;

   2) Was constructed after January 1, 1978;

   3) Is solely for the elderly or residential property designated exclusively for persons with disabilities (This housing is not exempt if a child or children under six (6) live or are expected to live in the housing. Note that under Fair Housing rules, the PHA cannot refuse to rent to households with children in order to avoid triggering lead-based paint regulations.); or

   4) Is a zero-bedroom dwelling unit (This housing is also not exempt if a child or children under six (6) live or are expected to live in the housing).

d. Lead disclosures are required regardless of the presence of children in the family.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

e. Acknowledgement

1) The disclosure of lead knowledge and records and reports must be acknowledged by the PHA by initials.

2) The receipt of the PHA's disclosures (knowledge and records/reports) and of the EPA pamphlet must be acknowledged by the family by initials.

3) The lead disclosure form must be signed and dated by both parties.

4) For lease renewals or rent increases, disclosure is required if there is new information, e.g., new lead knowledge or records or reports generated since the last disclosure.

2. Lead Safe Housing Rule (LSHR)

The HUD Lead Safe Housing Rule addresses the conditions that cause lead-based paint hazards for children and families in public housing and other federally assisted housing.

a. Under the 1999 rule, the PHA is required to perform lead-based paint inspections and abate all identified lead-based paint.

b. If the PHA did not complete the lead-based paint inspection, the PHA is required to perform lead-based paint risk assessments, interim controls of identified lead-based paint hazards, and periodic re-evaluations for hazards that may reoccur.

c. If the PHA performed risk assessments and interim controls, the PHA is also expected to complete lead-based paint abatement as part of modernization.

d. As of December 2020, the PHA should have either completed all lead-based paint abatement or have included it in regular capital needs planning.

e. The PHA is responsible for all the activities regarding the elevated blood lead levels (EBLL) response and must follow HUD's guidance in PIH Notices 2011-44 and 2017-13.

3. Retention of Certification and Acknowledgment Information

a. The PHA will maintain records that provide evidence that the family and any purchaser of a low-income housing development constructed prior to 1978 has received the required lead-based paint notification.

b. The signature portion of the notification form will be retained in the PHA's family file for three (3) years after the family vacates the dwelling unit.

E. Lease Revisions or Modifications

Modifications to the lease require a written rider signed by the PHA and the tenant.

1. The lease, all policies, rules, regulations, schedules, charges, and documents which are part of the lease by attachment or by reference may be modified from time to time by the PHA, provided the PHA gives at least a 30-day written notice to tenants and tenant organizations, setting forth the proposed modification, the reasons therefor, and

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

providing the tenants and tenant organizations an opportunity to present written comment which the PHA shall take into consideration prior to the proposed modification being adopted and becoming effective.

2. The PHA may provide notice of changes to the lease and incorporated documents by either of the following methods:
   a. Deliver or mail a copy of such notice to each tenant, or
   b. Post the notice in at least three (3) conspicuous places within each structure or building where affected dwelling units are located, as well as the Management Office, or if none, the Central Office of the PHA.
3. The PHA will ensure that all communications, including notifications, postings, or mailings will be accessible to persons with disabilities, limited English proficiency, or visual impairments
4. If any change in the resident's status results in the need to change or amend any provision of the lease, or if the PHA desires to waive a provision with respect to the resident the existing lease is to be canceled and a new lease executed.

F. Termination of Lease

Termination of the lease will be in accordance with the provisions of the lease the tenant has signed. The PHA may at any time terminate the tenancy for:

1. Serious or repeated violation of material terms of the lease, such as the following:
   a. Failure to make payments due under the lease.
   b. Failure to fulfill household obligations.
2. Being over the income limit for the public housing program for 24 consecutive months.
3. Other good cause. Other good cause includes, but is not limited to, the following:
   a. Criminal activity or alcohol abuse;
   b. Discovery after admission of facts that made the tenant ineligible;
   c. Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with reexamination of income;
   d. Failure of a family member to comply with CSSR, as grounds only for non-renewal of the lease and termination of tenancy at the end of the 12-month lease term; and
   e. Failure to accept the PHA's offer of a lease revision to an existing lease:
      1) That is on a form adopted by the PHA;
      2) With written notice of the offer of the revision at least 60 calendar days before the lease revision is scheduled to take effect; and
      3) With the offer specifying a reasonable time limit within that period for acceptance

© 2024 The Nelrod Company, Fort Worth, TX 76107

by the family.

4. Lease Termination Notices

   The lease and the Termination and Eviction Policy will provide procedures to be followed by the PHA and the family in giving notice one to the other which will require that:

   a. Notices to the family will be in writing and delivered to the tenant or to an adult member of the tenant's household residing in the unit or sent by prepaid first-class mail properly addressed to the tenant; and

   b. Notices to the PHA will be in writing, delivered to the project office or the PHA central office or sent prepaid first-class mail properly addressed.

   c. All PHA notices will be in an accessible format for families with disabilities or families with Limited English Proficiency.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 24: REEXAMINATIONS

The PHA must adopt admission and continued occupancy policies concerning conducting annual and interim reexaminations and that the PHA shall conduct the reexaminations in accordance with such policies. The PHA reexamination policies must be in accordance with the PHA Plan. The annual reexamination determines the continued eligibility of the public housing family, the required unit size, and the appropriate tenant rent. Interim reexaminations are made because of changes in the family's circumstances between annual reexaminations or the last interim reexamination.

A. Annual Reexaminations

The PHA will conduct reexaminations at the following intervals:

1. Income-Based Rent:
    a. The PHA will conduct a complete reexamination of family income, composition, and compliance with community service and self-sufficiency requirements, within 12 months of the previous annual reexamination or new admission for families paying income-based rent.
    b. The PHA will make the appropriate adjustments in the tenant rent after consultation with the family and verification of the family's annual reexamination information.
2. Flat Rent:
    a. The PHA will conduct a reexamination of family composition, compliance with community service and self-sufficiency requirements, and other criteria related to continued occupancy at least annually (every 12 months).
    b. The PHA will conduct a reexamination of family income at least once every three (3) years.
    c. At its discretion, the PHA may establish a policy requiring income reexaminations of families paying flat rent at more frequent intervals, but not more frequently than annually unless the family requests a reexamination based on hardship circumstances.
    d. The PHA has selected to perform a reexamination of family income on an annual basis for families paying flat rent.
3. The PHA must determine compliance once every 12 months with community service and self-sufficiency requirements for all families who pay an income-based or flat rent, including nonexempt individuals.
4. Non-Public Housing Over-Income Families

    The PHA may not conduct an annual reexamination of family income for all non-public housing over-income families.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

B. General Redetermination Requirements

The following redetermination requirements apply to all public housing families, except for non-public housing over-income families.

1. The annual reexamination date for the family will be aligned with the effective date of the family's lease.
2. The PHA will give each family the opportunity to choose between an income-based rent and a flat rent at the time of the annual reexamination.
3. Tenant rent increases or decreases as result of an annual reexamination or interim reexamination are always effective the first day of the month.
4. If the family fails to participate in the reexamination interview and/or fails to provide information required by the PHA, the family will be in violation of the lease and may be terminated from the public housing program.
5. If the PHA determines that a resident has falsified or misrepresented family income, composition, circumstances, conduct or behavior, the PHA may:
    a. Evict the resident in accordance with state law and HUD regulations; or
    b. Take such other remedial action as the PHA may deem necessary under pertinent HUD laws, rules, and regulations and PHA policies.
6. Any change in income resulting from the redetermination is annualized, even if the income is not expected to last for a full year. If the income changes again, the new amount of monthly income will be annualized again.
7. The PHA may require the family to move to an appropriate unit size based on the results of the reexamination.

C. Annual Reexamination Appointment

The PHA will maintain an annual reexamination tracking system and approximately 120 days in advance of the annual reexamination effective date the PHA will begin the annual reexamination process.

1. Scheduling the Annual Reexamination Appointment
    a. The PHA will schedule the annual reexamination appointment within reasonable hours after reasonable notice.
    b. Reasonable hours to conduct annual reexamination appointments are between the PHA's normal business hours during the PHA's normal business days, excluding weekends (Saturday and Sunday) and PHA recognized holidays.
    c. The PHA will provide the family with a written annual reexamination appointment notice. The notice will:
        1) State the date of the annual reexamination appointment, the location, time, and

© 2024 The Nelrod Company, Fort Worth, TX 76107

what information is required to be brought to the appointment.

2) State, the head of household and all adult household members 18 years of age and older are required to attend the annual reexamination appointment.

3) The PHA will advise the family if the family contains a member who is a person with disabilities, that the family may request, as a reasonable accommodation, a home visit as an alternate format for the PHA to conduct the annual reexamination. The PHA may also conduct the annual reexamination by home visit as an alternate format for elderly families.

d. The annual reexamination appointment may be conducted in the following format:

1) In person, face-to-face appointment

2) Home visits as a reasonable accommodation for person with disabilities or for elderly families

e. The PHA will provide annual reexamination documents in an accessible format for families with disabilities or families with Limited English Proficiency.

f. The PHA will advise the family that a representative, of the family's choosing, may assist with the annual reexamination process.

2. Scheduling Conflict

The PHA will advise the family how to and when to request another appointment if there is a scheduling conflict.

a. The family may contact the PHA to reschedule the first annual reexamination appointment up to two (2) days prior to the appointment date. The family may contact the PHA by:

1) Phone call

2) Email

b. Within 10 days of receiving the request, the PHA will reschedule the second annual reexamination appointment. The second annual reexamination appointment notice will be mailed or emailed promptly (within three (3) days of the first appointment).

c. The second annual reexamination appointment will be scheduled to occur within 10 business days of the original appointment date or a date which has been mutually agreed upon by the PHA and the family.

1) If the family fails to appear for the second appointment, the PHA will send the family a notice of termination and advise the family of their rights to request a grievance.

2) The PHA may grant an exception for failure to contact the PHA timely to reschedule the appointment if:

a) The family is able to document an emergency situation;

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

b) The family has experienced extenuating circumstances that prevented the family from canceling or attending the annual reexamination appointment; or

c) The family requests a reasonable accommodation for a family member who is a person with a disability.

3. Failure of the family to respond to either annual reexamination notice may result in termination of assistance.

D. Streamlined Annual Reexamination Income Determination for Fixed Incomes

The PHA will conduct a streamlined income reexamination for verifying and adjusting fixed income sources over a three-year cycle for any family member with an unadjusted income consisting of 90% or more from fixed income sources.

1. The streamlined annual reexamination for fixed income is available for current public housing families only and may be implemented at the family's next annual reexamination.
2. The streamlined annual reexamination for fixed income is not available for public housing applicants. Upon admission to the program, the PHA will obtain third-party verification of all income sources for all family members.
3. A family member with a fixed income source is defined as a family member whose income includes periodic payments at reasonable predictable levels from one or more of the following sources:
   a. Social Security, Supplemental Security Income, Supplemental Disability Insurance;
   b. Federal, State, local, or private pension plans;
   c. Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar type of periodic receipts; or
   d. Any other source of income subject to adjustment by a verifiable cost of living adjustment (COLA) or current rate of interest.
4. The PHA must determine whether a source of income is fixed.
   a. The PHA will compare the amount of income from the source to the amount generated during the prior year.
   b. If the amount is the same or if it has changed only as a result of a COLA or due to interest generated on a principal amount that remained otherwise constant, the source is fixed.
   c. The PHA may also make such a determination by requesting the family to identify which source(s) of income are fixed.
   d. The PHA will document in the family file how the PHA made its determination that a source of income is fixed.
5. When 90% or more of a family's unadjusted income consists of fixed income, the PHA will

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

apply a COLA(s) or current rate of interest to the family's fixed income sources, provided that the family certifies both that 90% or more of their unadjusted income is fixed income and the sources of fixed income have not changed from the previous year. The PHA will verify all non-fixed income using third-party verification methods in years in which the COLA/current rate of interest is applied to the fixed income.

6. When less than 90% of a family's unadjusted income consists of fixed income, the PHA will apply a COLA or current rate of interest to each of the family's sources of fixed income individually. The PHA will continue to use third-party verification for any non-fixed source of income for the family member annually.
7. The COLA or Current Interest Rate
    a. In the initial year in which a streamlined income determination is made, the PHA must apply the COLA or current rate of interest to a source of income that has been previously verified.
    b. The PHA will adjust the family's fixed income using a COLA or current interest rate that applies to each specific source of fixed income and is available from a public source or through tenant-provided third-party verification.
    c. If no public verification or tenant-provided verification is available, the PHA must obtain third-party verification of the income amounts in order to calculate the change in the income from the source.
8. Streamlined Annual Reexamination Timeline

Year 1	The PHA will complete a move-in or annual reexamination consistent with the regulations on reexaminations.
Year 2 and 3	The PHA will complete an annual reexamination with the following streamlined income determination for each type of source: • Fixed Income: Apply inflation adjustment factor. The PHA will not collect third-party verification for the fixed income source. • Non-fixed income sources when fixed income is more than 90% of unadjusted income: The PHA will adjust the income using third-party verification. • Non-fixed income when fixed income is less than 90% of unadjusted income: The PHA will adjust the income using third-party verification. • Assets and Deductions: Completes verification and calculation of assets and deductions
Year 4	The cycle begins again.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

E. Family Interim Reporting Requirements

At any time, the family may request an interim determination of family income or composition because of any changes since the last determination.

1. The family must report within 10 business days of occurrence, the following to the PHA:
    a. Changes in family income (increases or decreases), including but not limited to changes in the source (earned and/or unearned), employer, employment status, etc.
    b. Any changes in the household composition, including additions and removal of household members.
    c. Increases or decreases in allowable deductions/allowances that may affect the adjusted income.
2. The PHA may receive the form in writing:
    a. By dropping it off at the PHA office (the family will be provided a receipt containing the day and time the form was dropped off)
    b. By mail
    c. By email
4. The PHA will determine whether a reported change in the family's circumstances warrants an interim reexamination.

F. Interim Household Composition Reporting Requirements

The PHA will conduct an interim reexamination when there is a change (addition or removal) in family composition. The composition of the assisted family, including household members, residing in the unit must be approved by the PHA. No other persons, except those approved by the PHA, may reside in the assisted unit.

1. Addition of Family or Household Members
    a. Adding family members resulting from birth, court awarded custody or adoption does not require PHA approval. The family must notify the PHA within 10 business days of the addition.
    b. The family must request, in writing, PHA approval to add a foster child/adult or live-in aide as a household member.
    c. Addition of Persons Under 18 Years of Age

        When the family requests, in writing, to add a minor to the family composition, the following will be required:

        1) Verification of birth
        2) Declaration of Citizenship form for the minor.
        3) Copy of SSN for new household members at least six (6) years of age or is under

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

age six (6) and has an SSA-assigned SSN.

a) The family must disclose the SSA-assigned SSN and provide the PHA with the documents at the time of the PHA request, or at the time of processing the interim of family income and/or composition.

b) If the family is unable to provide the required documentation of the SSN, the PHA will not add the new household member to the family composition until the family provides the documentation.

c) HUD does not authorize the PHA to generate an ALT ID for the affected household member.

d) Exception if the minor does not contend to have eligible immigration status and has not been assigned an SSN.

4) Copy of SSN for new household member who is under the age of six (6) and does not have an SSA-assigned SSN.

a) The family must disclose the SSA-assigned SSN and provide the PHA with the documents within 90 calendar days of the child being added to the household.

b) If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the PHA will grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement, only if the PHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family.

c) The child is to be included as part of the assisted household and is entitled to all the benefits of being a household member during the allotted time for the family to comply with the SSN disclosure and documentation requirements.

d) The PHA will generate an ALT ID.

e) Upon expiration of the provided time period, if the family has not complied with the SSN disclosure and documentation requirements, the PHA will terminate the entire family's housing assistance.

f) An exception to the above occurs when the minor does not contend to have eligible immigration status and has not been assigned an SSN.

5) For a parent or another person having custody or guardianship of such a minor the PHA will require one of the following documents:

a) One of the following documents:

(1) Court-order assignment;

(2) Statement from parent/guardian assigning custody or guardianship;

(3) Custody Agreement filed in a court of law;

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

(4) Adoption papers; or

(5) Verification from a social service agency.

b) Proof of residency of the minor which may include but is not limited to:

(1) Address on file with school;

(2) Address used for receipt of any benefits; or

(3) Verification from a social service provider.

6) Declaration of any income (earned or unearned) and assets (including income from assets) for the minor.

d. Addition of Adults 18 Years of Age or Older

When the family requests, in writing, to add an adult person to the family composition, the following will be required:

1) Verification of birth

2) Copy of a government issued photo identification

3) Declaration of Citizenship form for the adult

4) Copy of SSN for the new household members who has an SSA-assigned SSN.

a) The family must disclose the SSA-assigned SSN and provide the PHA with the documents at the time of the PHA request, or at the time of processing the interim of family income and/or composition.

b) The PHA must terminate the public housing assistance if the family does not disclose and provide the required documentation.

c) However, if the family is otherwise eligible for continued assistance the PHA, at its discretion, may defer the family's termination and provide the family an opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date the PHA determined the family noncompliant with the SSN disclosure and documentation requirement, only if the PHA determines:

(1) The failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside the control of the family; and

(2) There is a reasonable likelihood that the family will be able to disclose the SSN and provide such documentation of the SSN by the deadline.

d) If the family is unable to comply with the requirements by the specified deadline, the PHA will terminate the entire family's tenancy or assistance, or both.

e) The PHA must terminate the family's public housing assistance if the family

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

submits falsified SSN documentation.

f) An exception to the above if the adult does not contend to have eligible immigration status and has not been assigned an SSN.

5) Declaration of any income (earned or unearned) and assets (including income from assets) for the adult.

6) The individual will be required to sign form HUD-9886-A, Authorization for Release of Information/Privacy Act Form, and other PHA consent forms.

7) The adult is subject to the same screening (criminal background check) and eligibility requirements as the assisted family.

e. Prior to approving the request to add a family or household member, except additions due to birth, court awarded custody, or adoption, the PHA will generate:

1) The EIV Former Tenant and Existing Tenant Reports for all minors and adults to determine if there is a SSA match involving another PHA or Multifamily program.

2) The Debts Owed to PHAs Report to determine if requested adult owes a debt to the PHA, another PHA, or Multifamily program.

f. Denial of the Request to Add Family or Household Member

1) The PHA will notify the family in writing if there is a determination to deny the request to add a family or household member.

2) The assisted family may request a review of the PHA decision to deny the request.

3) The family may request a grievance for the denial.

2. Approval of the Request to Add a Family or Household Members

If the PHA determines an individual meets the PHA's eligibility criteria, the PHA will provide written approval to add the individual as a family or household member.

3. Denial of the Request to Add a Family or Household Member

a. The PHA will notify the family in writing if there is a determination to deny the request to add a family or household member.

b. The assisted family may request a review of the PHA decision to deny the request.

c. The denial is subject to the PHA's grievance procedures.

4. Removal of Family or Household Members

a. The family must promptly, within 10 business days notify the PHA if any family or household member no longer resides in the unit.

b. Failure to report the removal of a family or household member timely, may result in the family owing a retroactive rent and/or termination of public housing assistance.

c. The PHA will process an interim reexamination for all decreases in adjusted income

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

when a family member permanently moves out of the unit, including death of a family member.

G. PHA Interim Requirements

When the PHA determines that an interim reexamination is required, the PHA must ask the family to report changes in all aspects of adjusted income, household composition, and assets.

1. The PHA will conduct an interim reexamination:
   a. Within a reasonable time after the family's request, or
   b. When the PHA becomes aware of a change in the family's adjusted income (including adjustments in income, household composition, and assets) that must be processed in accordance with regulation and PHA policy.
2. The PHA will consider reasonable time based on the amount of time it takes the PHA to verify the information, but no longer than 30 days after the change in income was reported by the family.
3. When calculating a family's income, including asset income, during interim reexaminations, the PHA will use anticipated income (current income – i.e., the family's estimated income for the upcoming 12-month period).
4. Decreases in Annual Adjusted Income

   Decreases in annual adjusted income include decreases in earned income, unearned income, and increases in the family's deductions and allowances.

   a. The PHA will conduct an interim reexamination when a family's annual adjusted income has changed by an amount that the PHA estimates will result in a decrease of 10% or more in annual adjusted income.
   b. The PHA will conduct an interim reexamination if the PHA estimates that the family's annual adjusted income will decrease by an amount that is less than 10% of the family's annual adjusted income, with the exception of the following circumstances in which household members are added or removed..
   c. A series of smaller reported decreases in adjusted income may cumulatively meet or exceed the 10% or more decrease threshold, at which point the PHA will conduct an interim reexamination.
   d. The PHA will not establish a dollar figure threshold amount instead of a percentage threshold.
   e. The PHA will round calculate the percentage decrease to the nearest unit (e.g., a calculated decrease of 9.5% may be rounded up to 10%).
   f. When a decrease of any size is reported by a family, the PHA will document the reported decrease in the tenant file.
   g. The PHA has not adopted a retroactive rent decrease policy for circumstances in which

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

families fail to report changes in a timely manner.

5. Increases in Annual Adjusted Income

   The PHA must conduct an interim reexamination of family income when the PHA becomes aware that the family's adjusted income has changed by an amount that the PHA estimates will result in an increase of 10% or more in annual adjusted income or such other amount established by HUD through notice, except:

   a. The PHA will include earned income increases in determining whether the 10% threshold is met for increases in annual adjusted income when the family previously received an interim reexamination that resulted in a decrease in annual adjusted income (earned, unearned, or combined) during the same reexamination cycle.

   b. The PHA will not process interim reexaminations for income increases that result in less than a 10% increase in annual adjusted income, with the exception of circumstances in which household members are added or removed, as described in Section G of this chapter.

   c. The PHA will conduct an interim reexamination if the family reports an increase in income within the three (3) months of their next annual reexamination effective date.

   d. A series of smaller reported increases in adjusted income may cumulatively meet or exceed the 10% increase threshold, at which point the PHA will conduct an interim reexamination.

   e. When an increase in income of any size is reported by a family, the PHA will document the reported increase in the tenant file.

6. Changes in Household Composition

   The PHA will apply a 0% threshold and conduct an interim reexamination when a household adds or removes household members, including family members, foster adults, foster children, and live-in aides, regardless of if the change in household composition results in a decrease, increase, or not change in the family's annual adjusted income.

   a. When conducting an interim reexamination for an increase due to the addition or removal of a household member, the PHA will not consider increases in earned income when estimating or calculating whether the family's adjusted income has increased, unless the family has previously received an interim reduction during the same reexamination cycle.

   b. This lower threshold does not apply when the household does not add or remove a household member but experiences other changes to existing household member characteristics. Such changes will be reviewed under the normal increase or decrease policies as described in this chapter.

7. Over-Income Public Housing Families

   Regardless of changes in adjusted annual income, the PHA is required to conduct interim

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

reexaminations at specific intervals of over-income public housing families to determine whether the family continues to exceed the income limit.

a. This continued evaluation of the family's over-income status requires the PHA to notify any family that exceeds the over-income limit that they remain over the income limit, even if the family is paying the flat rent.

b. If the PHA determines the family's income has fallen below the over-income limit since the initial over-income determination, the over-income determination will reset.

c. However, if the family has remained over-income for 24 consecutive months, any resulting income determination after the 24 consecutive months will not make the family eligible to remain in the public housing program beyond the period before the PHA enforces its continued occupancy policy for public housing over-income families.

8. Non-Interim Reexaminations

Families may experience changes within the household that do not trigger an interim reexamination but still need to be reported to HUD.

a. The PHA will submit form HUD-50058 using the Interim Reexamination/Mid-Cycle Changes action code to specify that the PHA is not conducting an interim reexamination but is reporting other changes to HUD.

b. Non-Interim Reexamination Transactions

The Interim Reexamination/Mid-Cycle Changes action code will be used for the following transaction types when an interim reexamination is not triggered under the final rule or under the discretion of HUD exercised through notice:

1) Adding or removing a hardship exemption for the child-care expense deduction;

2) Updating or removing the phased-in hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction (the phased-in relief will begin at an eligible family's first annual or interim reexamination, whichever is sooner, at which the PHA is complying with HOTMA requirements);

3) Adding or removing general hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction;

4) Adding or removing a minimum rent hardship; and

5) Updating a family member's citizenship status from eligible to ineligible or vice versa, resulting in a change to the family's rent and/or utility reimbursement, if applicable (i.e., family begins receiving prorated assistance or previously prorated assistance becomes full assistance), or updating the prorated rent calculation due to the addition or removal of family members in household with an ineligible noncitizen(s).

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Note: The PHA will make all other changes to assets, income, and deductions at the next annual or interim reexamination of income, whichever is sooner.

9. The PHA will process interim income reexaminations in accordance with the chart below:

INTERIM REEXAMINATION PHA ACTION		
Scenario	**PHA Action**	**Notes**
Family reports income increase or decrease	PHA will estimate the amount of the income change	The PHA will include the earned income in determining whether the 10% threshold has been met only when an interim decrease has previously been conducted within the same reexamination cycle.
Estimate shows income decrease is 10% or more of adjusted income	PHA will conduct an interim reexamination	
Estimate shows income decrease is less than 10% or more of adjusted income	PHA will conduct an interim reexamination	If the PHA uses the default 10% threshold, no interim reexamination is required.
Estimate shows an increase in applicable income is more than 10%	PHA will conduct an interim reexamination	The PHA will conduct an interim reexamination if the increase of income occurred in the last three (3) months before a regular annual reexamination.

H. Interim Reexamination Appointments

The PHA will maintain an interim reexamination tracking system to document the date interim changes were received and completed.

1. Scheduling the Interim Reexamination Appointment
   a. The PHA will schedule an interim reexamination appointment within reasonable hours after reasonable notice.
   b. Reasonable hours to conduct annual reexamination appointments are between the PHA's normal business hours during the PHA's normal business days, excluding weekends (Saturday and Sunday) and PHA recognized holidays.
   c. The PHA will provide the family a written interim reexamination appointment notice. The notice will:
      1) State the date of the interim reexamination appointment, the location, time, and what information is required to be brought to the appointment.
      2) State, head of household are required to attend the interim reexamination appointment.

© 2024 The Nelrod Company, Fort Worth, TX 76107

3) The PHA will advise the family if the family includes a member who is a person with disabilities, that the family may request, as a reasonable accommodation, a home visit as an alternate format for the PHA to conduct the interim reexamination. The PHA may also conduct the interim reexamination by home visit as an alternate format for elderly families.

d. The interim reexamination appointment may be conducted in the following format in person, face-to-face appointment

e. The PHA will provide interim reexamination documents in an accessible format for families which includes a person with disabilities or families with limited English proficiency.

f. The PHA will advise the family that a representative, of the family's choosing, may assist with the interim reexamination process.

2. Scheduling Conflict

The PHA will advise the family how to and when to request another appointment if there is a scheduling conflict.

a. The family may contact the PHA to reschedule the first interim reexamination appointment up to one (1) day prior to the appointment date. The family may contact the PHA by:

1) Phone call

2) Email

b. Within 10 days of receiving the request, the PHA will reschedule the second annual reexamination appointment. The PHA will reschedule one (1) second interim reexamination appointment. The second interim reexamination appointment notice will be mailed or emailed promptly (within 10 days of the first appointment and will be scheduled within 10 business days or a date which has been mutually agreed upon by the PHA and the family.

1) If the family fails to appear for the second appointment, the PHA will send the family notice of termination and advise the family of their rights to request a grievance.

2) The PHA may grant an exception for failure to contact the PHA timely to reschedule the appointment if:

a) The family is able to document an emergency situation;

b) The family has experienced extenuating circumstances that prevented the family from canceling or attending the interim reexamination appointment; or

c) The family request as a reasonable accommodation for a family member who is a person with a disability.

3. Failure for the family to respond to either interim reexamination notice may result in

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

termination of assistance.

I. Verification of Annual/Interim Reexamination Information

The PHA will use EIV in its entirety to verify family employment and income during mandatory and interim reexaminations of family income and composition. The PHA will review the EIV Income and IVT Reports during mandatory and interim reexaminations of family income and/or composition to reduce family under reporting of income and improper subsidy payments. The PHA will follow the HUD Verification Hierarchy and the PHA's verification procedures.

1. The PHA will obtain and document in the family file third-party verification of the following factors, or will document in the family file why third-party verification was not available:
   a. Reported family annual income;
   b. The value of the family's assets;

      For a family with net assets equal to or less than the asset threshold established annually by HUD, the PHA may accept, for purposes of recertification of income, a family's declaration that it has net assets equal to or less than the asset threshold established annually by HUD, without the PHA taking additional steps to verify the accuracy of the declaration.

      1) The declaration must state the amount of income the family expects to receive from such assets; this amount must be included in the family's income.
      2) The PHA must obtain third-party verification of all family assets every three (3) years.

   c. Expenses related to deductions from annual income; and
   d. Other factors that affect the determination of the family's adjusted income.
   e. The PHA will maintain the EIV Income Report in the family file along with the form HUD-50058 and other supporting documentation to support income and rent determinations for mandatory and interim reexaminations of family income and composition.
2. Because the PHA included earned income increases in the determination of whether the 10% threshold was met for increases in adjusted income when the family previously had an interim reexamination performed for a decrease in annual adjusted income (earned, unearned, or combined) since the last annual reexamination, the PHA will review the EIV New Hires Report at least quarterly, for the remainder of the reexamination period after the interim reexamination to decrease rent occurred.
3. Verifications for reexaminations must be an original or authentic document generated by a third-party source dated within the 120-days of the date received by the PHA.
4. The family will be obligated to supply any information that the PHA or HUD determines is necessary for use in regularly scheduled or interim reexamination of family income and

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

composition. Failure to provide documentation may result in termination of assistance.

5. The family must submit consent forms for obtaining wage and claim information from federal, state, or local agencies to furnish or release to the PHA such information determined necessary. The family's failure to comply with consent forms will result in termination of assistance.

J. Effective Dates of Annual and Interim Reexaminations

1. Annual Reexaminations

   a. For increases in tenant rent at annual reexamination, the PHA will complete annual reexaminations in advance so that the effective date is the first day of the month of the anniversary month following a 30-day notice from the PHA.

   b. Decreases in tenant rent at annual reexamination are effective the first day of the month of the anniversary month.

   c. If the family caused a delay in the reexamination process or failed to report all income and deductions the PHA will complete the annual reexamination using the best available information to determine the annual income.

      1) The PHA will complete an interim reexamination to correct the file, if applicable.

      2) If the family owes a retroactive rent, the family will be required to enter into a Repayment Agreement.

      3) The family's assistance may be terminated due to a violation of the obligations of the family.

2. Timely Report of Interim Changes

   Family timely report of an interim change of family income or composition.

   a. Tenant Rent Increases

      If the family reported an interim change timely, within 10 business days of occurrence, and the tenant rent increased as a result of the interim reexamination, the PHA will provide the family with a 30-day advance notice of the tenant rent increase and such rent increase will be effective the first day of the month beginning after the end of that 30-day period.

   b. Tenant Rent Decreases

      1) If the family reported an interim change timely, within 10 business days of occurrence, and the tenant's rent is decreased as a result of the interim reexamination, the decrease in tenant rent will be effective on the first day of the month after the date of the actual change leading to the interim reexamination of family income.

      2) The timely reported decrease in tenant rent will be applied retroactively.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

3. Untimely Report of Interim Changes

   Family untimely report of an interim change of family income or composition.

   a. Tenant Rent Increases

      If the family fails to report the interim change timely, within 10 business days of occurrence, and the tenant rent increases as result of the interim reexamination, the tenant rent will increase retroactively to the first day of the month following the date of the of the change leading to the interim reexamination of family income.

   b. Tenant Rent Decreases

      1) If the family fails to report an interim change timely, within 10 business days of occurrence, and the tenant rent decreases as a result of the interim reexamination, the effective date of the decrease in tenant rent must be no later than the first rent period following completion of the interim reexamination.

      2) Extenuating Circumstances

         a) The PHA will make the effective date of an interim reexamination retroactive to the first of the month following the date of the actual decrease in income as opposed to the first of the month following completion of the reexamination when a family's ability to report a change in income promptly was hampered due to extenuating circumstances, such as a natural disaster, or disruptions to the PHA's management operations.

         b) A retroactive rent decrease may not be applied prior to the later of either:

            (1) The first of the month following the date of the actual decrease in income, or

            (2) The first of the month following the most recent previous income examination.

K. Notification of the Annual/Interim Reexamination Results

The PHA will notify the family of the results of the annual/interim reexamination in writing.

2. Annual Reexamination Notification

   a. The notice will include the following:

      1) The amount and effective date of the new tenant rent; and

      2) The amount and effective date of the utility reimbursement (if applicable).

   b. For increases in tenant rent at annual reexamination, the PHA will complete annual reexaminations in advance so that the effective date is the first day of the month of the anniversary month following a 30-day notice from the PHA.

   c. Decreases in tenant rent at annual reexamination are effective the first day of the month of the anniversary month.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

d. If the family caused a delay in the reexamination process or failed to report all income and deductions the PHA will complete the annual reexamination using the prior year's income.

4) The PHA will complete an interim reexamination to correct the file, if applicable.

5) If the family owes a retroactive rent, the family will be required to enter into a Repayment Agreement.

6) The family's assistance may be terminated due to a violation of the obligations of the family.

e. If the TTP increased as a result of the annual reexamination, the PHA will advise the family of their rights to request a grievance hearing.

3. Interim Reexamination Notification

a. The PHA will conduct or not conduct an interim reexamination in accordance with the PHA's policies regarding decreases and increases in annual adjusted income.

b. If the interim reexamination results in no change in the tenant rent, the PHA will notify the family of such in writing.

c. If the interim reexamination results in a change to the tenant rent, the notice will include the following:

1) The amount and effective date of the new tenant rent; and

2) The amount and effective date of the utility reimbursement (if applicable).

L. Community Service and Self-Sufficiency Requirements (CSSR)

This section outlines the community service and self-sufficiency requirements, provides a description of eligible activities, the responsibilities of the PHA and resident, and how the PHA will administer and document the requirement.

1. QHWRA mandates that each non-exempt adult family member (18 years old or older) who resides in public housing must contribute either:

a. Eight (8) hours of community service per month, or

b. Participate in an economic self-sufficiency program for eight (8) hours per month, or

c. Perform a combination of eight (8) hours of community service and participation in an economic self-sufficiency program per month.

d. The required community service contribution or self-sufficiency participation, or combination of both activities, may be completed at eight (8) hours each month or aggregated throughout the year, as long as 96 hours are completed by each annual reexamination.

2. The effective date of participation for all non-exempt family members is the date the family executes the lease containing the CSSR requirement. New admissions, as well as families

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

in occupancy, are affected by this requirement.

3. The PHA will provide written notice to all applicants and residents of the CSSR requirement and describe the process to determine which family members are exempt from the requirement and the process to change the exemption status of family members.
4. The PHA may administer the CSSR requirement directly or may make the activities available to non-exempt family members through a contractor or partnership with qualifying organizations, including resident organizations, faith-based, and community agencies/organizations or institutions.
    a. The PHA will provide names and contact information of agencies offering opportunities for residents, including persons with disabilities, to comply with the CSSR requirements.
    b. The PHA will choose to coordinate with social service agencies, local schools, and human service offices to develop a referral list of names and agency contacts.
    c. PHAs that administer a ROSS or Family Self-Sufficiency (FSS) program will not partnership with the Program Coordinating Committee.
    d. The PHA will create an agreement with the local organizations to allow the organizations to advertise their program, assist with transportation, childcare, or other barriers and be able to verify the CSSR hours completed by the non-exempt family members.
5. 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.

    a. The PHA will provide guidance and a list of acceptable activities or advance approval of a community service activity to avoid the possibility of refusing to recognize the activity as eligible after the non-exempt family member performs it.
    b. Eligible community service activities include, but are not limited to:
        1) 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);
        2) Nonprofit organizations serving PHA residents or their children, such as: Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs, Police Activities League (PAL), organized children's recreation, mentoring, or education programs, Big Brothers or Big Sisters, Garden Centers, community clean-up programs, beautification programs;

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

3) Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels;

4) 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;

5) PHA housing to improve grounds or provide gardens (so long as such work does not alter the PHA'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 PHA-run self-sufficiency activities including supporting computer learning centers; and,

c. The PHA will accept community services activities performed at for profit-motivated entities, volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based community service.

d. The PHA will not substitute community service activity performed by a non-exempt family member for work ordinarily performed by a PHA employee. The non-exempt family member may perform community service on PHA property or with or through PHA programs to assist with or enhance work done a PHA employee.

6. Economic Self-Sufficiency Activity:

Is any program designed to encourage, assist, train, or facilitate the economic independence of assisted families or to provide work experience for such families. It includes any work activities as defined in the Social Security Act.

a. Eligible economic self-sufficiency activities include, but are not limited to:

1) Job readiness or job training while not employed;

2) Employment counseling and work placement;

3) 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;

4) Education, including higher education (junior college or college);

5) Apprenticeships (formal or informal);

6) Substance abuse or mental health counseling;

7) Basic skills training;

8) Household management;

9) Reading, financial and/or computer literacy classes;

10) English as a second language and/or English proficiency classes;

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

11) Budgeting and credit counseling.

7. Exempt Residents:
   a. The PHA will exempt the following family members from the CSSR requirements:
      1) The elderly, age 62 years of age or older;
      2) Blind or disabled as defined under law and who certify that because of this disability, he/she is unable to comply with the CSSR requirement;
         a) Existing documentation will be accepted as evidence of disability; however, disabled family members are not automatically exempt from the requirement.
         b) A family member who is the primary caretaker for someone who is blind or disabled.
      3) An adult family member engaged in work activities;

         The PHA will consider 30 hours per week as the minimum number of hours for a work activity.
      4) A family member who 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 (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the PHA is located, including a State-administered Welfare-to-Work program;
      5) A family member receiving assistance, benefits or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other State welfare program (Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP)) in which the PHA is located, including a State-administered Welfare-to-Work program, and has not been found by the State or other administering entity to be in noncompliance with such a program; or
      6) A member of a non-public housing over-income family.
   b. The exemption status must be verified at move-in and each annual reexamination.
8. Non-Exempt Residents

   Non-exempt family members must participate in one of the following work activities:
   a. Unsubsidized employment;
   b. Subsidized private-sector employment;
   c. Subsidized public-sector employment;
   d. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
   e. On-the-job-training;

© 2024 The Nelrod Company, Fort Worth, TX 76107

f. Job-search;

g. Community service programs;

h. Vocational educational training (not to exceed 12 months with respect to any individual);

i. Job-skills training directly related to employment;

j. 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

k. 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.

l. Providing childcare services to an individual who is participating in a community service program.

9. Change in exempt status:

   a. When a non-exempt family member becomes exempt, it is his/her responsibility to report the change in exempt status and provide documentation to the PHA.

   b. When an exempt family member becomes non-exempt, it is his/her responsibility to report the change in status to the PHA.

   c. The PHA will make the final determination whether to grant an exemption from CSSR. If a resident does not agree with the PHA's determination, the resident has the right to dispute the decision through the grievance process.

10. At lease execution or annual reexamination all adult family members of a public housing resident family must:

    a. Provide documentation, if applicable, that they qualify for an exemption from CSSR; and

    b. Sign the CSSR Certification that they have received and read the CSSR Policy and understand that failure to comply with CSSR requirements will result in non-renewal of their lease, unless they are exempt for the CSSR requirement.

    c. The effective date of participation of all non-exempt family members is the date the family executes the lease containing the CSSR requirement.

11. Acceptable Documentation Demonstrating Compliance with CSSR

    The PHA will verify annually exemptions to the CSSR requirement and compliance with CSSR requirements for non-exempt family members.

    a. At least 30 days before the annual reexamination and/or lease expiration, the PHA will review the exempt or non-exempt status and compliance of non-exempt adult family members.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

b. At each regularly schedule rent reexamination, each non-exempt family member must present a signed certification, on a form provided by the PHA, of their CSSR activities performed over the previous twelve 12 months.

c. Acceptable Documentation of Activities Completed Outside the PHA

1) A signed certification to the PHA by such other organization that the family member has performed such qualifying activities; or

2) The PHA may accept a signed self-certification by the family member that he or she has performed such qualifying activities. The signed self-certification must include the following:

a) A statement that the tenant contributed at least eight (8) hours per month 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 eight (8) hours per month;

b) 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;

c) The date(s) during which the tenant completed the community service activity, or participated in the economic self-sufficiency program;

d) A description of the activity completed; and

e) A certification that the tenant's statement is true.

f) The PHA will obtain third-party verification of the completion of CSSR activity completed outside of the PHA for the self-certification.

d. The PHA will retain documentation of the CSSR performance or exemption in the family file.

12. Noncompliance with CSSR

The PHA will not evict a family due to non-compliance with CSSR requirements. The PHA will provide a written notification to the family which will include:

a. A brief description of the finding of non-compliance with CSSR.

b. A statement that the PHA will not renew the lease at the end of the current 12-month lease term unless:

1) The tenant enters into a written Work-Out Agreement with the PHA, or

2) The family provides written assurance that is satisfactory to the PHA explaining that the tenant or other non-compliant resident no longer resides in the unit.

c. The Tenant Agreement to Comply - The Work-Out Agreement

1) The PHA will not review the lease upon expiration of the term unless:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

a) The tenant or other noncompliant family member enters into a Work-Out Agreement, and

b) All other nonexempt family members are currently complying with the service requirement or are no longer residing in the unit.

2) The Work-Out Agreement will include:

a) The means which the non-compliant non-exempt family member will comply with the CSSR requirement;

b) The number of delinquent CSSR hours;

c) How the delinquent hours will be remedied during the next 12 months; and

d) The number of hours, if any, that will be required under the new lease.

3) If a family refuses to sign or fails to comply with the terms of the written Work-Out Agreement, the PHA will initiate termination of the tenancy at the end of the current 12-month lease. The termination is due to the family's failure to comply with lease requirements.

d. The PHA will provide the following when initiating the termination of tenancy:

1) A 30-day notice to the tenant of the grounds for terminating the tenancy and for non-renewal of the lease;

2) The tenant's right to request a grievance hearing on the PHA's determination;

3) The right to request reasonable accommodations during the grievance process;

4) The tenant's right to exercise any available judicial remedy to see timely redress for the PHA's nonrenewal of the lease because of noncompliance with the CSSR requirements;

5) The tenant's rights to be represented by counsel;

6) Opportunity for the tenant to refute the evidence presented by the PHA, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and,

7) A decision on the merits.

13. The PHA will comply with non-discrimination and equal opportunity requirements and affirmatively further fair housing in all the PHA's activities.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 25: ZERO-INCOME FAMILIES

A zero-income family is a family who reports no source of income (earned or unearned) and no regular contributions and/or gifts during the most recent eligibility or reexamination process. A family who reports zero income will be required to provide information regarding how the family pays for necessary living expenses.

The PHA will not accept a self-certification of zero income from the family at admission and at reexamination without taking any additional steps to verify zero reported income.

1. Special Reexaminations
    a. The PHA will schedule a special reexamination of income and family composition with the family who reports zero income every 30 days using the same notice used for the annual reexamination process.
    b. To ensure each zero-income family is treated consistently, the PHA will:
        1) Ask the family questions using the PHA's Zero Income Questionnaire.
        2) Generate the EIV Income and the IVT Reports for each family.
        3) Provide each family the EIV brochure, "What You Should Know About EIV".
        4) Advise each family about the minimum rent hardship exemption and how to request an exemption
        5) Follow the HUD Verification Hierarchy and the PHA's verification procedures.
2. If the family reports no income (earned or unearned), regular monetary or non-monetary (in-kind) contributions, or gifts from any source, all adult household members will be required to sign and date, under penalty of perjury, an individual zero income statement.
    a. The family will be required to provide to the PHA receipts for all expenses (e.g., food and clothing, utility bills) for the most recent three (3) month period.
    b. The PHA will annualize the amount of the receipts, except for HUD mandatory income exclusions, and the information generated from the EIV Income and IVT Reports to determine annual income.
    c. The PHA will not assign monetary value to non-monetary in-kind donations from a food bank or similar organization received by the family.
3. If the family reports or the PHA determines that the family is receiving regular monetary or non-monetary (in-kind) contributions or gifts from any source, the value will be annualized to determine annual income.
    a. When outside sources are paying bills or donating household goods on a regular basis, the value of these contributions (unless a HUD required exclusion) will be included as annual income.
    b. The family will be required to provide the names and contact information for all sources

© 2024 The Nelrod Company, Fort Worth, TX 76107

of regular contributions or gifts.

c. The PHA will perform an interim reexamination only due to an increase in the family's adjusted income.

d. Families who begin receiving income which does not trigger an interim reexamination will no longer be considered zero income even though the family's income is not reflected on the form HUD–50058.

4. If the family's income cannot be projected with any reasonable degree of accuracy, the PHA will continue to schedule a special reexamination every 30 days.

5. Tenant rent increases determined at a special reexamination shall be made effective the first day of the month following a 30-day notice to the family from the PHA.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 26: CONTINUED OCCUPANCY POLICY OF PUBLIC HOUSING OVER-INCOME (OI) FAMILIES

HUD establishes income limits by family size for the area in which each PHA is located. These income limits will be published by HUD annually and are used to determine the family's initial eligibility and level of assistance for the public housing program. Section 103 of the Housing Opportunity Through Modernization Act (HOTMA) of 2016 amended the U.S. Housing Act of 1937 and placed an income limitation on families for continued occupancy in public housing units.

A. Applicability

Section 103 of HOTMA applies to all PHAs operating a public housing program, including Moving to Work (MTW) Agencies, with one exception, a PHA which owns or operates fewer than 250 public housing units. This PHA may lease a public housing unit an over-income family (defined as a family whose annual income exceeds the limit for a low-income family at the time of initial occupancy for this purpose only), in accordance with its PHA Annual Plan (or supporting documents), if all of the following conditions are satisfied:

1. There are no eligible low-income applicants on the waiting list;
2. There are no eligible low-income families applying for public housing assistance when the unit is leased to an OI family;
3. The PHA advertises the availability of public housing units to eligible low-income families including publication of a notice for at least 30 days in at least one newspaper of general circulation before offering the unit to an OI family;
4. The OI family rents the unit on a month-to-month basis at a rental amount which is not less than the cost to operate the unit;
5. The lease to the OI family provides that the OI family agrees to vacate the unit when it is needed by an eligible family; and
6. The PHA gives the OI family at least 30 days' notice to vacate the unit when it is needed for rental by an eligible family.

B. Determination of Over-Income Limit

The PHA will determine the OI limit by multiplying the applicable income limit for a very low-income public housing family by a factor of 2.4.

1. The very low-income limit varies by family size.
2. The PHA will calculate the OI limit for each family size in its public housing program.
3. When determining the public housing family's OI status, the PHA will not include income that is excluded from such as amounts based on participation in the Family Self-Sufficiency (FSS) program and all families receiving the earned income disallowance (EID).
4. The PHA will compare the OI limit to the family's annual income during an annual or

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

interim income reexamination.

If the family's annual income is greater than the OI limit, then the family exceeds the OI limit for the public housing program and will be notified.

5. Once the PHA has adopted its continued occupancy policy for public housing over-income families, the PHA will update the OI limits for the public housing program in its ACOP no later than 60 days after HUD publishes new income limits each year.

C. PHA Continued Occupancy Policy for Public Housing Over-Income Families

The continued occupancy policy for public housing over-income families (hereinafter referred to as continued occupancy policy) adopted and implemented by the PHA is in compliant with the Fair Housing Act, Civil Rights, Section 504 of the Rehabilitation Act (Section 504), Title II of the Americans with Disabilities Act (ADA) and will grant reasonable accommodations that may be necessary for persons with disabilities.

1. When the PHA becomes aware, either through an annual or interim reexamination that a public housing program family's income, including families participating in the FSS program and all families receiving EID, exceeds the established income limit for the family size, the PHA will implement its continued occupancy policy to terminate the tenancy of the OI public housing family **or** allow the OI public housing family to remain in the public housing unit and charge the OI public housing family the alternative non-public housing rent.
2. The PHA's continued occupancy policy is to terminate the tenancy of the OI family.

Note: The PHA may not evict or terminate the tenancy of OI families in the public housing program based on income until the family has been over 120% area median income for 24 consecutive months and the PHA has implemented the continued occupancy policy in the PHA's written policies.

D. 24 Consecutive Months Grace Period

The period of time an OI public housing family has to reside in their public housing unit is 24 consecutive months before the PHA enforces its continued occupancy policy.

1. Once the PHA has determined a public housing family to be over-income through an annual or interim reexamination, the effective date of the action will be the point in time for which the 24 consecutive month grace period begins.
2. If the PHA becomes aware, through a subsequent annual or interim reexamination, during the consecutive 24-month grace period that the family's income has decreased to an amount that is below the over-income limit, the family will be entitled to a new 24 consecutive month grace period if the PHA later determines that the family's income once again exceeds the over-income limit.
3. At all times prior to the end of 24 consecutive months, the family will continue to be public housing program participants.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

4. There are no exceptions to the limitation on public housing tenancy for HUD assisted families who are determined to be over-income for 24 consecutive months.
5. During the 24 consecutive month grace period, the family will continue to pay their current rent choice amount (*i.e.*, income-based rent, flat rent, or if applicable, the prorated rent for mixed families).
6. Because there is a 24-month process to declare an OI public housing family ineligible for public housing assistance, large increases to the OI limit for higher rental markets may result in public housing families who are OI in the initial 12-months not being considered OI in the second 12 months as the OI limit is adjusted upward in subsequent years.
7. If the family has exceeded the OI limit for 24 consecutive months, the PHA will enforce its continued occupancy policy for public housing OI family to terminate the tenancy of the OI family.
8. Annual and Interim Reexaminations

   For OI families who are in their grace period:

   a. Annual and interim reexaminations will be conducted in accordance with the PHA's Admissions and Continued Occupancy Policy (ACOP).

   b. An income reexamination must be conducted 12 months after the initial over-income determination, unless it has been determined the family's income fell below the over-income limit since the initial over-income determination.

   c. An income reexamination must be conducted 24 months after the initial over-income determination, unless it has been determined the family's income fell below the over-income limit since the second over-income determination.

E. Families Determined to be Over-Income Prior to the Final Rule

On July 26, 2018 (2018 Notice), HUD announced the official applicable effective date of the provisions of Section 103 of HOTMA as September 24, 2018, and instructed PHAs to complete the process for amending their OI policy within six (6) months after the applicable date published.

1. Effective March 24, 2019, the PHA was required to update its Admissions and Continued Occupancy Policy (ACOP) to implement a continued occupancy policy of over-income public families based on the 2018 Notice. All OI polices were to include the imposition of the over-income limit in the public housing program, when the 24 consecutive month grace period would begin, and the notification requirements to the over-income families.
2. HUD did not enforce the PHA's continued occupancy policy based on the 2018 Notice that required the PHA to either terminate families who have been over income for two (2) consecutive years or charge over-income public housing families an alternative rent as HUD had not provided guidance on how to determine such rent.

   a. If the PHA's continued occupancy policy opted to terminate, HUD determined that the

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

PHA could elect to follow the policy but were not required to do so until the issuance of the Final Rule.

With the issuance of the Final Rule, the PHA must begin the termination procedure within the time frame specified in this policy.

b. If the PHA elected not to terminate over-income families who exceed the grace period, the PHA was required to offer the families the option of paying an income-based rent or a flat rent at their next annual reexamination.

If the PHA's continued occupancy policy opted to charge an alternative rent, with the issuance of the Final Rule, the PHA must require the family to execute a new lease for Non-Public Housing Over-Income (NPHOI) families and charge the family the non-public housing rent no later than 60 days after the effective date of the Final Rule or at the next lease renewal, whichever is sooner.

3. OI public housing families who have already exceeded the 24 consecutive month grace period or two (2) consecutive reexamination cycles under the existing notification requirement are not entitled to another 24 consecutive month grace period.

4. If the PHA followed the previous existing notification which instructed the PHA to compare the OI limit to the family's adjusted income, the PHA does not need to redetermine the family's OI status based on the Final Rule guidance for annual or interim reexamination effective prior to the date of the Final Rule.

5. New notice requirements do not apply retroactively, so any family that has properly received notice under the previous existing notification requirement will not be required to receive new notices.

F. Notification of OI Families

If the PHA determines the public housing family has exceeded the OI limit pursuant to an income reexamination, the PHA will provide written notification to the family of the OI determination.

1. Initial OI Limit Notification

a. The PHA will provide written notification to the OI public housing family no later than 30 days after the PHA's initial determination.

b. The notice must state that the family has exceeded the OI limit and continuing to exceed the OI limit for a total of 24 consecutive months will result in the PHA following its continued occupancy policy to terminate the tenancy of the OI family.

c. The notice will contain information on the OI family's right to request a hearing and instructions on how to request such a hearing if the family disputes the PHA's determination.

d. The PHA will make note to the family's file to calculate the family's income 12 months after the initial determination to determine if the family remains over-income.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

2. Second OI Limit Notification
    a. The PHA will conduct an income reexamination 12 months after the initial OI determination, unless the PHA determined the family's income fell below the OI limit since the initial OI determination.
    b. If the PHA determines the family has exceeded the OI limit for 12 consecutive months, the PHA will provide written notification of this 12-month OI limit determination no later than 30 days after the income reexamination that led to the 12-month OI determination.
    c. The notice will state that the family has exceeded the over-income limit for 12 consecutive months and continuing to exceed the over-income limit for a total of 24 consecutive months will result in the PHA following its continued occupancy policy to terminate the tenancy of the OI family.
    d. The notice will include an estimate (based on current data) of the alternative non-public housing rent for the family's unit.
    e. The notice will contain information on the OI family's right to request a hearing and instructions on how to request such hearing if the family disputes the PHA's determination.
    f. The PHA will make note to the family's file to calculate the family's income 24 months after the initial determination to determine if the family remains over-income.
3. Third and Final OI Limit Notification
    a. The PHA will conduct an income examination 24 months after the initial OI determination, unless the PHA determined the family's income fell below the OI limit since the second OI limit determination.
    b. If the PHA determines the family has exceeded the OI limit for 24 consecutive months, the PHA will provide written notification of this 24-month OI limit determination no later than 30 days after the income reexamination that led to the 24-month OI limit determination.
    c. The notice will state that the family has exceeded the OI limit for 24 consecutive months and in accordance with the PHA's continued occupancy policy for OI families, the PHA will terminate the tenancy of the OI family.
    d. The notice will contain information on the OI family's right to request a hearing and instructions on how to request such a hearing if the family disputes the PHA's determination.
4. Reexaminations Flat Rent Options
    a. The PHA will no longer apply the three (3) year reexamination provision to families once the PHA determines that the family is over-income.
    b. Once a PHA determines the family is over-income, the PHA will follow the

© 2024 The Nelrod Company, Fort Worth, TX 76107

documentation and notification requirements of this section.

5. Effective Communication

   The PHA will ensure that all notices and communications are provided in a manner that is effective for persons with hearing, visual, and other disabilities.

   a. For persons with vision impairments, upon request and free of charge, this may include brailed materials, large print, or materials on tape.

   b. For persons with hearing impairments, upon request and free of charge, this may include sign language or other types of interpretation, appropriate auxiliary aids, and services, such as interpreters, transcription services, and accessible electronic communications. Section 504 and ADA requirements (24 CFR 8.6 and 24 CFR 8.28; 28 CFR part 35, Subpart E).

G. Termination of Tenancy of an Over-Income Family

It is the PHA's continued occupancy policy to terminate the tenancy of over-income public housing families.

1. The PHA must terminate the tenancy of the OI family no more than six (6) months after the third and final written OI limit notice has been issued to the OI public housing family.
2. The PHA's notification to terminate the OI family's tenancy will state the period of time before tenancy termination.

   a. It is the PHA's continued occupancy policy to terminate the tenancy of an OI public housing family 30 days after the third and final written OI limit notice has been issued to the OI public housing family.

   b. The PHA will provide the appropriate notice of termination of tenancy (notice to vacate) in accordance with state and local laws.

3. The family's public housing lease will convert to month-to-month lease term to account for the period before termination of tenancy.
4. Families that are in the period before termination of tenancy continue to be public housing program participants and must abide by all the PHA's public housing requirements, including but not limited to:

   a. Choice of Rent

      1) The PHA will continue to charge the OI public housing family the family's choice of income-based, flat rent, or if applicable prorated rent for mixed families during the period before termination.

      2) The family must continue to pay the tenant rent by its due date.

   b. Annual and Interim Reexamination

      1) For OI families in the period before their tenancy termination, the PHA must

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

conduct an interim reexamination of family income as required per the PHA's interim policies because the OI public housing family is still a public housing program participant prior to termination.

2) However, decreases resulting from the income determination will not:

a) Reset the period before termination; or

b) Make the OI public housing family eligible to remain in the public housing program beyond the period before termination as per the PHA's continued occupancy policy.

c. Compliance with the Community Service and Self-Sufficiency Requirements.

OI non-exempt adult family members in the period before their tenancy termination must continue to comply with CSSR.

5. Waiting List: Preference

The PHA whose policy is to terminate OI families after the 24 consecutive month grace period may not use this preference and this preference may not be applied to current public housing families (*e.g.*, OI families facing termination of tenancy pursuant to PHA policies) or families who have vacated the public housing project.

H. Annual Reporting

The PHA will submit annually to HUD, and make publicly available, a report that specifies, as of the end of the year (end of the calendar year or December 31st), the number of families residing in public housing with incomes exceeding the over-income limit and the number of families on the waiting lists for admission to public housing projects and provide any other information regarding over-income families requested by HUD.

1. Data on the Number of OI Families Residing in Public Housing

This report will require no additional action on the part of the PHA. HUD will pull a report of this data as of December 31st each year and make in publicly available. The report will include:

a. The number of families residing in public housing with incomes exceeding the over-income limitation, including:

1) The number of families in the 24 consecutive month grace period,

2) Those that are in the period before termination, and

3) Those that are NPHOI families paying the alternative non-public housing rent.

b. The PHA will report on the number of OI families residing in the PHA's public housing through income data already provided by form HUD-50058, under OMB approval number 2577-0083 and through unit data in the Inventory Management System/PIH Information Center (IMS/PIC) and/or its successor system: the Housing Information Portal (HIP).

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

2. Data on the Number of Families on Waiting Lists for Admission to Public Housing Projects
   a. The waiting list data will be submitted via the *Public Housing Waiting List Data Collection Tool* in the Operating Fund Web portal.
      1) HUD will make the new reporting module available beginning January 1, 2024.
      2) All information provided, such as the number of households and the status of the waiting list (open or closed), should be current as of December 31st of the previous calendar year.
      3) All submissions will be due by March 31st of each year.
      4) HUD will combine this data with the data provided in IMS/PIC and/or HIP and the form HUD-50058 form and publish the Public Housing Over-Income Families and Waiting-Lists Report annually on the HUD website by April 30th of each calendar year.
   b. The data may be provided by any authorized PHA official but will require the electronic signature of the Executive Director.
   c. A PHA that maintains both an agency-wide and site-based wait lists, should be mindful not to duplicate households when reporting on the total number of families on the waiting list.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 27: INSPECTIONS

Inspection of the PHA facilities and its public housing stock is essential to help the PHA keep on track towards meeting its mission to provide decent, safe, and sanitary housing to its public housing residents.

A. Types of Inspections

There are several types of inspections which are an integral to the PHA in meeting certain required standards as prescribed by HUD.

1. The primary goal in performing routine inspections is to identify necessary corrections before problems become severe, dangerous, or expensive.
2. HUD's Real Estate Assessment Center (REAC) conducts annual physical inspections of the PHA's properties and the ongoing inspections afford the PHA the opportunity to be better prepared to correct any deficiencies in readiness for the REAC inspections.
3. PHA residents need to be aware that anytime a PHA employee is present in the resident's unit they are required to document if the "condition" of the unit and the family's housekeeping practices meet the PHA's housekeeping standards.
4. The PHA inspections may include but are limited to:
    a. Move-in inspections
    b. Move-out inspections
    c. Annual Inspections/UPCS
    d. Quality control inspections
    e. Housekeeping and unit condition inspections
    f. Suspected lease violation inspections
    g. Emergency inspections
    h. Preventive and routine maintenance inspections
    i. A time that the family, a PHA employee, or other interested person determines that a special inspection is necessary

B. Move-In/Move-Out Unit Inspections

HUD regulations require the PHA to inspect the unit prior to move-in and at move-out.

1. Move-In Inspection
    a. The PHA and a family member (or family representative) 18 years of age or older will inspect the unit to record the condition of the unit and equipment provided in the unit (including verifying applicable serial numbers) prior to move-in and commencement of occupancy by the family.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

b. The PHA will provide a written statement (e.g., a completed inspection form) of the condition of the unit and equipment in the unit.

1) Both the family and the PHA must agree on the condition of the unit, including any maintenance and/or deficiencies needing repair, by signing the completed inspection form.

2) The PHA will retain a copy of the statement in the family file and provide a copy of the statement to the family.

c. Applicant Refusal of the Unit

1) An applicant may refuse the unit if the unit is not safe, decent, and sanitary (e.g., the unit is not ready for occupancy due to deficiencies).

2) An applicant who refuses a unit because of deficiencies will not lose their position on the waiting list.

2. Move-Out Inspection

a. The unit and the premises will be inspected jointly by the family and the PHA, unless the family has vacated the unit without giving notice to the PHA and/or is unavailable. In such cases, the PHA will inspect the unit independently.

b. The PHA will inspect the unit to record the condition of the unit and equipment provided at the time the family vacates the unit.

1) The PHA will provide the family written notice of the move-out inspection.

2) The family has the option to be present at the move-out inspection.

3) The inspection will serve as a guide in determining damages beyond normal wear and tear when comparing it to the move-in inspection.

c. The PHA will provide a written statement identifying the difference in the condition of the unit and equipment from move-in to move-out, which will be the basis for any charges against the security deposit if the maintenance/repairs needed exceeds normal wear and tear.

C. National Standards for the Physical Inspection of Real Estate (NSPIRE)

The Economic Growth Regulatory Relief and Consumer Protection Act: Implementation of National Standards for the Physical Inspection of Real Estate (NSPIRE) establishes a new approach to defining and assessing housing quality. The purpose of NSPIRE is to strengthen HUD's physical condition standards and improve HUD oversight through the alignment and consolidation of the inspection regulations used to evaluate HUD housing across multiple programs. Implementation of the NSPIRE ensures that families of HUD housing live in safe, habitable dwellings, and the items and components located inside, outside, and within the units of HUD housing are functionally adequate, operable, and free of health and safety hazards.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

1. To ensure that all families live in safe, habitable units, NSPIRE defines the inspectable areas as items and components located inside the building, outside the building, and within the units of HUD housing must be functionally adequate, operable, and free of health and safety hazards. NSPIRE standards apply to all HUD housing.

2. Inside

   Inside of HUD housing (or ''inside areas'') refers to the common areas and building systems that can be generally found within the building interior and are not inside a unit.

   a. Inside Common Areas

      Common areas may include, basements, interior or attached garages, enclosed carports, restrooms, closets, utility rooms, mechanical rooms, community rooms, day care rooms, halls, corridors, stairs, shared kitchens, laundry rooms, offices, enclosed porches, enclosed patios, enclosed balconies, and trash collection areas.

   b. Building systems

      Includes those components that provide domestic water such as pipes, electricity, elevators, emergency power, fire protection, HVAC, and sanitary services.

   c. The inside area must meet the following affirmative requirements. The inside area must:

      1) Include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each level of the property. The Secretary may establish additional standards through Federal Register notification.

      2) Meet or exceed the carbon monoxide detection standards set by the Secretary through Federal Register notification.

      3) For the inside area, any outlet installed within six (6) feet of a water source must be ground-fault circuit interrupter (GFCI) protected.

      4) Have a guardrail when there is an elevated walking surface with a drop-off of 30 inches or greater measured vertically.

      5) Have permanently mounted light fixtures in any kitchen and each bathroom.

      6) Not contain unvented space heaters that burn gas, oil, or kerosene.

3. Outside

   Outside of HUD housing (or ''outside areas'') refers to the building site, building exterior components, and any building systems located outside of the building or unit.

   a. Outside Components

      May include fencing, retaining walls, grounds, lighting, mailboxes, project signs, parking lots, detached garage or carport, driveways, play areas and equipment, refuse disposal, roads, storm drainage, non-dwelling buildings, and walkways.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

b. Components found on the exterior of the building are considered outside areas

May include doors, attached porches, attached patios, balconies, car ports, fire escapes, foundations, lighting, roofs, walls, and windows.

c. The outside area must meet the following affirmative requirements:

1) Outlets within six (6) feet of a water source must be GFCI protected; and

2) Must have a guardrail when there is an elevated walking surface with a drop-off of 30 inches or greater measured vertically.

4. Units

A unit (or ''dwelling unit'') of HUD housing refers to the interior components of an individual unit.

a. Components of a Unit

The interior of a unit may include the balcony, bathroom, call-for-aid (if applicable), carbon monoxide devices, ceiling, doors, electrical systems, enclosed patio, floors, HVAC (where individual units are provided), kitchen, lighting, outlets, smoke detectors, stairs, switches, walls, water heater, and windows.

b. The unit must also meet the following affirmative requirements. The unit must:

1) Have hot and cold running water in both the bathroom and kitchen, including an adequate source of safe drinking water in the bathroom and kitchen.

2) Include its own bathroom or sanitary facility that is in proper operating condition and usable in privacy. It must contain a sink, a bathtub or shower, and an interior flushable toilet.

3) Smoke Detectors

a) The unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, in the following locations:

(1) On each level of the unit;

(2) Inside each bedroom;

(3) Within 21 feet of any door to a bedroom measured along a path of travel; and

(4) Where a smoke detector installed outside a bedroom is separated from an adjacent living area by a door, a smoke detector must also be installed on the living area side of the door.

b) If the unit is occupied by any hearing-impaired person, the smoke detectors must have an alarm system designed for hearing-impaired persons.

c) The Secretary may establish additional standards through Federal Register notification.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

d) Following the specifications of National Fire Protection Association Standard (NFPA) 72 satisfies these requirements.

4) The unit must have a living room and a kitchen area with a sink, cooking appliance, refrigerator, food preparation area, and food storage area.

5) The unit must have at least one bedroom or living/sleeping room for each two (2) persons.

6) The unit must meet or exceed the carbon monoxide detection standards set by HUD through Federal Register notification.

7) The unit must have two (2) working outlets or one (1) working outlet and a permanent light within all habitable rooms.

8) Outlets within six (6) feet of a water source must be GFCI protected.

9) For climate zones designated by the Secretary through notice, the unit must have a permanently installed heating source. No unit may contain unvented space heaters that burn gas, oil, or kerosene.

10) The unit must have a guardrail when there is an elevated walking surface with a drop-off of 30 inches or greater measured vertically.

11) The unit must have a permanently mounted light fixture in the kitchen and each bathroom.

5. Health and Safety Concerns

The inside, outside and unit must be free of health and safety hazards that pose a danger to families.

a. Types of Health and Safety Concerns

Includes, but are not limited to carbon monoxide, electrical hazards, extreme temperature, flammable materials or other fire hazards, garbage and debris, handrail hazards, infestation, lead-based paint, mold, and structural soundness.

b. Lead-Based Paint.

HUD housing must comply with all requirements related to the evaluation and control of lead-based paint hazards and have available proper documentation of such. The Lead-based Paint Poisoning Prevention Act, the Residential Lead-based Paint Hazard Reduction Act of 1992, and all applicable regulations apply.

6. Compliance with State and Local Codes

The standards for the condition of HUD housing in this section do not supersede state and local housing codes (such as fire, mechanical, plumbing, carbon monoxide, property maintenance, or residential code requirements).

a. All HUD housing other than units assisted under the HCV program must comply with state or local housing codes in order to comply with this paragraph.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

D. Inspection Requirements

The inspection requirement for HUD housing generally requires the inside, outside and unit to be inspected, in accordance with Section G of this Chapter. The inspection requirement for the PH program only applies to units occupied or to be occupied by PH families, and common areas and exterior areas which either service or are associated with such units.

1. Entities Conducting Inspections

   a. Under the public housing program the PHA is responsible for inspecting HUD housing under that program, unless another entity is assigned the inspection by the program regulations governing the housing, regulatory agreements or contracts.

   b. A PHA-owned unit receiving assistance must be inspected by an independent entity.

   c. The PHA, or contractor, who is responsible for conducting an inspection of HUD housing to determine compliance, must inspect and score such HUD housing in accordance with the standards and procedures for identifying safe, habitable housing set out by the Secretary and published in the Federal Register.

   d. The PHA, or contractor, conducting the inspection will identify each deficiency as ''Life Threatening'', ''Severe,'' ''Moderate'', or ''Low.''

2. Public Housing Variant Inspection Standards

   HUD may grant approval for inspection criteria variations for the following purposes:

   a. Variations which apply standards contained in local housing codes or other codes adopted by the PHA;

   b. Variations because of local climate or geographic conditions.

   c. The acceptability criteria variation may only be approved by HUD if the variation(s):

      1) Meets or exceeds the performance requirements, or

      2) Significantly expands affordable housing opportunities for families assisted under the PH program.

   d. HUD will not approve the variation if HUD believes that the variation is likely to adversely affect the health or safety of participant families or severely restricts their housing choice.

      The PHA has not adopted any additional variation standards or local codes in addition to the NSPIRE Standards.

3. Timing of Inspections

   The PHA will inspect units in accordance with the frequency described in Sections A, B, C, and D of this Chapter.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

E. REAC Inspections

When conducting an inspection, REAC inspectors will inspect areas within the regulatory definitions for covered properties.

1. While the NSPIRE definitions of inspectable areas establish all potential areas that may be inspected, REAC may narrow locations in the applicable NSPIRE Standard or inspector protocols.
    a. Within the NSPIRE Standards, REAC will include the specific areas to be inspected, along with the components and the types of deficiencies that may be recorded for the inspectable items.
    b. NSPIRE inspections will focus on areas where residents live, areas residents can enter, and components or systems that could impact resident safety and health.
2. REAC inspectors will inspect areas and associated items or components that are listed in the regulations as affirmative requirements and those included within the NSPIRE Standards posted in the Federal Register.
3. REAC inspectors should not cite tenant-owned items or articles that are not considered components of the unit or inside or outside of HUD housing.
    a. For example, a tenant owned picture with broken glass would not be cited for sharp edges, as that is a resident's personal property and not part of the unit or its components.
    b. However, REAC inspectors may make an exception and cite certain tenant-owned items in the following examples for:
        1) Tenant-owned items that affect the performance of a fire safety system or otherwise puts the building at risk;
        2) Tenant-owned appliances and associated electrical and venting components, where that appliance is considered the primary item to meet the affirmative requirements; and
        3) Tenant-owned items, like an unvented fuel-burning appliance that is in violation of the affirmative requirements.
4. REAC will not inspect areas of the property that are not considered housing or part of the housing project, such as, commercial, or market-rate space used for nonresidential purposes, and sidewalks, fencing, roads and parking lots not owned or maintained by the property will not be inspected.

F. Annual Inspections

The PHA must maintain its units in a manner that meets the physical condition standards in order to be considered decent, safe, sanitary, and in good repair.

1. The PHA is required to annually self-inspect their properties, including all units, to ensure

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

the units are maintained in accordance with the NSPIRE.

2. The PHA must maintain the results of the self-inspection for three (3) years.
3. The PHA must provide the results of the self-inspection to HUD upon request.
4. This self-inspection is independent of other HUD inspections.

G. Scheduling Inspections

All PHA inspections of units will be conducted during normal business hours.

1. The PHA will provide the family at least two (2) days' notice before entry, prior to any inspection.
   a. The PHA will encourage a member of the household 18 years of age or older to be present at the inspection.
   b. The family must allow the PHA to inspect the unit at reasonable times with advance notice.
2. The PHA may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists.
3. If the tenant and all adult members of the household are absent from the unit at the time of entry, the PHA will leave in the unit a written statement specifying the date, time and purpose of entry prior to leaving the unit.

   If there are minors (children under the age of 18) present in the unit and no adult aged 18 or older is present in the unit, the PHA and/or contractor will not enter the unit to conduct the inspection.
4. The PHA will conduct follow-up housekeeping inspections if the family's housekeeping practices, or other circumstances require.
5. Rescheduling the inspection
   a. The family must notify the PHA at least 24 hours prior to the scheduled inspection to reschedule the inspection.
   b. The PHA will reschedule the inspection no more than once unless the family has a verifiable good cause to delay the inspection.
   c. If the family misses the rescheduled inspection, the family will have violated the lease and may be terminated from public housing assistance.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 28: PROGRAM INTEGRITY

Fraud is a criminal act in which individuals, groups, or businesses steal taxpayers' monies from HUD and its programs. Fraud can also lead to acts of violent crime. When fraud occurs, residents and tenants become survivors and HUD's programs are abused. Tenants who make false statements regarding their income or family size, or alter official documents, are committing fraud. HUD-assisted rental housing employees who engage in bribery, contract bid rigging, embezzlement, or who alter, forge, or destroy records are committing fraud.

A. Investigation of Suspected Abuse or Fraud

The PHA will initiate an investigation of a family in the event of one or more of the following circumstances:

1. Referrals, Complaints, or Tips
    a. The PHA will follow up on referrals from other agencies, companies or persons which are received by mail, email, fax, telephone, or in person, which allege that a family is in non-compliance with, or otherwise, violating the lease, or any other program rules.
    b. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable.
    c. A copy of the allegation will be retained in the family's file.
    d. Anonymous complaints will be investigated if the information received contains specific allegations that can be independently verified. If the anonymous complaint is not specific, the information will be retained in files, but will not be used to initiate investigations.
2. PHA Detection of Suspected Abuse or Fraud
    a. PHA Staff Awareness and Observations
        1) The PHA staff (including inspection and maintenance personnel) will maintain high awareness of circumstances that may indicate program abuse or fraud, such as unauthorized persons residing in the household and indications of unreported income. The observations will be documented in the family's file.
        2) PHA staff discovers (as a function of a certification or reexamination, an interim reexamination, or a quality control review), information or facts that conflict with previous file data, the PHA's knowledge of the family, or is discrepant with statements made by the family.
    b. PHA Quality Control File Reviews

        On a random basis, an appropriate number of family files will be reviewed for accuracy and completeness. Such reviews will be completed by knowledgeable PHA staff who was not directly involved in the processing of such files. Such reviews shall include, but are not limited to:

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

1) Assurance that verification of all income and deductions is present;
2) Changes in reported SSNs or dates of birth are noted;
3) File documents are authentic;
4) Ratio between reported income and expenditures is accurately computed; or
5) Review of signatures are consistent with previously signed file documents.

3. Verification or Documentation

   A follow-up will be made if the PHA receives EIV verification, independent verification, or documentation that conflicts with representations in the family's file (such as public record information, or credit bureau report, or reports from other agencies).

B. Steps to Investigating Allegations of Possible Abuse and Fraud

If the PHA determines that an allegation or referral warrants follow-up, the PHA staff member responsible for the family file will conduct the follow-up investigation. The steps taken will depend upon the nature of the allegation and may include the items listed below. In all cases, the PHA will secure the written authorization from the family for the release of information.

1. Interviews with head of household or other family members.
   a. The PHA will discuss the allegation (or details thereof) with the head of household or family member by scheduling an appointment with the family.
   b. A high standard of courtesy and professionalism will be maintained by the PHA staff person who conducts such interviews.
   c. Under no circumstances will inflammatory language, accusations, or any unprofessional conduct or language be tolerated.
   d. If possible, an additional staff person will attend such interviews.
2. Employers and Ex-Employers

   Employers or ex-employers may be contacted to verify wages that may have been previously undisclosed or misreported.
3. Other Agencies

   Investigators, caseworkers, or representatives of other benefit agencies may be contacted.
4. Public Records
   a. If relevant, the PHA will review public records kept in any jurisdictional courthouse.
   b. Examples of public records which may be checked are real estate, marriage, and divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

5. Credit Bureau Inquiries (CBI)

   In cases involving previously unreported income sources, a CBI (with proper authorization by the family) may be made to determine if there is financial activity that conflicts with the reported income of the family. CBI inquiries may be made in the following circumstances:

   a. If at the time of the final eligibility determination the information provided by the applicant conflicts with information obtained through outside sources or third-party verifications.

   b. When the family's expenditures exceed reported income, and no plausible explanation is given.

   c. When an allegation is received by the PHA wherein unreported income sources are disclosed.

6. Verification of Credit

   In cases where the financial activity conflicts with file data, a Verification of Credit form may be mailed to the creditor in order to determine the unreported income source.

7. Neighbors/Witnesses

   Neighbors and/or other witnesses may be interviewed if it is believed that they have direct or indirect knowledge of facts pertaining to the PHA's review.

C. Responding to Allegations of Possible Abuse and Fraud

The PHA will review allegations that contain one or more independently verifiable facts.

1. An internal file review will be conducted to determine:

   a. If the subject of the allegation is a PHA public housing resident and, if so, to determine if the information reported has been previously disclosed by the family.

   b. It will then be determined if the PHA is the most appropriate authority to do a follow-up (more so than police or social service). Any file documentation of past behavior, as well as corroborating complaints, will be evaluated.

2. If at the conclusion of the preliminary file review, there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the PHA will initiate an investigation to determine if the allegation is true or false.

D. Maintaining Evidence and Statements Obtained by the PHA

Documents and other evidence obtained by the PHA during the course of an investigation will be kept in the family's file, or in a separate "work file."

E. Evaluation of Findings

If it is determined that a program violation has occurred, the PHA will review the facts to determine:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

1. The type of violation (procedural, non-compliance, fraud);
2. Whether the violation was intentional or unintentional;
3. What amount of money (if any) is owed by the family; and
4. If the family is eligible for continued participation in the public housing program.

F. Resolving Confirmed Violations

Once a program violation has been documented, the PHA will propose the most appropriate remedy based upon the type and severity of the violation.

1. Procedural Non-Compliance

   This category applies when the family "fails to" observe a procedure or requirement of the PHA, but does not misrepresent a material fact, and there is no retroactive payment owed by the family.

   a. Examples of Non-Compliance Violations are:

      1) Failure to appear at a pre-scheduled appointment;

      2) Failure to return verification in the time period specified by the PHA.

   b. Warning Notice to the Family

      In such cases, a notice will be sent to the family which contains the following:

      1) A description of the non-compliance and the procedure, policy or obligation which was violated;

      2) The date by which the violation must be corrected, or the procedure complied with;

      3) The action which will be taken by the PHA if the procedure or obligation is not complied with by the date specified by the PHA;

      4) The consequences of repeated (similar) violations.

2. Procedural Non-Compliance - Retroactive Payments

   a. When the family owes money to the PHA for failure to report required changes, the PHA will notify the family in writing. This notice will contain the following:

      1) A description of the violation and the date(s);

      2) Any amounts owed to the PHA; and

   ~~b.~~ The right to disagree and to request the PHA's grievance procedures.

   d. Family Fails to Comply with PHA's Notice.

      If the family fails to comply with PHA's notice, and a material provision of the lease has been violated, the PHA will initiate termination of tenancy.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

e. Family Complies with PHA's Notice.

1) When the family complies with the PHA's notice, the PHA will meet with the family to discuss and explain the program provision that was violated.

2) The PHA will complete a family counseling report, provide a copy to the family, and retain a copy in the family's file.

G. Misrepresentations

When the family falsifies, misstates, omits, or otherwise, misrepresents a material fact which results (or would have resulted) in an underpayment of the family's share, the PHA will evaluate whether or not the family had knowledge that their actions were wrong, and the family willfully violated the lease or the law.

1. Knowledge that the action or inaction was wrong

   a. This will be evaluated by determining if the family was made aware of public housing program requirements and prohibitions.

   b. The signature of the head of household, spouse, co-head, and other adult household members 18 years old or older on various PHA documents, such as but not limited to the Application for Admission, Application for Continued Assistance, lease, document to report an interim change, Personal Declaration, and Things You Should Know are adequate to establish knowledge of wrongdoing.

2. The family willfully violated the law

   Any of the following circumstances will be considered adequate to demonstrate willful intent:

   a. An admission by the family of the misrepresentation;

   b. The act was done repeatedly;

   c. If a false name or SSN was used;

   d. If there were admissions to others of the illegal action or omission;

   e. The family omitted material facts which were known to them (e.g., employment of self or other household members);

   f. The family falsified, forged, or altered documents; and

   g. The family uttered and certified to statements at a mandatory reexamination or interim reexamination, which were later independently verified to be false.

H. The Tenant Conference for Serious Violations and Misrepresentations

When the PHA has established that material misrepresentation(s) has occurred, the PHA will schedule a tenant conference with the family representative and the PHA staff person who is most knowledgeable about the circumstances of the family misrepresentation(s).

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

The tenant conference will take place prior to any proposed action by the PHA.

1. The purpose of the tenant conference is to review the information and evidence obtained by the PHA with the family, and to provide the family an opportunity to explain any documented findings which conflict with representations in the family's file.
    a. The PHA will take into consideration any documents or mitigating circumstances presented by the family.
    b. The family will be given 10 business days to furnish any mitigating evidence.
2. The secondary purpose of the tenant conference is to assist the PHA in determining the course of action most appropriate for the family's case. Prior to the final determination of the proposed actions, the PHA will consider:
    a. The duration of the violation and number of false statements;
    b. The family's ability to understand the rules;
    c. The family's willingness to cooperate and to accept responsibility for the family's actions regarding the amount of money involved;
    d. The family's past history; and
    e. Whether or not criminal intent has been established.

I. Disposition of Cases Involving Misrepresentation

In all cases of misrepresentation involving efforts to recover monies owed, the PHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

1. Criminal Prosecution

    If the PHA has established criminal intent, and the case meets the criteria for prosecution, the PHA will refer the case to the local state or District Attorney, notify HUD's Regional Inspector General for Investigations (RIGI), and terminate the public housing assistance.

2. Administrative Remedies

    The PHA will terminate the public housing assistance and demand payment of restitution in-full.

3. PHA Legal Action

    If an amount of $10,000 or more dollars is owed to the PHA due to family fraud, the PHA will seek restitution through legal judicial channels.

4. Continued Assistance

    Contingent upon full lump-sum restitution or executed repayment agreement and warning that repeat of the offense will result in immediate termination of public housing assistance.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

J. Notifying Family of Proposed Action

1. The PHA will notify the family, by pre-paid first-class mail, of the proposed action no later than 10 business days after the tenant conference.
2. All notices will advise the family of their right to the PHA's grievance procedures.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 29: DEBT OWED TO THE PHA

When an action or inaction of the family results in the family underpaying the amount of the tenant rent, the PHA must hold the family liable to repay the under payment of tenant rent to the PHA. This tenant rent underpayment is referred to as retroactive rent.

A. Repayment Agreement for Families

The family is required to reimburse the PHA if the family was charged less tenant rent than required by HUD's rent formula, due to the family's underreporting, failure to report income, a temporary minimum rent hardship exemption, or payment owed under the schedule of charges. The family is required to reimburse the PHA for the difference between the tenant rent that should have been paid and the tenant rent that was charged.

1. The family may owe the PHA retroactive rent due to any of the following:
    a. The applicant family owes the PHA monies from a previously tenancy or assistance
    b. The family's failure to report income
    c. The family underreporting of income
    d. The family's failure to report changes in deductions or allowances
    e. Other unreported or underreported changes
    f. Temporary minimum rent hardship exemption
2. The PHA must determine retroactive rent amounts as far back as the PHA has documentation of family unreported or underreported income. Documents may include but is not limited to:
    a. Initial, reexamination, and interim applications
    b. EIV Income Reports, IVT Report, Income Discrepancy Reports
    c. Form HUD-50058 and supporting documents

B. Establishing the Repayment Agreement

The Repayment Agreement is a formal document prepared by the PHA and entered into between the PHA and the family whereas the head of household acknowledges the debt and the amount owed to the PHA. It is similar to a promissory note but contains more details regarding the nature of the debt, the terms of repayment, special provisions of the agreement, and the remedies available to the PHA upon default of the agreement.

1. The Repayment Agreement must be:
    a. In writing;
    b. Dated;
    c. Include the total retroactive rent amount owed;

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

d. Amount of lump sum payment made at the time of execution of the Repayment Agreement, if applicable;

e. The monthly repayment amount; and

f. Signed by both the PHA and head of household.

2. The Repayment Agreement shall contain at a minimum the following provisions:

a. Reference of the paragraph in the public housing lease whereby if the family is in non-compliance with the Repayment Agreement, that the family may be subject to termination of tenancy or assistance, or both.

b. A statement that the monthly retroactive rent repayment amount is in addition to the family's regular tenant rent contribution.

c. A statement that the monthly retroactive rent repayment amount is payable to the PHA.

d. The terms of the Repayment Agreement may be renegotiated if there is a decrease or increase in the family's income.

e. Late or missed payments constitute default of the Repayment Agreement and may result in termination of tenancy and/or assistance.

C. Retroactive Payment Amount and Timeframe

The PHA shall set the monthly retroactive payment at an amount the family can afford based on the family's income.

1. The family has the option to repay the retroactive rent balance as follow:

a. In a lump sum payment;

b. Monthly installments; or

c. A combination of a lump sum payment and monthly installments.

2. Monthly Retroactive Rent Payments

a. The monthly retroactive rent payment plus the amount of the tenant rent the family pays at the time the Repayment Agreement is executed should be affordable and not exceed 40% of the family's monthly adjusted income.

b. Monthly retroactive rent payments are due and payable to the PHA by the 1st day of the month and will be considered delinquent on the 15th day of the month.

1) If the 1st day of the month falls on a Saturday, Sunday, or on a recognized PHA holiday, the retroactive rent payment will be due the next business day.

2) If the 15th day of the month falls on a Saturday, Sunday, or a PHA recognized holiday, the retroactive payment will be due the next business day.

c. The PHA shall not impose a late fee for delinquent retroactive rent payments.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

d. The family, at its discretion, will be allowed, with no penalty, to pay more than the required monthly payment amount.

e. The retroactive rent payments are payable to the PHA and retroactive payments will be accepted by:

1) Money order

2) Cashier check

4. Retroactive Rent Repayment Time Period

a. The period in which the retroactive rent amount will be repaid will be based on the amount of the lump sum payment made at the time the Repayment Agreement was executed (if applicable), the monthly payments, the retroactive rent balance, and affordability for the family.

D. Enforcing Repayment Agreements

The PHA shall not require terms or prohibitive payment that will force the family to leave the program.

1. HUD does not authorize any PHA-sponsored amnesty or debt forgiveness programs.
2. The family shall be required to make monthly payments until the debt is paid in full.
3. Late and/or missed retroactive rent payments constitute default of the Repayment Agreement and may result in termination of assistance.
4. The PHA will terminate the family's assistance if the family:

a. Fails to make payments as agreed on an existing or new Repayment Agreement.

b. Refuses to enter into a Repayment Agreement

5. Public Housing Unit Transfers

a. Prior to transferring to another PHA public housing unit, the family must pay the retroactive rent amount in full.

b. The PHA will allow a family with a retroactive balance to transfer to another unit if the family's retroactive rent payment is current and the transfer is for the following reasons:

1) To protect the health and safety of survivors of VAWA violence/abuse.

2) As a reasonable accommodation for a family with a member who is a person with disabilities.

3) Family size exceeds the maximum occupancy standard

4) Protection of witnesses to violent crime as verified by a law enforcement agency or District Attorney

5) Survivors of harassment

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

6) Survivors of hate crimes

7) A natural disaster is declared

c. If a request to transfer is denied, the family will be advised in writing of the reasons therefore and advised of their right to request the PHA grievance procedures.

E. Repayment Agreement with Previous Tenant or Program Participation

In some instances, families who were previously on a federally assisted housing program moved owing the PHA, another PHA, or a Multifamily housing program a debt.

1. If such a family applies for public housing assistance and during the applications process it is found that the applicant was a previous tenant who left owing a debt to the PHA, another PHA, or Multifamily program, the PHA will require the applicant to:
   a. If the debt is owed to the PHA, the applicant must pay the debt in full to the PHA before being issued offered a public housing unit, or
   b. If the debt is owed to another PHA or Multifamily program, the applicant must enter into a Repayment Agreement with the other PHA or Multifamily program to whom the debt is owed and pay the debt in full before being offered a public housing unit.
2. If the applicant states the debt owed to the PHA, other PHA, or Multifamily program has been paid in full, the PHA will require the applicant to provide documentation from the other PHA or the Multifamily program who the debt was owed to verify that the debt was paid in full. The PHA will research its records to determine if the debt to the PHA was paid in full.
3. If the applicant is currently in a Repayment Agreement with the PHA, another PHA, or a Multifamily program, the PHA will require the applicant to:
   a. If the debt is owed to the PHA, the applicant must pay the debt in full to the PHA before being offered a unit, or
   b. If the debt is owed to another PHA or Multifamily program, the applicant must provide documentation from the PHA or Multifamily program who holds the Repayment Agreement and pay the debt in full before being offered a unit.

F. Ineligibility for Repayment Agreements

The PHA will not enter into more than one Repayment Agreement with the family.

1. The PHA will not enter into a Repayment Agreement with a family that currently has an active Repayment Agreement in effect and incurs additional debt to the PHA.
   a. Any new debt to the PHA must be paid in full within 30 days of notice to the family of the new debt.
   b. Failure for the family to pay the new debt in full may be grounds for termination of assistance.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

2. The PHA will not enter into a Repayment Agreement with a family that has breached a previous Repayment Agreement with the PHA, another PHA, or Multifamily program to pay amounts owed to the PHA, another PHA, or Multifamily program.

4. The PHA shall make every effect to recover the debt using a variety of collection tools, including but not limited to:

    a. Entering into a Repayment Agreement

    b. Collection agencies

    c. Small claims courts

    d. Civil lawsuit

    e. State income tax set-off program

G. Debts Owed to PHAs and Terminations

HUD maintains a national repository of debts owed to PHAs and adverse information of former participants who have voluntarily or involuntarily terminated participation in the public housing program (including the Disaster Housing Assistance Program).

1. This PHA will maintain this information within HUD's EIV system, Debts Owed to PHA's and Termination Module.

2. The PHA will collect the following adverse information once the family's participation in the public housing program has ended, whether the family voluntarily or involuntarily moves out of the public housing unit:

    a. Amount of any balance the family owes the PHA (up to $500,000) and explanation for balance owed (i.e., unpaid rent, retroactive rent (due to unreported income and/or change in family composition) or other charges such as damages, utility charges, etc.);

    b. Whether or not the family has entered into a Repayment agreement for the amount that the family owes the PHA.

    c. Whether or not the family has defaulted on a Repayment Agreement.

    d. Whether or not the PHA has obtained a judgment against the family.

    e. Whether or not the family has filed for bankruptcy; and

    f. The negative reason(s) for the family's end of participation or any negative status (i.e., abandoned unit, fraud, lease violations, criminal activity, etc.) as of the end of participation date.

3. The PHA shall maintain the debt owed and termination information in EIV for a period of 10 years from the end of participation date or such date consistent with state law.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

H. Remaining Family Members and Prior Debt

1. As a party to the lease, remaining members of a resident family (other than head of household or spouse) 18 years of age or older will be responsible for retroactive rent, charges or other indebtedness incurred by the former head of household or spouse.
2. Remaining family members under the age of 18 shall not be held responsible for retroactive rent incurred by the former head of household.
3. A minimum rent hardship exemption previously granted to a family owing retroactive rent will be automatically revoked and the family will be required to pay the retroactive rent in full or enter into a repayment agreement for any retroactive rent owed, including rent owed during the hardship exemption period.
4. The PHA is required to and therefore shall report the terms of the executed repayment agreement and any unpaid debts to the PHA to HUD.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 30: RECORDS MANAGEMENT

Effective records management is necessary to safeguard family information and ensure the PHA's authority to obtain, use, and dispose of such information is in accordance and consistent with applicable laws and regulations.

A. EIV Printouts

The PHA is authorized to maintain the EIV Income and other reports in the tenant file for the duration of tenancy and no longer than three (3) years from the end of participation (EOP) date.

1. The PHA will maintain at a minimum, the last three (3) years of the form HUD-50058 and supporting documentation for all regular and interim reexaminations of family income.
2. The PHA will maintain all records for a period of at least three (3) years from the effective date of the action.

B. Authority to Obtain Criminal Records

HUD authorizes the PHA to obtain criminal conviction records from a law enforcement agency and use the criminal conviction records obtained from the law enforcement agency to screen applicants for admission to or terminate families from the public housing program.

C. Receipt of Information from Law Enforcement Agencies

When the law enforcement agency receives the PHA's request, the agency must promptly release to the PHA a certified copy of criminal conviction records concerning the household member they have in their possession or under their control.

National Crime Information Center (NCIC) records must be provided in accordance with NCIC procedures.

The law enforcement agency may charge a reasonable fee for this service, but any fee charged by the agency for this service may not be passed on to the applicant.

D. Criminal Records

Consistent with limitations on the use of criminal records, the PHA will ensure that criminal records, including sex offender registration information, received from a law enforcement agency, state, or local agency are:

1. Maintained confidentially;
    a. Housed in a locked file with access restricted to officers or employees of the PHA, or to authorized representatives of the PHA who have a job-related need to have access to the information.
    b. The PHA must not retain criminal conviction records for longer periods, even if the records are stored separately from the family's file.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

2. Not misused or improperly disseminated; and
3. Destroyed once the purpose(s) for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation.
    a. The PHA will destroy, by shredding, the criminal records no later than 10 business days after determining the family's eligibility and suitability for the public housing program.
    b. For denial of admission
        1) If the family is denied admission to the public housing program based on the criminal record, the PHA will retain the criminal record during the period allowed for requesting an informal hearing and if requested, until the informal hearing has been completed.
        2) The PHA will destroy, by shredding, the criminal record no later than 10 business days after the period allowed to request an informal hearing has expired or no later than 10 business days after receiving the informal hearing decision.
    c. For termination of assistance
        1) If the PHA proposes termination of the family assistance from the public housing program based on the criminal record, the PHA will retain the criminal record during the period allowed for requesting a grievance and if requested, until the grievance procedures have been completed.
        2) The PHA will destroy, by shredding, the criminal record no later than 10 business days after the period allowed to request a grievance has expired or no later than 10 business days after the grievance procedures have been completed.
    d. If the family files a civil lawsuit for the denial of admission, termination of assistance, negligence, or breach of the PHA's disclosure of the criminal record, the PHA will destroy the criminal records no later than 30 days after the statute of limitations has passed or the disposition of the civil lawsuit.
4. Sex offender registration criminal information
    a. The PHA will not disclose any sex offender registration information obtained by the PHA.
    b. The PHA will retain a record of the type of screening and the date the screening was performed for all sex offender registration criminal records.
    c. The records management requirements do not apply to sex offender registration information that is public information or is obtained by the PHA other than from a state or local agency responsible for the collection or maintenance of such information.

E. Permitted Use and Disclosure of Criminal Records

Permitted use and disclosure of criminal records received by the PHA may only be used for

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

applicant screening and/or for lease enforcement and termination.

1. Disclosure of criminal records
    a. The PHA may disclose the criminal conviction which the PHA received from a law enforcement agency only as follows:
        1) To officers or employees of the PHA, or to authorized representatives of the PHA who have a job-related need to have access to the information.

            For example, if the PHA is seeking to terminate assistance to a public housing tenant on the basis of criminal activity/sex offender status as shown in criminal conviction records, the records may be disclosed to PHA employees performing functions related to the termination, or to the PHA hearing officer conducting an administrative grievance hearing concerning the proposed termination.

        2) For use in connection with judicial eviction proceedings by the PHA to the extent necessary in connection with a judicial eviction proceeding.

            For example, criminal conviction records may be included in pleadings or other papers filed in an eviction action, may be disclosed to parties to the action or the court, and may be filed in court or offered as evidence.
2. Penalties for improper release of information
    a. Criminal Penalty

        Conviction for a misdemeanor and imposition of a penalty of not more than $5,000 is the potential for:

        1) Any person, including an officer, employee, or authorized representative of the PHA, who knowingly and willfully requests or obtains any information concerning an applicant for, or tenant of the PHA under false pretenses; or

        2) Any person, including an officer, employee, or authorized representative of the PHA, who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive the information.

    b. Civil Liability

        The PHA may be held liable to any applicant for, or tenant of, the PHA who is affected by either of the following:

        1) A negligent or knowing disclosure of criminal records information obtained under statutory authority about such person by an officer, employee, or authorized representative of the PHA if the disclosure is not authorized by this section; or

        2) An applicant for, or tenant of, of the PHA may seek relief against a PHA for inappropriate disclosure by bringing a civil action for damages and such other relief as may be appropriate against the PHA.

            a) The United States district court in which the affected applicant or tenant

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

resides, in which the unauthorized action occurred, or in which the officer, employee, or representative of the PHA alleged to be responsible resides, has jurisdiction.

b) Appropriate relief may include reasonable attorney's fees and other litigation costs.

F. Use of Criminal Records

If the PHA proposes to deny admission or terminate assistance for criminal activity as shown in the criminal record obtained from a law enforcement agency, the PHA must:

1. Denial of Admission
    a. Provide the subject of the record and the applicant with a copy of the criminal record.
    b. Give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process.
2. Termination of Assistance
    a. Notify the household of the proposed action to be based on the information, and
    b. Provide the subject of the record and the tenant with a copy of the criminal record.
    c. Give the family an opportunity to dispute the accuracy and relevance of that record in the informal hearing process.
3. All information about a survivor of VAWA violence/abuse that is provided to the PHA and utilized for the purpose of terminating the assistance of the perpetrator or a household who has a member of the household who is a perpetrator of VAWA violence/abuse shall be maintained confidential pursuant to the Violence Against Women Act.

Note: The opportunity for an informal hearing must be provided before a denial of admission or termination of assistance on the basis of such information.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

CHAPTER 31: OTHER MATTERS

The following pertains to requirements and/or references to guidelines for other matters involving admissions and occupancy.

A. Smoke-Free Living Environment

The PHA is dedicated to protecting the health and safety of its residents. In recognition that direct exposure to smoke or involuntary exposure to secondhand smoke can cause respiratory illness, heart disease, asthma, cancer and/or other adverse health effects and to reduce the risk of fires and maintenance cost, the PHA has implemented and adopted the Smoke-Free in Public Housing Policy.

1. The PHA prohibits the use of prohibited tobacco products in all public housing living units and interior areas, including but not limited to hallways, rental and administrative office, community centers, day care centers, laundry centers, and similar structures as well as in outdoor areas within 25 feet from public housing and administrative office buildings in which public housing is located.
2. Prohibited tobacco products are defined as items that involve the ignition and burning of tobacco leaves, such as (but not limited to) cigarettes, cigars, pipes and waterpipes (hookahs).

B. Pet Ownership

The dwelling lease establishes the PHA's policy on pet ownership. The PHA has a separate Pet Ownership Policy as an attachment to the lease. policies for family and elderly/disabled Pet Ownership rules.

C. Transfers

The dwelling lease requires the resident to transfer to a dwelling unit of appropriate size, based on family composition, upon appropriate notice by the PHA that such a dwelling unit is available. The PHA has a separate policy on the Transfers and Transfer Waiting List.

D. Emergency Transfer Plan (ETP)

1. The PHA shall adopt and follow the procedures in a model Emergency Transfer Plan which will provide that a tenant receiving rental assistance through or residing in a unit subsidized under the PHA, who is a survivor of domestic violence, dating violence, sexual assault or stalking qualifies for an emergency transfer if:
    a. The tenant expressly requests the transfer; and
    b. The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; or
    c. In the case of a tenant who is a survivor of sexual assault, either the tenant reasonably

© 2024 The Nelrod Company, Fort Worth, TX 76107

believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

The tenant who is a survivor of sexual assault may make an imminent harm request regardless of when or where the sexual assault occurred and the PHA may permit more than 90-calendar days from the date of the sexual assault.

2. The tenant may qualify for either an internal emergency transfer or external transfer:
   a. An internal emergency transfer is the relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.
   b. An external emergency transfer is the relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo an application process in order to reside in the new unit.
3. The tenant may seek an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available.
4. The PHA shall maintain the existing VAWA strict confidentiality measure in its Emergency Transfer Plan as to not disclose the location of the new unit to the abuser.
5. The PHA will make the Emergency Transfer Plan available upon request and when feasible, make the plan publicly available.
6. The PHA will keep a record of all emergency transfers requested under it Emergency Transfer Plan and the outcome of the requests. The PHA shall retain these records for a period of three (3) years or for a period of time as specified by program regulations. The PHA must report the requests and outcomes to HUD annually.
7. An emergency transfer request must not be construed to supersede any PHA eligibility or other occupancy requirements.

E. Collection

The PHA dwelling lease contains the PHA's policies with respect to the amount of rental payments, the due date, and charges for late payment and returned checks.

F. Termination of Lease

The PHA maintains a separate Termination and Eviction Policy for additional guidance.

G. Grievance Procedures

The PHA maintains a Grievance Procedures policy that is incorporated by reference in the lease and is posted in the Management Office.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

H. Community Service and Self-Sufficiency Requirements

The PHA has a separate Community Service/Self-Sufficiency Policy.

I. Housekeeping Standards

The dwelling lease establishes the PHA's policy on housekeeping standards. The PHA has separate Housekeeping Standards Policy.

J. Resident Initiatives Policy

The PHA supports resident initiative for all its families. A separate policy has been developed for this program and is incorporated in this document by reference.

K. Preemption of Restrictions on Placement of Direct Broadcast Satellite, Multi-channel Multipoint Distribution Service and Television Broadcast Antennas

1. Under the Telecommunications Act of 1996 as amended effective January 1999 and October 25, 2000, the Federal Communications Commission (FCC) adopted the Over-The-Air Reception Devices Rule regarding restrictions on viewer's ability to receive video programming signals from direct broadcast satellites (DBS), multi-channel multipoint distribution (wireless cable) providers (MMDS) and television broadcast stations (TVBS).
2. This rule prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming.
3. The rule applies to video antennas including direct-to-home satellite dishes that are less than one meter (39.37") in diameter (any size in Alaska), TV antennas and wireless cable antennas.
4. The rule prohibits most restrictions that:
    a. Unreasonably delay or prevent installation, maintenance or use;
    b. Unreasonably increase the cost of installation, maintenance or use; or
    c. Preclude reception of an acceptable quality signal.
        1) The rule applies to acceptable size antennas placed on property that is rented (including public housing) on property which is under the tenant's exclusive use or control (i.e., balconies, patios, designated yard areas, etc.). Local governments and landlords may enforce restrictions that do not impair installation, use or maintenance of these antennas as well as restrictions needed for safety or historic preservation.
        2) The PHA will not unreasonably restrict the installation of antennas by residents if:
            a) The unit has a tenant use only area such as a balcony, patio or designated yard area for which they are solely responsible (mowing, watering, etc.).
            b) The installation will not block or restrict access or egress to or from the unit or

© 2024 The Nelrod Company, Fort Worth, TX 76107

otherwise violate health and safety codes.

c) The installation does not result in damage to the unit (i.e., holes in walls or ceiling).

d) The installation of an interior antenna does not damage the unit beyond normal wear and tear.

e) The resident submits a request in writing asking to install an outside antenna. Inside antennas do not require approval in writing.

f) The resident agrees to restore any interior and exterior changes to original condition before vacating the unit. Otherwise, charges for repairs will apply.

d. The PHA will not assess any fees designed to unreasonably restrict the tenant's right to install antennas as long as the tenant is in compliance with the limitations of this rule.

L. Occupancy of Police Officers

The PHA reserves the right to place Police Officers who would not otherwise be eligible in the PHA's units, if it is determined that their presence would contribute to the safety of and security of residents. The number and location of units and a description of the terms and conditions for them to occupy units is identified in the PHA's annual plan.

M. Minimum Heating Standards

If the PHA is in a state, territory, or local with existing minimum heating standards, the PHA shall utilize their respective local minimum heating standards for the public housing dwelling units.

Where state or local minimum heating standards do not exist, the PHA shall use the following HUD established minimum heating requirements for public housing dwelling units:

1. Minimum Temperature:
   a. If PHA-controlled, the minimum temperature in each unit must be at least 68 degrees Fahrenheit.
   b. If tenant-controlled, then the heating equipment must have the capability of heating to at least 68 degrees Fahrenheit.
2. Minimum Temperature Capability:
   a. The PHA is allowed flexibility in maintenance of the indoor temperature when the outdoor temperature approaches the designed-day temperature.
      1) The designed-day temperature refers to the lowest expected outdoor temperature that a heating system was designed to accommodate and still maintain the desired indoor temperature.
      2) This should translate to an outdoor temperature in the 1st to 5th percentiles of low outdoor temperatures for an area.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

b. At no point should indoor temperatures in occupied space drop below 55 degrees Fahrenheit. This flexibility applies when at least one of the below criteria are met:

   1) The outside temperature reaches or drops below the design day temperature, or

   2) The outside temperature is within five (5) degrees Fahrenheit of the designed-day temperature for more than two (2) continuous days.

3. Measurement:

   Temperature measurements must be taken three (3) feet above the floor and two (2) feet from an exterior wall in the habitable room.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX A: HUD VERIFICATION HIERARCHY AND TECHNIQUES

HUD VERIFICATION HIERARCHY AND TECHNIQUES		
Level	**Verification Technique**	**Ranking/Order of Acceptability**
6	**Upfront Income Verification (UIV)**, using HUD's **Enterprise Income Verification (EIV) System**	**Highest** PHAs must pull the EIV Income Report for each family at every annual reexamination, unless using Safe Harbor documentation to verify the family's income. EIV may be used as the sole verification of Social Security income. EIV income information may be used to calculate other types of annual income when family agrees (see Level 4 for more information).
5	**Upfront Income Verification** (**UIV**) using non-HUD system (e.g., The Work Number, web-based state benefits systems, etc.).	**Highest**
4	**Written Third-Party Verification** from the source, also known as "tenant-provided verification;" or EIV + Self-Certification PHAs can choose either option when both are available to verify income. PHAs must use written, third-party verification when the income type is not available in EIV (e.g., self-employment, Go Fund Me accounts, general public assistance, Veterans Administration benefits, etc.)	**High** Written, third-party verification is used when tenant disputes EIV-reported employment and income information. The EIV Income Report may be used to verify and calculate income if the family self-certifies that the amount is accurate and representative of current income. The family must be provided with the information from EIV.
3	**Written Third-Party Verification Form**	**Medium** Use if Level 5 or Level 4 verification is not available or is rejected by the PHA and when the applicant or tenant is unable to provide acceptable documentation. May substitute Level 2 for written, third-party verification form, only completing one of the two forms of verification before moving to self-certification.
2	**Oral Third-Party Verification**	**Medium**
1	**Self-Certification**	**Low** Use as a last resort when unable to obtain any type of third-party verification or if specifically permitted, such as to determine actual income from assets when the family certifies that net family assets do not exceed the asset threshold established annually by HUD.

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX B: INCOME INCLUSIONS AND EXCLUSIONS CHART

INCOME INCLUSIONS AND EXCLUSIONS CHART			
INCOME CODE	DESCRIPTION	INCLUDE	INCOME EXCLUSIONS
WAGES			
Own Business	Net income from a professional or business operation [24 CFR 5.609 (b)(28)(i)].	Withdrawals of cash or assets from the professional or business operation [24 CFR 5.609(b)(28)(ii)]. Do not deduct for expenditures for business expansion [24 CFR 5.609 (b)(28)(i)]. Do not deduct for amortization of capital indebtedness in determining net income [24 CFR 5.609(b)(28)(i)].	Withdrawals of cash or assets from the professional or business operation, if the withdrawal is a reimbursement for cash or assets invested in the operation by the family [24 CFR 5.609(b)(28)(ii)]. Allowance for depreciation of assets used in a business may be deducted, based on straight line depreciation, as provided in Internal Revenue Service (IRS) regulations [24 CFR 5.609(b)(28)(i)].
Federal Wage	Compensation received from federal government employment, which includes federal government agencies and instrumentalities.	Wages from federal government employment.	Income from employment of children under 18 years old [24 CFR 5.609(b)(3)]. Earnings in excess of the amount of the deduction for a dependent for each full-time student 18 years old or older (excluding the head of household and spouse) [24 CFR 5.609(b)(14)]. Amounts earned by temporary Census employees; terms of employment may not exceed 180 days for the purposes of the exclusion [24 CFR 5.609(b)(24)(i)].
PHA Wage	Compensation earned through work performed for the Public Housing Agency (PHA).	Wages paid to any family member from the PHA.	Income from employment of children under 18 years old [24 CFR 5.609(b)(3)]. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by the resident for performing a service for the PHA or owner, on a part- time basis, that enhances the quality of life in the development [24 CFR 5.609(b)(12)(iii)]. Earnings in excess of the amount of the deduction for a dependent for each full-time student 18 years old or older (excluding the head of household and spouse) [24 CFR 5.609(b)(14)].
Military Pay	All regular pay, special pay and allowances of a member of the Armed Forces (including the Coast Guard, National Guard, and Reserve units).	The full amount of the head of household's or spouse's military pay, not just the amount sent home, regardless of whether the head of household or spouse or co-head is on the lease. Subsistent allowances. Uniform allowances. Other allowances.	Income from employment of children under 18 years old [24 CFR 5.609(b)(3)]. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(b)(11)]. Earnings in excess of the amount of the deduction for a dependent for each full-time student 18 years old or older (excluding the head of household and spouse) [24 CFR 5.609(b)(14)]. Other pay specifically excluded by law.
WAGES			
Other Wage	Wages and salary received from private or public sources (other than military pay and federal wages). Also include income in lieu of earnings in this category.	Overtime pay. Commissions. Fees. Tips. Bonuses. Other compensation for personal services. Severance pay. Termination pay.	Income from employment of children under 18 years old [24 CFR 5.609(b)(3)]. Income of a live-in aide, foster child, or foster adult, as defined in 24 CFR 5.403 and 5.603 [24 CFR 5.609(b)(8)]. Earnings and benefits from employment training programs funded by HUD [24 CFR 5.609(b)(12)(iv)]. Reimbursement for out-of-pocket expenses while attending a public assisted training program [24 CFR 5.609(b)(12)(ii)]. Incremental earnings and benefits from participation in qualifying Federal, State, Tribal, or

© 2024 The Nelrod Company, Fort Worth, TX 76107

INCOME INCLUSIONS AND EXCLUSIONS CHART			
INCOME CODE	DESCRIPTION	INCLUDE	INCOME EXCLUSIONS
			local employment training programs and training of a family member as resident management staff [24 CFR 5.609(b)(12)(iv)]. Earnings in excess of the amount of the deduction for a dependent for each full-time student 18 years old or older (excluding the head of household and spouse) [24 CFR 5.609(b)(14)]. See generally 79 Fed. Reg. 28,938 (May 20, 2014) and updated Federal Register Notice to be published June 2023 on federally mandated exclusions [24 CFR 5.609(b)(22)]. Any amounts in an "individual development account" as provided by the Assets for Independence Act, as amended in 2002 [Public Law 107-110, 42 U.S.C. 604(h)(4)].
WELFARE			
General Assistance	Payments made under a financial or medical assistance program(s) provided by a state, tribe, or local government jurisdiction.	Payments provided by a state, tribe or local government for medical or financial assistance	Amounts paid by or authorized by a State Medicaid agency (including through a managed care entity) or other State or Federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit [24 CFR 5.609(b)(19)]. The value of allotment provided to an eligible household under the Food Stamp Act of 1977 (7 USC 2017b), [24 CFR 5.609(b)(22)]. Incremental earnings and benefits from participation in qualifying Federal, State, Tribal and local employment training programs [24 CFR 5.609(b)(12)(iv)]. Any amount received under the Richard B. School Lunch Act U.S.C.1760(e) and the Children Nutrition Act of 1966 (42 U.S.C. 17809(b)) including reduced priced lunches and food under the Special Supplemental Food Program for Women, Infants and Children (WIC).
Annual Imputed Welfare Income	The annual income not received by a family because of a welfare benefit reduction but is included in the family's annual income for determining rent.	The dollar amount by which the family's welfare benefits were reduced by a TANF agency because of fraud or noncompliance [24 CFR 5.615].	The amount by which the family's welfare benefits were reduced, if the family was not an assisted resident at the time of sanction [24 CFR 5.615(c)(5)].
TANF Assistance	Temporary Assistance to Needy Families (TANF) is a benefit designed to meet a family's ongoing basic needs. Not all states refer to this income as TANF. A state may have a different name (other than TANF) for this type of income. See 45 CFR 260.31 for additional information on TANF assistance and exclusions.	TANF assistance is funded from federal or state dollars. The term assistance includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses) Payments to individual recipients by a TANF agency, or other agency on its behalf. Benefits based on participation in work experience or community service (or any other work activity in 45 CFR 261.30). Supportive services such as transportation and childcare	Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member [24 CFR 5.609(b)(6)]. For purposes of the FSS program only, see 24 CFR 984.103 for the definition of "welfare assistance."

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

INCOME INCLUSIONS AND EXCLUSIONS CHART			
INCOME CODE	DESCRIPTION	INCLUDE	INCOME EXCLUSIONS
		provided to families who are *not* employed.	
SS/SSI/PENSIONS			
Pension	A periodic distribution paid for retirement benefits.	Pensions. Annuities. Retirement or profit- sharing plans. Individual Retirement Accounts (IRAS). Simplified Employee Pensions (SEPS). Life insurance and endowment policies.	Lump-sum benefits payable as a death benefit [24 CFR 5.609(b)(24)(vii) and (26)].
SS/SSI/PENSIONS			
SSI	The Supplemental Security Income (SSI) program provides cash assistance to family members who have limited income and resources, are 65 or older, blind, or disabled. Family members under 18 can also receive SSI if they have an impairment that prohibits an adult family member from working.	Periodic amounts received from the SSI program. State supplements to SSI.	Deferred periodic amounts from SSI benefits that the family member received in a lump sum amount or in prospective monthly amounts [24 CFR 5.609(b)(16)]. Amounts received by a person with a disability that are disregarded for a limited time for purposes of SSI eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) [24 CFR 5.609(b)(12)(i)].
Social Security	Benefits from the Social Security Administration.	Child's benefits. Divorced wife's insurance benefits. A widow(er) entitled to mother's or father's insurance benefits. Parent's, brother's, or sister's benefits. Retirement insurance benefits. Spouse's benefits. Surviving divorced spouse's benefits. Widow(er)'s benefits. Spouse's benefits. Comparable benefits under the Railroad Retirement Act.	Deferred periodic amounts from Social Security benefits that the family member received in a lump sum amount or in prospective monthly amounts [24 CFR 5.609(b)(16)].
SSDI	The Social Security Disability Insurance program.	Disabled workers' benefits. Disabled widow(er)'s benefits.	Deferred periodic amounts from Social Security benefits that the family member received in a lump sum amount or in prospective monthly amounts [24 CFR 5.609(b)(16)].
OTHER INCOME SOURCES			
Child Support	Financial or medical assistance that a parent provides voluntarily or by court order for upkeep and general well-being of their child(ren).	Payments from a parent for child rearing. Regular contributions toward support from a public or private welfare agency.	The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
Health and Medical Care Reimbursement	Any income received to reimburse medical expenses.		Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member [24 CFR 5.609(b)(6)].

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

INCOME INCLUSIONS AND EXCLUSIONS CHART			
INCOME CODE	DESCRIPTION	INCLUDE	INCOME EXCLUSIONS
OTHER INCOME SOURCES			
Indian Trust/ Per Capita	Judgment funds awarded by the Indian Claims Commission, the Court of Claims, or funds held in trust for an Indian tribe by the Secretary of the Interior.	Amounts over the first $2,000 of per capita shares received from judgment funds.	Certain payments received under the Alaska Native Claims Settlement Act (43 USC 1626(c)), [24 CFR 5.609(b)(22)]. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 USC 459(e)), [24 CFR 5.609(b)(22)]. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 State 2503-04), [24 CFR 5.609(b)(22)]. The first $2,000 of per capita shares from judgment funds awarded by Indian Claims Commission or the US Court of Claims, the interests of individual Indians in trust or restricted lands, including the first $2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-08), [24 CFR 5.609(b)(22)]. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 USC 1721), [24 CFR 5.609(b)(22)]. Payments received by the Indian Claims Commission to the Confederate Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation (Pub. L. 95-433), [24 CFR 5.609(b)(22)]. Payments, funds or distributions authorized, established or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b)), [24 CFR 5.609(b)(22)]. Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Public Law 111-269; (25 U.S.C. 4103(9)) to the definition of income applicable to programs authorized under NAHASDA and administered by the Office of Native American Programs [24 CFR 5.609(b)(22)]. A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled Elouise Cobell et al. v. Ken Salazar et al., 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.), as provided in the Claims Resolution Act of 2010 (Public Law 111-291), [24 CFR 5.609(b)(22)].
OTHER INCOME SOURCES			
Other Non-Wage Sources	Any other income source not otherwise specified.		Payments received for the care of foster children (including kinship payments for residents) or foster adults, or State or Tribal kinship or guardianship care payments [24 CFR 5.609(b)(4)]. Any assistance that 479B of the Higher Education Act of 1965, as amended (20 U.S.C. 1087uu) requires be excluded from family income [24 CFR 5.609(b)(9)]. (For Section 8 heads of households, spouses, and co-heads, the appropriations dictate. See PIH supplemental HOTMA notice.)

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

INCOME INCLUSIONS AND EXCLUSIONS CHART			
INCOME CODE	DESCRIPTION	INCLUDE	INCOME EXCLUSIONS
			Student financial assistance for tuition, books, and supplies, room and board, and other fees required and charged to a student by an institution of higher education and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit [24 CFR 5.609(b)(9)]. (For Section 8 heads of households, spouses, and co-heads, the appropriations dictate. See PIH supplemental HOTMA notice.) Income and distributions from any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and income earned by government contributions to, and distributions from, "baby bond" accounts created, authorized, or funded by Federal, State, or local government [24 CFR 5.609(b)(10)]. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era [24 CFR 5.609(b)(13)]. Adoption assistance payments for a child in excess of the amount of the deduction for a dependent [24 CFR 5.609(b)(15)]. Refunds or rebates under state or local law for property taxes paid on dwelling unit [24 CFR 5.609(b)(18)]. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(b) apply [24 CFR 5.609(b)(22)].
OTHER INCOME SOURCES			
			Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended) comparable disaster assistance provided by States, local governments, and disaster assistance organizations shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs (42 U.S.C. 5155(d)), [24 CFR 5.609(b)(22)]. Payments or allowances under DHHS' low-income home energy assistance program (LIHEAP) (42 USC 8624(f)), [24 CFR 5.609(b)(22)]. Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 USC 3056(f)), [24 CFR 5.609(b)(22)]. Deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts [24 CFR 5.609(b)(16)]. Payments related to aid and attendance under 38 USC 1521 to veterans in need of regular aid and attendance [24 CFR 5.609(b)(17)].

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

INCOME INCLUSIONS AND EXCLUSIONS CHART			
INCOME CODE	DESCRIPTION	INCLUDE	INCOME EXCLUSIONS
			Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any fund established pursuant to the settlement in the Agent Orange product liability litigation (M.L.D. No.381), [24 CFR 5.609(b)(22)]. Earned Income Tax Credit refund tax payments received on or after on or after January 1,1991, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, section 101 of the Housing and Urban Development Act of 1965, and sections 221(d)(3) 235, and 236 of the National Housing Act (26 U.S.C. 32(j)), [24 CFR 5.609(b)(22)]. Any allowance paid under the provisions of 38U.S.C. 8133(c) to children of Vietnam veterans born with spina bifida (38 U.S.C. 1802-05), children of women Vietnam veterans born with certain birth defects (38 USC 1811-16), and children of certain Korean and Thailand service veterans born with spina bifida (38 U.S.C. 1821-22), [24 CFR 5.609(b)(22)].
OTHER INCOME SOURCES			
			Any amount of crime victim compensation that the applicant (under the Victims Crime Act) receives through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims Crime Act because of the commission of a crime against the applicant (34 U.S.C. 20102(c)), [24 CFR 5.609(b)(22)]. Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 reauthorized as the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128 section 181(a)(2)), (29 U.S.C. 3241(a)(2)), [24 CFR 5.609(b)(22)]. Payments made under the Emergency Rental Assistance Program pursuant to the Consolidated Appropriations Act, 2021 (Public Law 116-260), and the American Rescue Plan Act of 2021 (Public Law 117-2) (24 CFR 5.609(b)(22)). Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d)), [24 CFR 5.609(b)(22)]. Distributions of the principal or corpus of a trust, or distributions of income from a trust when the distributions are used to pay the costs of health and medical care expenses for a minor, for irrevocable trusts or revocable trusts outside the control of the family or household that are excluded from net family assets under 24 CFR 5.603(b) [24 CFR 5.609(b)(2)]. Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation [24 CFR 5.609(b)(5)]. Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled [24 CFR 5.609(b)(7)].

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

INCOME INCLUSIONS AND EXCLUSIONS CHART			
INCOME CODE	DESCRIPTION	INCLUDE	INCOME EXCLUSIONS
			Loan proceeds received by the family or a third party [24 CFR 5.609(b)(20)]. Payments received by Tribal members as a result of claims relating to the as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other Federal law [24 CFR 5.609(b)(21)].
OTHER INCOME SOURCES			
			Replacement housing "gap" payments made in accordance with 49 CFR part 24 that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another Federally subsidized housing unit. Such replacement housing "gap" payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing "gap" payments [24 CFR 5.609(b)(23)]. Civil rights settlements or judgments, including settlements or judgments for back pay [24 CFR 5.609(b)(25)].
Unemployment Benefits	Periodic payments in lieu of earnings.	All payments in place of earnings, such as unemployment compensation, unless some other income exclusion is applicable.	See income exclusions at 5.609(b) to determine if any are applicable. See generally 79 Federal Register 28,938 (May 20, 2014) and updated Federal Register Notice to be published June 2023 on federally mandated exclusions [24 CFR 5.609(b)(22)] to determine if any are applicable.
Safe Harbor Determination	When the PHA uses a safe harbor determination of family income, drawing on the total income as indicated by an approved Federal means-tested form of public assistance.	The entire family income provided by the annual income determination made by administrators of means-tested forms of Federal public assistance may be provided on one line.	

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX C: HUD INFLATION-ADJUSTED VALUES AND PASSBOOK RATE

HUD will annually publish its inflation-adjusted values along with the passbook rate no later than September 1. The revised amounts will be effective on January 1 of the following year.

Adjusted Item	Regulatory Reference	Amount Effective January 1, 2026	Amount Effective January 1, 2027	Rounding Methodology
Eligibility restriction on net family assets	24 CFR 5.618(a)(1)(i)	$105,574	$109,797	Nearest dollar
Threshold above which imputed returns must be calculated on net family assets	24 CFR 5.609(a)(2) and (b)(1)	$52,787	$54,898	Nearest dollar
Threshold above which the total value of non-necessary personal property is included in net family assets	24 CFR 5.603(b) Net family assets	$52,787	$54,898	Nearest dollar
The amount of net assets for which the PHA may accept self-certification by the family	24 CFR 5.618(b)(1) 24 CFR 5.659(e) 24 CFR 960.259(c)(2)	$52,787	$54,898	Nearest dollar
Mandatory deduction for elderly and disabled families	24 CFR 5.611(a)(2)	$550	$575	Next lowest multiple of $25
Mandatory deduction for a dependent	24 CFR 5.611(a)(1)	$500	$525	Next lowest multiple of $25
Income exclusion for earned income of dependent full-time students	24 CFR 5.609(b)(14)	$500	$525	Next lowest multiple of $25
Income exclusion for adoption assistance payments	24 CFR 5.609(b)(15)	$500	$525	Next lowest multiple of $25
Passbook Savings Rate	24 CFR 5.609(a)	0.40%	0.38%	

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX D: LIST OF CHARGES IN ADDITION TO TENANT RENT

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX E: PHA INCOME LIMITS

(Insert the PHA income limits)

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX F: TABLE OF FLAT RENTS

(Insert the Flat Rent amounts for each development and unit size)

Unit Size	Flat Rent
0	
1	
2	
3	
4	
5	

(Insert the Flat Rent amounts for each development and unit size

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX G: UTILITY ALLOWANCES OR CONSUMPTION ALLOWANCES

(Insert utility allowances or consumption allowances)

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX H: DEVELOPMENTS SITES BY TYPES

Name of Development	Total # Units	General Occupancy (former Family Units)	Mixed Population (former Elderly Units)	Designated Elderly Units	Designated Handicap Units
Scroggins	111	111	0	0	6
Main, Teddy and Lynn	32	32	0	0	0
Washington	42	42	0	0	3
Northern Heights	52	52	0	0	0
Prather	91	91	0	0	7

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX I: SECURITY DEPOSITS

(Insert security deposit for each development and unit size)

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX J: TERMINATION AND EVICTION POLICY

As a landlord, Housing Authority of Georgetown (hereinafter referred to as PHA) has certain rights and responsibilities concerning termination of dwelling leases and eviction of residents who violate lease terms or are determined to be undesirable for other reasons.

A. Rights and Responsibilities

1. The PHA may terminate or refuse to renew a lease for serious or repeated violations of material terms of the lease by residents including, but not limited to, the following:

   The regulation at 24 CFR (Code of Federal Regulations) 966.4(f)(12), requires under Section 6(1) that every lease signed by a resident of a public housing unit must contain a provision which authorizes the PHA to consider certain "criminal activity engaged in by the resident, members of their household, another person under the control of the resident, or their guests", including drug-related, *on or off* the PHA's premises to be "cause for termination of tenancy".

   This lease provision authorizes termination of the lease and eviction of all members of the household. Thus, any criminal activity that threatens the health, safety or right to peaceful enjoyment of the PHA's public housing premises by other residents may be cause for such termination. (See CFR 966.4(e)(2) Grounds for Termination).

   It is the policy of the PHA to terminate tenancy of any household where a member or guest engages in such criminal, drug-related or alcohol related activity.

   The PHA retains the discretion to determine on a case-by-case basis whether or not the entire household or only the offending member(s) should be evicted for such criminal activity.

2. The PHA has a "zero tolerance" policy with respect to violations of lease terms regarding violent criminal activity.

   The following are some examples of said activities:

   a. Displaying a deadly weapon in connection with a verbal or nonverbal threat of bodily harm.

   b. Inflicting any injury upon another person through the intentional, reckless, careless, or negligent use of a deadly weapon.

   c. Damaging any property through the intentional, reckless, careless, or negligent use of a deadly weapon.

B. Consideration of Favorable Factors

In the event of the receipt of unfavorable information with respect to a tenant and or lease violations that could cause termination of tenancy, the PHA will give consideration to the time, nature, and extent of the applicant's conduct. The PHA will also consider factors that might indicate a reasonable probability of favorable future conduct, such as:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

1. Evidence of successful completion of an appropriate rehabilitation program for drug alcohol-related problems (requiring certification from a health professional, or State certified program). The resident may be required to provide evidence of otherwise being rehabilitated successfully (i.e., on-going participation in AA, AL-ANON, or other drug/alcohol support group).
2. The seriousness of the offending action.
3. The effect on the community of denial or the failure of the PHA to take such action.
4. The extent of participation by the leaseholder in the offending action.
5. The effect of denial of admission on household members not involved in the offending action.
6. The demand for assisted housing by families who will adhere to lease responsibilities.
7. The extent to which the tenant has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action.
8. The effect of the PHA's action on the integrity of the program.
9. The willingness of the tenant to exclude the offending household member in order to remain in the housing program, where the identified member has participated in or been culpable for action or failure to act that warrants denial.
10. Evidence of the tenant family's participation in or willingness to participate in social services or other appropriate counseling programs, and the availability of such programs.

C. VAWA Violence/Abuse

1. The PHA may terminate or refuse to renew a lease to any household member who is a perpetrator of domestic violence, dating violence, sexual assault, or stalking, collectively referred to as VAWA violence/abuse.
2. The PHA retains the discretion to determine on a case-by-case basis whether or not the entire household or only the offending member(s) should be evicted for such criminal activity.
3. An incident or incidents of actual or threatened VAWA violence/abuse will not be construed as a serious or repeated violation of the lease by the survivor or threatened survivor of that violence/abuse and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.
4. Criminal activity directly relating to VAWA violence/abuse, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an affiliated individual of the tenant is the survivor or threatened survivor of that VAWA violence/abuse. This does not limit the authority of the PHA to:
    a. Terminate public housing assistance to individuals who engage in criminal acts of

© 2024 The Nelrod Company, Fort Worth, TX 76107

physical violence against family members or others.

b. Terminate public housing assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a survivor of VAWA violence/abuse to a more demanding standard than other tenants in determining whether to terminate.

c. Terminate public housing assistance to a tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or PHA if that tenant is not evicted or terminated from assistance.

d. Upon relocation of the household member who is the survivor of VAWA violence/abuse, the PHA shall terminate the assistance of the remaining family if the perpetrator of the VAWA violence/abuse remains in the household.

D. Termination by Family

1. A resident may terminate their lease at any time but must provide the PHA 30 days' notice in writing and should include a forwarding address for the PHA to return the resident's security deposit after the resident vacates the premises.
2. A notice of termination by the PHA or a resident may be given on any day of the month.

E. Termination Notice

The PHA must provide residents a notice of termination as follows:

1. Thirty (30) days in advance, in cases of failure to pay rent;
2. Three (3) days in advance, in cases of creation or maintenance of a threat to the health and safety of other residents, or PHA employees, or a reasonable time in excess of three (3) days considering the seriousness of the situation.
3. Thirty (30) days in advance in all other cases, except if state or local law allows a shorter notice period, the shorter period will apply.
4. The notice shall state the specific reasons for termination and inform the residents they have a right to reply, examine relevant PHA documents, copy relevant documents at their expense, and request a grievance hearing. The lease termination notice shall:
   a. State that the resident is entitled to a grievance hearing on the termination; or
   b. In circumstances where grievance procedures do not apply, specify the judicial eviction procedure to be used by the PHA for eviction of the resident, and state that HUD has determined that this eviction procedure provides the opportunity for a hearing that contains the basic elements of due process as defined in HUD regulations.
   c. State whether the eviction is for a criminal activity or for a drug-related criminal activity, or a pattern of alcohol abuse which threatens the health, safety or right to peaceful

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

enjoyment of the premises by other residents or PHA employees.

F. Termination of Assistance for Criminal Activity and Alcohol Abuse

1. HUD has issued a due process determination that the law of the state of Kentucky requires that the resident be given the opportunity for a hearing in court which provides the basic elements of due process (as defined in the Definition section of these policies) before eviction from a dwelling unit. Therefore, the PHA has elected to determine that this grievance procedure shall not be applicable to any termination of tenancy or eviction that involves:
   a. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the PHA; or
   b. Any violent or drug-related criminal activity on or off such premises; or
   c. Any activity that resulted in felony conviction of a household member.
2. The PHA may terminate public housing assistance for criminal activity by a household member as authorized if the PHA determines, based on a preponderance of the evidence, that the household member has engaged in the activity regardless of whether the household member has been arrested or convicted for such activity.

   An arrest alone is not evidence of criminal activity that can support an adverse termination or eviction decision. The PHA will ensure that adverse termination or eviction decisions based upon criminal activity are supported by sufficient evidence that the individual engaged in such activity
3. Any repeated pattern of alcohol abuse which threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or PHA employees.
4. The PHA's eviction notices to residents must be in writing, hand delivered or sent by certified mail, with a return receipt requested.
5. Notices under this grievance procedure shall be deemed delivered:
   a. Upon personal service thereof to the complainant or an adult member (18 years of age or older) of the complainant's household;
   b. Upon the date receipted for or refused by the addressee, in the case of certified or registered U.S. Mail; or
   c. On the second day after the deposit thereof for mailing, postage prepaid, with the U.S. Postal Service, if mailed by first class mail other than certified or registered mail, unless the resident can prove that delivery of the notice, in fact, occurred at some other time.
6. If a resident is visually impaired, any notice delivered to such resident shall be in an accessible format.
7. The PHA will notify the local post office of residents evicted for criminal activity so that evicted persons will not return to the housing development to pick up their mail.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

G. Future Eligibility for Assistance.

The PHA has established standards that prohibit and deny readmission of a previous resident and/or household member to the PHA's public housing program for certain drug, criminal and/or unfavorable family behaviors.

1. The PHA will prohibit and deny readmission to the PHA's public housing program for:
    a. Persons evicted from federally assisted housing for drug-related criminal activity for three (3) years from the date of the eviction.
    b. Person engaging in illegal use of a drug.
    c. Persons convicted of the manufacture or production methamphetamine on the premises of federally assisted housing (permanently prohibited admission).
    d. Persons subject to a lifetime sex offender registration requirement under a state sex offender registration program (permanently prohibited admission).
    e. Persons that abuse or show a pattern of abuse of alcohol.
2. The PHA may prohibit and deny readmission to the PHA's public housing program for:
    a. An applicant's past performance in meeting financial obligations, especially rent and/or utility payments.
    b. An applicant's previous lease violations, including the failure to comply with community service and self-sufficiency requirements.
    c. An applicant who left owing a debt to the PHA or any other PHA.
    d. A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at any prior PHA public housing development which may have adversely affected the health, safety, or welfare of other tenants.
    e. A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would have adversely affected the health, safety, or welfare of other tenants.
3. The eligibility determination for readmission will be based on the circumstances of the applicant family at the time the family reapplies.
4. The PHA may require an applicant to exclude a household member in order to be readmitted to the public housing program where that household member has participated in or been culpable for any actions described above.
5. In the event of unfavorable information with respect of an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct, including seriousness of the offense.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX K: GRIEVANCE PROCEDURES

The grievance procedure is an administrative remedy, prescribed by HUD to the Housing Authority of Georgetown (hereinafter referred to as PHA), to ensure adequate due process regarding adverse actions against public housing resident.

A. Purpose and Scope

1. The purpose of the grievance procedures is to assure that the residents are afforded an opportunity for a hearing, if the resident disputes within a reasonable time, any PHA action or failure to act, involving the resident's lease, or PHA regulations which adversely affect the individual resident's right's, duties, welfare, or status, including, but not limited to:
    a. Community Service and Self-Sufficiency Requirements.
    b. Minimum rent hardship exemptions.
    c. Income changes resulting from welfare program requirements.
    d. Improper disclosure or inappropriate use of information obtained by the PHA through criminal records, sex offender registration records, drug abuse treatment facility records and domestic violence records.
2. The grievance procedure shall be applicable to all individual grievances as defined herein.
3. The PHA will furnish a copy of the grievance procedure to each tenant and to resident organizations.

B. Governing Law

The law governing this grievance procedure is Section 6 (K) of the U.S. Housing Act of 1937 (42 U.S.C. sec. 1437d(k)) and subpart B of 24 CFR part 966 (24 CFR secs. 966.50-966.57).

C. Definitions

The following definitions of terms shall be applicable to this grievance procedure:

1. *Grievance*: Any dispute which a resident may have with respect to an action or a failure to act by the PHA in accordance with the individual resident's lease or PHA regulations, which adversely affects the individual resident's rights, duties, welfare or status.
2. *Complainant*: Any resident whose grievance is presented to the PHA or at the project management office in accordance with the requirements set forth in this procedure.
3. *Elements of Due Process*: An eviction action or termination of tenancy in a state or local court in which the following procedural safeguards are required:
    a. Adequate notice to the resident of the grounds for terminating the tenancy and for eviction;
    b. Right of the resident to be represented by counsel;

© 2024 The Nelrod Company, Fort Worth, TX 76107

c. Opportunity for the resident to refute the evidence presented by the PHA, including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the resident may have; and

d. A decision on the merits.

4. *Hearing Officer or Hearing Panel*: An impartial person or persons selected by the PHA, other than the person who made or approved the decision under review, or a subordinate of that person. Such individual or individuals do not need legal training.

5. *Resident organization*: An organization of residents, which includes any resident management corporation.

6. *Resident*: The adult person (or persons) other than a live-in aide:

   a. Who resides in the unit and who executed the lease with the PHA as lessee of the dwelling unit, or, if no such persons reside in the unit;

   b. The person who resides in the unit, and who is the remaining head of the household of the resident family residing in the dwelling unit.

D. Incorporation in Lease

This grievance procedure shall be included in, or incorporated by reference in, all leases between the residents and the PHA.

E. Exceptions

These procedures are applicable to all individual grievances, as defined in Section C of this Policy, between the resident and the PHA with the following exceptions:

1. The PHA's grievance procedures are not applicable to disputes between residents not involving the PHA, or to class grievances.

2. The grievance procedures are not intended as a forum for initiating or negotiating policy changes between a group or groups of residents and the PHA's Board of Commissioners; and

3. Due Process Determination

   a. A determination by HUD that law of the jurisdiction requires that the resident must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the unit. If HUD has issued a due process determination, the PHA may exclude from the PHA's administrative grievance procedure any grievance concerning a termination of tenancy or eviction that involves:

      1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of PHA; or

      2) Any violent or drug-related criminal activity on or off such premises; or

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

3) Any criminal activity that resulted in felony conviction of a household member.

b. HUD will publish in the Federal Register a notice listing the judicial eviction procedures for which HUD has issued a due process determination.

c. HUD will make available for public inspection and copying a copy of the legal analysis on which the determinations are based.

d. If HUD has issued a due process determination, the PHA may evict the occupants of the unit through the judicial eviction procedures which are the subject of the determination.

e. In this case, the PHA is not required to provide the opportunity for a grievance hearing under the PHA's administrative grievance procedure.

f. Kentucky has been determined to be a due process state.

4. Improper use of or disclosure of information obtained by the PHA through criminal records, sex offender registration records, and drug abuse treatment facility records, may be the subject of a grievance by a complainant of the PHA.

F. Grievance Process

Grievances shall be personally presented, either orally or in writing, to the PHA's central office, or to the office of the development in which the complainant resides.

Except as stated above, the PHA's procedures shall afford each resident an opportunity for a hearing on a grievance, in accordance with the requirements, standards, and criteria contained in these procedures, with such modifications as are required by state law.

1. Informal Settlement of Grievance

The primary objective of this process is to informally discuss and settle the grievance at the lowest level and as quickly as possible without a hearing.

a. The PHA will review the grievance to:

1) Ensure that the grievance can be appropriately address during the grievance process.

2) Ensure the grievance is referred to the appropriate department or office responsible for the matter being grieved.

3) Ensure the PHA is correctly handling disputes that differ from PHA operations, such as allegations of discrimination or harassment.

4) Inform the complainant may attend with a representative at their discretion and expense.

b. The PHA will prepare a summary of such discussion within 10 business days.

c. A copy of the summary of such discussion will be given to the resident and one shall

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

be retained in the PHA's resident file. The summary of discussion will specify:

1) The names of the participants,
2) Date(s) of the meeting(s),
3) The nature of the proposed disposition of the complainant and the specific reasons therefore,
4) The rights of the complainant to a grievance hearing, and
5) The procedures by which a grievance hearing may be obtained if the complainant is not satisfied with the outcome of the informal discussion.

d. The PHA shall specifically include notice to the complainant of the following:

1) The time limit to request a grievance hearing;
2) The grievance hearing will be heard by a hearing officer and the procedures for selecting the hearing officer;
3) What specifically must be included in the complainant's request for a grievance hearing;
4) If the complainant fails to request a hearing within the required time period 10 business days after receiving the summary, the PHA's decision rendered at the Informal Settlement conference becomes final. However, the complainant does not waive the right to contest the PHA's action in an appropriate judicial proceeding;
5) The complainant's rights to be represented by counsel or other representative at the grievance hearing; and
6) The complainant requesting a hearing has a right to examine any PHA documents relevant to the hearing, including records and regulations. The complainant shall be allowed to obtain a copy from the PHA of any such documentation at the complainant's expense.

2. Procedures to Obtain a Grievance Hearing

A grievance hearing must be held before a hearing officer.

a. Request for a Grievance Hearing:

1) The complainant shall submit a written or oral request for a hearing to the PHA, or to the development office, within 10 business days after receipt of the written summary of the Informal Settlement conference.
2) The written request shall specify:
   a) The reasons for the grievance;
   b) The action or relief sought;
   c) The complainant's statement setting forth the times at which the complainant will be available for a hearing during the next 10 business days;

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

d) Complainant's preference, if any, concerning whether the grievance should be heard by the hearing officer.

b. If the complainant fails to request a hearing within 10 business days after receiving the written summary of the Informal Settlement conference, the PHA's decision rendered at the Informal Settlement conference becomes final and the PHA is not thereafter obligated to offer the complainant a hearing.

c. Should the complainant fail to request a hearing, such failure shall not constitute a waiver by the complainant of his/her right thereafter to contest the PHA's action in disposing of the complaint in an appropriate judicial proceeding.

G. Expedited Grievance Procedures

Because HUD has issued a due process determination for the state of Kentucky, the PHA does not have to establish expedited grievance procedures.

A due process determination means that HUD has determined that the family will receive their due process rights during the court (eviction) proceeding and therefore the agency does not have to offer the grievance procedures in cases concerning a termination of tenancy or eviction that involves:

a. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the PHA's public housing premises by other residents or employees of the PHA; or

b. Any drug-related or violent criminal activity on or off such premises.

H. Selection of Hearing Officer

1. Grievances shall be presented before the hearing officer.

   The hearing officer shall be an impartial, disinterested person selected by the PHA. The hearing officer shall not be:

   a. The person who made or approved the decision,

   b. A subordinate of the person who made or approved the decision, or

   c. A member of the PHA Board of Commissioners.

I. Hearing Process

All grievances shall be personally presented, either orally or in writing, pursuant to the informal procedure prescribed in the paragraph on Informal Settlement of Grievance as a condition precedent to a hearing under this section.

1. Scheduling Hearings

   a. The hearing officer shall promptly schedule the hearing, for a time and place reasonably convenient to both the complainant and the PHA, upon the complainant's

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

compliance with the above requirements.

b. A written notification specifying the time, place, and the procedures governing the hearing shall be delivered to the complainant and the appropriate PHA official.

c. The hearing may be conducted in person or through electronic communications such as teleconference or web meetings.

2. Failure to Appear

a. If the complainant or the PHA fails to appear at a scheduled hearing, the hearing officer may make a determination to postpone the hearing, for a period not to exceed 10 business days or may make a determination that the party has waived his or her right to a hearing.

b. The hearing officer will notify both the complainant and the PHA of the determination.

c. A determination that the complainant has waived his or her right to a hearing shall not constitute a waiver of any right the complainant may have to contest the PHA's disposition of the grievance in an appropriate judicial proceeding.

3. Conducting the Hearing

The hearing shall be conducted informally by the hearing officer.

a. At the hearing, the complainant must first make a showing of an entitlement to the relief sought.

b. The PHA must sustain the burden of justifying the PHA's action or failure to act against which the complaint is directed.

c. The complainant shall be afforded a fair hearing providing the basic safeguards of due process, which include the following:

1) The opportunity to examine documents before the grievance hearing, and to copy, at the complainant's expense, all documents, records, and regulations of the PHA that are relevant to the hearing at the expense of the complainant.

2) Any requested document not made available to the complainant may not be relied on by the PHA at the grievance hearing.

d. The right to be represented by counsel or another person chosen as the complainant's representative and to have such person make statements on the complainant's behalf.

e. The right to a private hearing, unless the complainant requests a public hearing.

f. The right to present evidence and arguments in support of the complainant's complaint, to controvert evidence relied on by the PHA or development management, and to confront and cross-examine all witnesses on whose testimony or information the PHA or development management relies.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

g. Oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.

h. The hearing officer shall require the PHA, the complainant, legal counsel, and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings, or in a decision adverse to the interests of the disorderly party, and granting or denial of the relief sought, as appropriate.

i. A decision based solely and exclusively upon the facts presented at the grievance hearing.

J. Transcript

1. The complainant or the PHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing.
2. Any interested party may purchase a copy of such a transcript.

K. Decision of the hearing officer

The hearing officer or hearing panel will prepare a written decision, with the reasons therefore, within a reasonable time after the hearing (usually within 10 business days).

1. A copy of the decision shall be sent to the complainant and the PHA.
2. The PHA will retain a copy of the decision in the complainant's folder.
3. The PHA will maintain a log of all hearing officer decisions and make it available upon request of the hearing officer, a prospective complainant, or a prospective complainant's representative. At a minimum, the log must include:
   a. The date of the hearing decision,
   b. The general reason for the grievance hearing (failure to pay rent, CSSR noncompliance, etc.), and
   c. Whether the decision was in the favor of the complainant or the PHA
4. The decision of the hearing officer will be binding on the PHA, which shall take all actions, or refrain from any actions, necessary to carry out the decision, unless the Board of Commissioners determines, within 10 business days, and promptly notifies the complainant of its determination, that:
   a. The grievance does not concern PHA action or failure to act in accordance with or involving the complainant's lease or PHA regulations, which adversely affect the complainant's rights, duties, welfare, or status; and
   b. The decision of the hearing officer is contrary to applicable federal, state, or local law,

© 2024 The Nelrod Company, Fort Worth, TX 76107
DRAFT

HUD regulations, or requirements of the ACC between HUD and the PHA.

5. A decision by the hearing officer or Board of Commissioners in favor of the PHA's action or failure to act, or a decision that denies the relief requested in whole or in part, does not waive the complainant's rights to a subsequent trial or judicial review.

L. Notification

Any notice to the complainant will be in writing.

1. PHA Notices

   Notices under this grievance procedure shall be deemed delivered:

   a. Upon delivery to the complainant or to an adult member (18 years of age or older) of the complainant's household; or

   b. Sent by prepaid first-class mail properly addressed to the complainant.

2. Concurrent Notice

   Notices to the PHA shall be in writing, delivered to the project office or the PHA central office or sent by prepaid first-class mail properly addressed.

   a. If a complainant has filed a request for grievance hearing in a case involving the PHA's notice of termination of tenancy, the complainant should be aware that the state law notice to vacate and the notice of termination of tenancy required under federal law can run concurrently.

   b. If the hearing officer upholds the PHA's action to terminate the tenancy, the PHA may commence an eviction action in court by the later of:

      1) The expiration of the date for termination of tenancy and vacation of premises stated in the delivered termination notice, or

      2) The delivery of the report of decision of the hearing officer to complainant.

M. Accommodation to Persons with Disabilities

1. The PHA will provide reasonable accommodation for persons with disabilities throughout the grievance process.

2. This includes, but is not limited to, accommodating individuals with disabilities by accepting grievances at alternate sites or by mail, having PHA staff reduce an oral request for a grievance to writing for a tenant with a disability who cannot write due to the disability, and providing accommodations in the grievance hearing itself by providing qualified sign language interpreters, readers, accessible locations, or attendants.

N. Effective Communications

The PHA will take appropriate steps to ensure effective communication during the grievance process for families that includes persons with disabilities or persons with Limited English

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Proficiency.

1. If the complainant is visually impaired, any notice to the complainant which is required must be in an accessible format.
2. Limited English Proficiency

   The PHA will comply with HUD's "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" issued on January 22, 2007.

O. Modifications

This grievance procedure may not be amended or modified except by approval of a majority of the Board of Commissioners of the PHA, present at a regular meeting or a special meeting called for such purposes.

1. The PHA must provide at least 30 days' advance notice to residents and resident organizations of any changes proposed to be made to this grievance procedure, setting forth the proposed changes and providing an opportunity to present written comments.
2. The PHA shall consider any comments submitted before final adoption of any amendments.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX L: TRANSFERS AND TRANSFER WAITING LIST

Transfer means the movement of the family from one unit to another. Depending on the circumstances in each particular case, the PHA may require a family to move, permit a family to move, or physically help a family to move. This policy is incorporated into the Admissions and Continued Occupancy policy by reference. The Housing Authority of Georgetown (hereinafter referred to as PHA) policies and procedures for transferring families from one unit to another are as follows.

A. Nondiscrimination

The PHA will not discriminate against any person during the determination for or during any stage of the transfer process.

B. Types of Transfers

This policy sets forth several categories of transfers. Priority for transfer and the order in which families are transferred shall be subject to the hierarchy by category set forth below.

1. Emergency Transfers Due to Physical Hazards:
    a. This type of transfer shall take priority over new admissions.
    b. Emergency transfers are mandatory when the unit or building conditions pose an immediate threat to resident life, health, or safety, as determined by PHA. Examples include but are not limited to:
        1) Fire damage
        2) A gas leaks
        3) No heat in the building during the winter
        4) No water
        5) Serious water leaks
        6) Toxic contamination
        7) Storm and wind damage
        8) Any condition requiring an emergency work order, as defined under PHAS, would qualify the family for an emergency transfer if the PHA were unable to make repairs in less than 24 hours.
    c. Alternative Accommodations
        1) In emergency situations when no other appropriate public housing units are available, the PHA may provide families with an HCV or cover the cost of hotel accommodations until repairs are made or a transfer the family an alternative housing is completed.
        2) If alternative accommodations are available and the PHA cannot make the

© 2024 The Nelrod Company, Fort Worth, TX 76107

necessary repairs within a reasonable amount of time, the PHA is required to provide the family with alternative housing.

3) The family is entitled to alternative accommodations even if the tenant, household member(s), guest, or other person(s) is responsible for the damage that caused the hazard or if a family is in the process of being evicted.

2. Transfers under VAWA

   a. This type of transfer shall take priority over new admissions and all other transfers except emergency transfers due to physical hazards.

   b. Tenants who are survivors of domestic violence, dating violence, sexual assault or stalking (collectively VAWA violence/abuse) can request an internal or external emergency transfer from their current unit to a safe unit as determined by the tenant.

   c. In addition to the transfers under VAWA, the PHA has adopted an VAWA Emergency Transfer Plan (ETP).

      1) The PHA's ETP allows tenants to make an internal emergency transfer under VAWA when a safe unit is immediately available.

      2) The ETP also describes policies for assisting tenants when a safe unit is not immediately available.

      3) The ETP policies ensure that requests for internal emergency transfers under VAWA receive, at a minimum, any applicable additional priority that the PHA may already provide to other types of emergency transfer requests.

      4) The ETP also describes reasonable efforts the PHA will take to assist a tenant who wishes to make an external emergency transfer when a safe unit is not immediately available.

   d. The PHA may request in writing that the ~~victim~~ survivor provide documentation of an occurrence of ~~a~~ VAWA ~~crime~~ violence/abuse. However, no other documentation may be required to qualify the tenant for an emergency transfer

3. Emergency Transfers Due to Other Causes

   a. This type of transfer shall take priority over new admissions.

   b. The PHA may allow an emergency transfer to be made due to, but not limited to the following causes:

      1) To remove residents who are witnesses to crimes and may face reprisals.

      2) To provide options to residents who are victims of hate crimes or extreme harassment.

      3) Permit repair of unit defects hazardous to life, health, or safety, including lead hazard reduction work (above a specified scale and duration that disturbs lead-based paint or controls lead-based paint hazards).

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

4) Alleviate verified medical problems of a serious, but not life-threatening nature.

5) To protect members of the household who are ~~victims~~ survivors of domestic violence, dating violence, sexual assault, or stalking.

6) Protect members of the household from attack by the criminal element in a particular property or neighborhood, based on threat assessment by a law enforcement agency.

4. Court Ordered
   a. This type of transfer shall take priority over new admissions.
   b. The PHA will transfer families within and between developments in compliance with federal, state, and local court orders with respect to nondiscrimination laws and Executive Orders.
5. HUD Ordered
   a. This type of transfer shall take priority over new admissions.
   b. The PHA will transfer families within and between developments in compliance with HUD orders with respect to nondiscrimination laws and Executive Orders.
6. Demolition, Disposition, Revitalization, or Rehabilitation Transfers
   a. This type of transfer shall take priority over new admissions.
   b. The PHA will provide transfers or alternative housing to families when necessary to demolish, sell, or choose to do major revitalization or rehabilitation to distressed public housing units, building or sites.
7. Capital Fund Program
   a. This type of transfer shall take priority over new admissions.
   b. The PHA will transfer families within developments and between developments as may be necessary to complete the program.
      1) The PHA is required to transfer a family only once during the modernization program, one-way to another unit of appropriate size, in accordance with the PHA's occupancy standards.
      2) The family does not have an automatic right to return to the unit from which they were transferred.
8. Reasonable Accommodations Transfer:
   a. This type of transfer shall take priority over new admissions.
   b. The PHA may authorize a resident's request for a transfer to a different or accessible unit as a reasonable accommodation for a family member with disabilities. The resident may request this transfer for a variety of reasons, including but not limited to:
      1) The family's need for a ground floor unit because of mobility issues.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

2) The family's need for a unit with certain physical (accessible) features that are not available in the current unit, and which cannot be retrofitted without undue financial and administrative burden to the PHA.

3) The need for an additional room for large health-related equipment.

4) The need for an additional sleeping room for a live-in aide.

5) The need to be closer to medical facilities.

6) The PHA will not force a family that includes a family member with disabilities to transfer to another unit with physical (accessible) features.

9. Occupancy Standards Transfers

   a. This type of transfer shall take priority over new admissions.

   b. Occupancy standards relate to the appropriate size and type of unit based on the household composition.

   c. The PHA will ensure that the size and type of unit in which the household is living is appropriate for the household's size and needs.

   d. If the PHA becomes aware of, or when the family reports changes in the household composition, the PHA will make a determination whether the unit is still the appropriate size or type.

      1) If the PHA determines the household is not living in an appropriately sized or type of unit, the PHA will provide the family a written notice and place the family on the transfer list and move the household when an appropriately sized or type of unit becomes available.

      2) As per the lease, if the PHA determines that the size or type of the unit is no longer appropriate to household's needs, the family agrees to transfer and accept a new lease for a different unit appropriately sized or type upon written notice from the PHA.

   e. The PHA will comply with all state or local laws regarding occupancy standards and will consider the waiting list demand for unit sizes.

10. Split Family Transfers

    a. This type of transfer ~~will not~~ shall take priority over new admissions.

    b. The PHA has the option to allow large families with two (2) adult members to split into two (2) separate households and transfer to two (2) different units.

    c. The PHA may offer a family a split transfer if the family's household composition changes and the family now require a larger unit than available in any PHA unit size.

    d. Requirements for a family to qualify for a split family transfer include:

       1) The persons who would be the original and new family head of household must

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

both be listed on the most recent lease;

2) The family must be overcrowded in accordance to the PHA's occupancy standards; and

3) The reason for the split family transfer is the addition of children though birth, adoption, or court-awarded custody.

e. Split family transfers are considered a type of occupancy standards transfer.

11. Incentive Transfers

a. This type of transfer shall take priority over new admissions.

b. Transfers offered to new or rehabilitated units, on a nondiscriminatory basis, to residents with good rental histories.

1) The PHA will occupy recently modernized and scattered site units through incentive transfers.

a) No applicants shall be admitted directly to scattered site units.

b) Depending on the PHA's vacant unit status, modernized units will be filled with incentive transfers, new applicants, or a combination of both.

c) The PHA reserves the right to fill modernization units in a manner that has the least impact on vacant units.

2) Incentive transfers may be requested by the family or recommended by the PHA.

3) The PHA will consider incentive transfers to families with excellent residency histories and who meet the following conditions.

a) Must have lived in a PHA development for at least three (3) years.

b) On-time (no late payments) tenant rent payments for the past two (2) years.

c) No repayment agreement or unpaid balance at any time in the past two (2) years.

d) Good housekeeping record.

e) No reports or history of disturbances that resulted in lease violations or violence toward other residents, PHA staff, and/or PHA contractors as indicated by notices of lease violation in the family file.

c. Incentive transfers are voluntary on the part of the family.

d. No exceptions will be granted to the PHA's transfer eligibility requirements for incentive transfers.

e. The PHA's failure to process or recommend an incentive transfer is subject to the grievance procedure.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

12. Resident-Initiated Transfers
    a. This type of transfer will not take priority over new admissions.
    b. This type of transfer occurs when the family requests a unit transfer for their own convenience (e.g., better access to community services, proximity to school or employment, to be closer to relative, certain neighborhood, etc.).
    c. The family must submit a written request, with the reason, for a transfer to a different unit.
    d. The PHA will determine whether the request will be approved and will notify the family within 30 days if the family was approved for the transfer.
        1) If approved, the PHA will place the family's name to the transfer waiting list.
        2) The PHA will provide the family with additional information as to when, where, and how the family will be transferred.

C. Mandatory and Optional Transfers

1. The family must comply with the following mandatory transfers:
    a. Emergency Transfers Due to Physical Hazards
    b. Emergency Transfers Due to Other Causes
    c. Court Ordered Transfers
    d. HUD Ordered Transfers
    e. Demolition/Disposition/Revitalization/Rehabilitation
    f. Capital Funds Program Transfers
    g. Occupancy Standards Transfers
2. The family may choose to request and/or accept the following optional transfers:
    a. Reasonable Accommodation Transfers
    b. VAWA Emergency Transfers
    c. Incentive Transfers
    d. Split Family Transfers
    e. Resident Initiated Transfers
3. Families who dispute mandatory transfers may utilize their option to request a grievance to resolve such disputes.

D. Transfer Priorities

The PHA has prioritized the transfers according to the standards in the lease. The PHA has placed transfers into three (3) categories to make the priorities clear and manageable.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

1. Category 1 Administrative Transfers:

   These transfers will take priority over new admissions.

   a. Emergency Transfers Due to Physical Hazards
   b. VAWA Emergency Transfers
   c. Emergency Transfers Due to Other Causes
   d. Court Ordered Transfers
   e. HUD Ordered Transfers
   f. Demolition/Disposition/Revitalization/Rehabilitation
   g. Capital Funds Program Transfers

2. Category 2 Administrative Transfers:

   These transfers will take priority over new admissions.

   a. Reasonable Accommodation Transfers
   b. Occupancy Standards Transfers
   c. Split Family Transfers
   d. Incentive Transfers

3. Category 3 Administrative Transfers:

   These transfers will not take priority over new admissions.

   a. Resident Initiated Transfers
   b. May be made to: avoid concentration of the most economically and socially deprived families, correct occupancy standard, or address situations that interfere with peaceful enjoyment of the premises.

E. Eligibility for Transfers

The PHA is permitted to establish eligibility requirements for optional and resident-requested transfers. The transfer eligibility requirements are not applicable for mandatory transfers involving emergency situations, reasonable accommodations, VAWA emergences, and demolition, disposition, revitalization, or rehabilitation.

1. The PHA has established the following eligibility requirements for optional and resident-requested transfers:

   a. The tenant and household member(s) must not have engaged in criminal activity that threatens the health and safety of residents and staff;

   b. The family does not owe back rent or other charges, or does not have a pattern of late payments;

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

1) If back rent or other charges are owed, the PHA will not approve a transfer until either the balance is paid in full or a payment plan is established; or

2) If the family has breached a prior payment plan and owes back rent or other charges, the back rent or other charges must be paid in full prior to the PHA's approval of the transfer.

c. The family must meet reasonable housekeeping standards and have no housekeeping lease violations;

The PHA will not approve a transfer for a family with housekeeping standards violations until the family passes a follow-up housekeeping standards inspection.

d. The family does not have a history of damaging property; and

e. The family has the ability to get the utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities).

2. The PHA may make exceptions to the transfer eligibility requirements for emergency transfers or when it is to the PHA's advantage to make the transfer.

3. The exception to the transfer eligibility requirements will be made by Executive Director.

4. The PHA will make the final determination to whether to approve or deny a family's optional transfer request.

F. Processing Transfers

The PHA will establish and maintain a centralized transfer waiting list. Property Managers are responsible for submitting requests for transfers including necessary documentation, to the central transfer administrator.

1. The central transfer administrator will sort requests for transfer into the appropriate categories. Transfers will be made in the following order:

a. Category 1 Administrative Transfers:

1) Emergency Transfers Due to Physical Hazards

2) VAWA Emergency Transfers

3) Emergency Transfers Due to Other Causes

4) Court Ordered Transfers

5) HUD Ordered Transfers

6) Demolition/Disposition/Revitalization/Rehabilitation

7) Capital Funds Program Transfers

b. Category 2 Administrative Transfers:

1) Reasonable Accommodation Transfers

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

2) Occupancy Standards Transfers

3) Split Family Transfers

4) Incentive Transfers

c. Category 3 Administrative Transfers:

Resident Initiated Transfers

2. Within each category, transfer applications will be sorted by the date the completed file (including any verification needed) is received from the manager.
3. Category 2 transfers to correct occupancy standards may be recommended at the time of reexamination or interim redetermination. This is the only method used to determine over/under-housed status.
4. Residents in a Category 2 over/under housed status will be advised in their 30 day "'Notice of Result of Reexamination" that a transfer is recommended, and that the family has been placed on the transfer list.
5. Interviewers will record transfer recommendations in duplicate for each manager affected by the transfer.
6. When a head of a household, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for a Category 2 transfer until the child is two (2) years of age.
   a. Exceptions: spouse or partner returns to the unit, marriage takes place, or the family decides to remain in the unit and the unit is large enough (using the maximum-persons-per-unit standard) to accommodate the number of persons now in the household.
   b. Other than for births, adoption, or court-awarded custody of a child that occur during tenancy, PHA's prior approval of additions to the household is required.
7. Category 3 transfers will only be processed after all other transfers have been processed.

G. Cost of Transfers

1. The PHA will pay the reasonable cost of transfers that are:
   a. Initiated by the PHA due to demolition, disposition, revitalization, or rehabilitation;
   b. Required because of building system failure, conditions that pose a physical hazard, or other emergency condition the PHA is unable to repair in a timely manner;
   c. Required as a reasonable accommodation for residents with disabilities; and
   d. All other transfers required by the PHA.
   e. The payments of such costs are subject to the availability of funds for such purposes.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

2. The family will bear the cost for transfers due to:
    a. Occupancy transfers for change in family composition;
    b. Moving to a non-accessible unit (when accessibly features are not required by the family);
    c. Incentive transfers; and
    d. All resident-initiated transfers.
3. Where there is a hardship, the Property Manager may recommend that families be reimbursed their out-of-pocket expenses. Such recommendation does not guarantee reimbursement.
4. Reasonable cost for transfers may include:
    a. Cost of packing, moving and unloading; and
    b. Cost of disconnecting and reconnecting any existing resident-paid utility services (i.e., telephone and cable television).

H. Notice of Transfer

Families that are to be transferred will be given a 30-day notice, said time period to commence at the approximate time of delivery of the Notice of Transfer. The notices shall be:

1. Hand-delivered, and
2. Mailed, both prepaid first-class mail and certified mail.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

APPENDIX M: HOUSEKEEPING STANDARDS POLICY

Properties owned by the Housing Authority of Georgetown (hereinafter referred to as PHA) will be maintained pursuant to HUD standards, the ACOP, and lease. In an effort to improve the livability and conditions of units owned and managed by the PHA, the PHA has developed uniform housekeeping standards for all resident families.

A. Applicability

The PHA's housekeeping standards will be applied fairly and uniformly to all resident families.

B. PHA Responsibilities

The PHA will inspect each unit at least annually, to determine compliance with the standards.

1. Upon completion of an inspection the PHA will notify the resident in writing if he/she fails to comply with the standards.
2. The PHA will advise the resident of the specific correction(s) required to establish compliance and indicate that housekeeping standards training is available.
3. Within a reasonable period of time, the PHA will schedule a second inspection.
4. Failure of a second inspection will constitute a violation of the lease terms.

C. Resident Responsibility

The resident is required to abide by the housekeeping standards set forth below. Failure to abide by the housekeeping standards is a violation of the lease terms and can result in eviction.

D. Interior Standards

1. General:
    a. Walls: Should be clean, free of dirt, grease, holes, cobwebs, and fingerprints.
    b. Floors: Should be clean, clear, and free of hazards.
    c. Ceilings: Should be clean and free of cobwebs.
    d. Light Fixtures: Should be free of any dust build-up; light covers in place and not broken.
    e. Windows: Should be clean and not nailed shut. Shades should be intact.
    f. Woodwork: Should be clean, free of dust, gouges, or scratches.
    g. Doors: Should be clean, free of grease and fingerprints. Doorstops should be present. Locks should work.
    h. Heating units and water heater closet: Should be accessible (no locks, no clutter), dusted, and not used for storage.
    i. Infestation: No evidence of rodents or insect infestation; bait stations and traps clean.

© 2024 The Nelrod Company, Fort Worth, TX 76107

j. Electric Hazards: No electrical cords running loosely across floors; no overloads, no hazards.

k. Trash: Shall be disposed of properly and not left in the unit.

l. Evidence of Pet: Litter box, cage, and/or fish tank clean and odor free; no evidence of urine or damage caused by pet.

2. Kitchen:

a. Stove: Should be clean and free of food and grease.

b. Refrigerator: Should be clean. Freezer door should close properly, and freezer have no more than one inch of ice. No stickers (decals) on refrigerators.

c. Cabinets: Should be clean and neat. Cabinet surfaces and countertops should be free of grease and spilled food. Cabinets should not be overloaded. Storage under the sink should be limited to small or lightweight items to permit access for repairs. Do not store heavy pots and pans under the sink.

d. Exhaust Fan: Should be free of grease and dust.

e. Sink: Should be clean, free of grease and garbage. Dirty dishes should be washed and put away in a timely manner.

f. Food storage areas: Should be neat and clean without spilled food.

g. Trash/garbage: Should be stored in a covered container until removed to the disposal area.

h. Floor: Should be clean and dry.

3. Bathroom(s):

a. Toilet and tank: Should be clean and odor free.

b. Tub and shower: Should be clean and free of excessive mildew and mold. Where applicable, shower curtains should be in place, and of adequate length.

c. Lavatory/countertop: Should be clean.

d. Exhaust fans: Should be free of dust.

e. Floor: Should be clean and dry.

4. Storage Areas:

a. Linen closet: Should be neat and clean.

b. Other closets: Should be neat and clean. No flammable materials should be stored in the unit.

c. Other storage areas: Should be clean, neat, and free of hazards.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

E. Exterior Standards

The following standards apply to family and scattered site developments only; some standards apply only when the area noted is for the exclusive use of the resident:

1. Yards/grassy area: should be free of debris, trash, indoor furniture, and abandoned cars.
2. Exterior walls: Should be free of graffiti, clean, free of dirt, grease, holes, and cobwebs.
3. Porches (front and rear): should be clean and free of hazards. Any items stored on the porch shall not impede access to the unit.
4. Steps (front and rear): Should be clean, and free of hazards.
5. Sidewalks: Should be clean and free of hazards.
6. Storm/screen doors: Should be clean; glass intact; no damage.
7. Parking area: Should be free of abandoned cars. There should be no car repair in the lots.
8. Hallway/stairwell: Should be swept clean and free of debris; free of any tripping hazards.
9. Laundry Area: Should be swept clean; no soiled laundry piled up; lint removed from dryer; dryer vented to the outside.
10. Utility room/storage area: Should be free of trash; no vehicle parts stored; no flammable materials.
11. Discarded food/grease: No evidence of grease or food disposed of outside of unit; no feeding dishes for animals outside of unit.
12. Other: Laundry and yard tools should not be left out overnight.

F. Housekeeping Standards Training

Housekeeping standards training will be available at no cost to any resident family requesting or needing assistance in complying with the housekeeping standards.

1. Participation in housekeeping standards training is voluntary. If the resident family chooses not to participate in housekeeping standards training, the resident family is still responsible to be in full compliance with the housekeeping standards.
2. The PHA will not conduct any inspections for housekeeping standards until the resident family has completed the housekeeping standards training or has provided their written decision to opt out of the housekeeping training.
3. After participation in the housekeeping standards training or if the resident family decides not to participate in housekeeping standards training, if the resident family is found to be in noncompliance with any housekeeping standards on any two (2) housekeeping standards inspections, regardless of when the violations occurred, the noncompliance with the housekeeping standards will constitute a violation of the lease terms and the resident family may be evicted.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

GLOSSARY

Acronyms Used in the Public Housing Programs	
Acronym	**Definition**
ACC	Annual Contributions Contract
ADA	The Americans with Disabilities Act
BR	Bedroom
CFR	Code of Federal Regulations
CIS	U.S. Citizenship and Immigration Services
CPI	Consumer Price Index
EBL	Elevated Blood-Lead Level
EID	Earned Income Disallowance
EIV	Enterprise Income Verification System
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration
FHEO	Fair Housing and Equal Opportunity
FICA	Federal Insurance Contributions Act
FMR	Fair Market Rent
FOIA	Freedom of Information Act
FSS	Family Self-Sufficiency
FUP	Family Unification Program
FY	Fiscal Year
FYE	Fiscal Year End
GAO	Government Accounting Office

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

Acronyms Used in the Public Housing Programs	
Acronym	**Definition**
HA	Housing Agency
HHS	U.S. Department of Health and Human Services
HOTMA	Housing Opportunities Through Modernization Act
HUD	U.S. Department of Housing and Urban Development
IMS	Inventory Management System
IRS	Internal Revenue Service
IVT	Income Validation Tool
LBP	Lead-Based Paint
LEP	Limited English Proficiency
MF	Multifamily Housing Program
MSA	Metropolitan Statistical Area
MTW	Moving to Work
NDNH	National Directory of New Hires
NOFA	Notice of Funding Availability
NOFA	Non-Public Housing Over-Income Family
OI	Over-Income
OIG	HUD Office of the Inspector General
OMB	U.S. Office of Management and Budget
PASS	Plan to Achieve Self-Support

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

Acronyms Used in the Public Housing Programs	
Acronym	**Definition**
PHA	Public Housing Authority
PHP	Public Housing Participant
PIC	PIH Information Center
PIH	Public and Indian Housing
PMSA	Primary Metropolitan Statistical Area
QC	Quality Control
QHWRA	Quality Housing and Work Responsibility Act
RAD	Rental Assistance Demonstration
REAC	Real Estate Assessment Center
SAFMR	Small Area Fair Market Rent
SAVE	Systematic Alien Verification for Entitlements Program
SSA	Social Security Administration
SWICA	State Wage Information Collection Agency
TPS	Temporary Protective Status
UA	Utility Allowance
UIV	Upfront Income Verification
URP	Utility Reimbursement Payment
VAWA	Violence Against Women Reauthorization Act of 2013
VCA	Voluntary Compliance Agreement

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

DEFINITIONS

Abandonment

Means absence of the resident from the dwelling, without notice to the PHA, for one full rental period or in excess of 30 days, whichever is less; providing such absence occurs only after tenant rent for the dwelling unit is delinquent.

ACC Expiration Date

The last day of the term during which a particular public housing development is subject to all or any of the provisions of the Annual Contributions Contract (ACC). The ACC term for a particular development expires at the latest of:

1. The end of the "Debt Service Completion Date," which is the last day of a one-year period beginning with, and inclusive of, the last debt service Annual Contribution Date for the development, as determined under the ACC (e.g., if the last debt service Annual Contribution Date is June 15, 1983, the one-year period continues through the end of the day on June 14, 1984, which is the debt Service Completion Date); or
2. The end of the date of full repayment of any indebtedness of the PHA to the Federal government in connection with the development; or
3. The end of the last date of an extension of the term of the ACC provisions related to development operation, as effected under 24 CFR, Sections 969.105, Extension of ACC upon Payment of Operating Subsidy, or 969.106, ACC Extension in Absence of Current Operating Subsidy.

Accessible

When used with respect to the design, construction, or alteration of a facility or a portion of a facility other than an individual dwelling unit, means that the facility or portion of the facility when designed, constructed, or altered, can be approached, entered, and used by individuals with physical disabilities. The phrase "accessible to and usable by" is synonymous with accessible.

When used with respect to the design, construction, or alteration of an individual dwelling unit, means that the unit is located on an accessible route, and when designed, constructed, altered, or adapted, can be approached, entered, and used by individuals with physical disabilities.

A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR, Part 8, Section 8.32, is "accessible" within the meaning of this paragraph.

When a unit in an existing facility which is being made accessible as a result of alterations is intended for use by a specific qualified individual with disabilities (e.g., a current occupant of such unit or of another unit under the control of the same recipient, or an applicant on a waiting list), the unit will be deemed accessible if it meets the requirements of applicable standards that address the particular disability or impairment of such person.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

Accessible Route

A continuous unobstructed path connecting accessible elements and spaces in a building or facility that complies with the space and reaches requirements of applicable standards prescribed by 24 CFR, Part 8, Section 8.32.

An accessible route that serves only accessible units occupied by persons with hearing or vision impairments need not comply with those requirements intended to affect accessibility for persons with mobility impairments.

Actual Income from Assets

If the cash value of the family total net assets is $5,000 or less, the asset income is the actual income to be derived from the assets.

Actual and Imminent Threat

Refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Adaptability

The ability of certain elements of a dwelling unit, such as kitchen counters, sinks, and grab bars, to be added to, raised, lowered, or otherwise altered, to accommodate the needs of persons with or without disabilities, or to accommodate the needs of persons with different types or degrees of disability.

For example, in a unit adaptable for a hearing-impaired person, the wiring for visible emergency alarms may be installed, but the alarms need not be installed until such time as the unit is made ready for occupancy by a hearing-impaired person.

Adjusted Income

Annual income less allowable HUD deductions and allowances means annual income (as determined under §5.609) of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:

- Mandatory deductions.
    - The HUD established dependent allowance for each dependent, the amount will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, rounded to the next lowest multiple of $25;
    - The HUD established elderly/disabled allowance for any elderly family or disabled family, the amount will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, rounded to the next lowest multiple of $25
    - The sum of the following, to the extent the sum exceeds ten percent of annual income:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

- Unreimbursed health and medical care expenses of any elderly family or disabled family; and
- Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with a disability, to the extent necessary to enable any member of the family (including the member who is a person with a disability) to be employed. This deduction may not exceed the combined earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and

  - Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.
  - Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.

- Additional deductions: For public housing, a PHA may adopt additional deductions from annual income.

Admission

The point when the family becomes a participant in the program.

Adult

A person who is 18 years of age or older or has been convicted of a crime as an adult under any federal, state or tribal law.

Affiliated Individual

A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or

Any individual, tenant, or lawful occupant living in the household of that individual.

Alterative Non-Public Housing Rent

This is the monthly amount the PHA must charge non-public housing over-income (NPHOI) families, allowed by PHA policy to remain in a public housing unit and who have completed the 24 consecutive month grace period.

It is a monthly rent equal to the greater of

- The applicable fair market rent, as defined in 24 CFR part 888, subpart A, for the unit; or
- The amount of the monthly subsidy provided for the unit, which will be determined by adding the per unit assistance provided to a public housing property as calculated through the applicable formulas for the Public Housing Capital Fund and Public Housing Operating Fund.

  - For the Public Housing Capital Fund, the amount of Capital Funds provided to the unit will be calculated as the per unit Capital Fund assistance provided to a PHA for the

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

development in which the family resides for the most recent funding year for which Capital Funds have been allocated;

- For the Public Housing Operating Fund, the amount of Operating Funds provided to the unit will be calculated as the per unit amount provided to the public housing project where the unit is located for the most recent funding year for which a final funding obligation determination has been made;
- HUD will publish such funding amounts no later than December 31 each year.

Annual

Occurring once a year.

Annual Contributions Contract (ACC)

A contract under the Housing Act of 1937, as amended, between HUD and the PHA, containing the terms and conditions under which the Department assists the PHA in providing decent, safe, and sanitary housing for low-income families.

The ACC must be in a form prescribed by HUD, under which HUD agrees to provide assistance in the development, modernization, and/or operation of a low-income housing development under the Act, and the PHA agrees to develop, modernize, and operate the development in compliance with all provisions of the ACC and the Act, and all HUD regulations and implementing requirements and procedures.

A written agreement between HUD and a PHA to provide annual contributions to the PHA to cover housing assistance payments and other expenses pursuant to the Act.

Annual Income

Includes, with respect to the family:

- All amounts, not specifically excluded, received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age, and
- When the value of net family assets exceeds the asset limitation established annually by HUD (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current passbook savings rate, as determined by HUD.

Applicant

A family or individual that has applied for admission to the public housing program but is not yet a program participant.

Application for Admission

A written form, completed in accordance with PHA requirements, signed by the applicant, and submitted to the PHA. The purpose of the application is to determine whether the applicant is

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

eligible for public housing.

Auxiliary Aids

Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving federal financial assistance.

For example, auxiliary aids for persons with impaired vision may include readers, Braille materials, audio recordings, and other similar services and devices.

Auxiliary aids for persons with impaired hearing may include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TDD's), interpreters, note takers, written materials, and other similar services and devices.

Bifurcate

To divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed, and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Building Entrance on an Accessible Route

An accessible entrance to a building that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to public streets or sidewalks, if available. A building that complies with ANSI A117.1-1986 or a comparable standard complies with the requirements of this paragraph.

Check meter

A device for measuring utility consumption within each individual dwelling unit where the utility service is supplied to the PHA through a master meter System. The PHA pays the Utility Supplier of the Utility Service on the basis of the master meter readings and uses the check meter to determine whether and to what extent the Utility consumption of each dwelling unit is in excess of the Allowance for PHA-Furnished Utilities.

Child

A member of the family, other than the family head or spouse, who is under 18 years of age.

Childcare Expenses

Amounts anticipated being paid by the family for the care of children under thirteen (13) years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to be gainfully employed, to actively seek employment or to further his or her education, and only to the extent such amounts are not reimbursed.

The amount deducted shall reflect reasonable charges for childcare, and in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of income.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Reasonable childcare expenses, as defined by the PHA, shall not exceed the actual costs incurred.

CIS

U.S. Citizenship and Immigration Services, formerly the U.S. Immigration and Naturalization Service (INS).

Citizen

A citizen by birth, naturalization, or national of the United States.

Co-Head

An individual in the household who is equally responsible for the lease with the head of household. A family may have a co-head or spouse but not both. A co-head never qualifies as a dependent. The co-head must have legal capacity to enter into a lease.

Common Space

Space available for use by assisted families and other occupants of the unit.

Common Use Areas

Rooms, spaces or elements, inside or outside of a building, that are made available for the use of residents of a building or the guests thereof. These areas include hallways, lounges, lobbies, and laundry rooms, refuse rooms, mailrooms, recreational areas and passageways among and between buildings.

Community Service

The performance of voluntary work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, or/and increase the self-responsibility of the resident within the community in which the resident resides.

Community Service Exempt Individual

An adult who:

- Is 62 years or older;
- Is a blind or disabled individual, as defined under Section 216(i)(1) or Section 1614 of the Social Security Act (42 U.S.C. 416(i)(1); 1382c), and who certifies that because of this disability she or he is unable to comply with the service provisions of this subpart, or is a primary caretaker of such individual;
- Is engaged in work activities;
- 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 (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the PHA is located, including a state-administered welfare-to-work program;
- 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 (42 U.S.C. 601 et seq.) or under any other

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

welfare program of the State in which the PHA is located, including a state-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such a program; or

- Is a member of a non-public housing over-income family.

Complainant

Any resident whose grievance is presented to the PHA or at the project management office.

Computer Matching

The agreement describes the responsibilities and obligations of the parties participating in a computer match.

Information in EIV is derived from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all program participants with valid personal identifying information (name, date of birth (DOB), and social security number (SSN)) reported on the form HUD-50058.

Consent Form

Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and payments of retirement income), and return information for unearned income from the Internal Revenue Service.

The consent forms expire after a certain time and may authorize the collection of other information from assistance applicants or participants to determine eligibility or level of benefits.

Consolidated ACC

HUD's annual Grant Funding Exhibits to the ACC, which together with the ACC, constitute the annual grant agreement for the PHA's public housing program.

Contiguous MSA

In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial PHA is located.

Continued Assistance Family

This is a mixed family who meets all the following requirements:

- The family was receiving assistance under a Section 214 covered program on June 19, 1995; and
- Whose head of the household or spouse has eligible immigration status according to the requirements of the restrictions on assistance to non-citizens; and
- The family does not include any person (who does not have eligible immigration status) other than:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

- The head of the household;
- Any spouse of the head of the household;
- Any parents of the head of the household;
- Any parents of the spouse;
- Any children of the head of the household or spouse.

This does not define "family" for purposes of eligibility at the PHA (see "Family" in this Definitions section).

Contract of Participation

A contract is a form approved by HUD, entered into between a participating family and a PHA operating an FSS program that sets forth the terms and conditions governing participation in the FSS program. The contract of participation includes all individual training and services plans entered into between the PHA and all members of the family who elect to participate in the FSS program. These plans are attached to the contract of participation as exhibits.

Controlled Substance

A drug or chemical whose manufacture, possession, or use is regulated by a government, such as illicitly used drugs or prescription medications that are designated by law.

Covered Families

Families who receive welfare assistance or other public assistance benefits from a state or other public agency under a program for which federal state or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition of such assistance.

Covered Person

A tenant, any member of the tenant's household, a guest or another person under the tenant's control.

Currently Engaging In

With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity, currently engaging in, means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current.

Dating Violence

The term dating violence means violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the survivor, and
- Where the existence of such a relationship shall be determined based on consideration of the following factors: the length of the relationship; the type of relationship; the frequency of interaction between the persons involved in the relationship.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Day Laborer

An individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future.

Days

Calendar days: Means every day on the calendar, including weekends and holidays. For purposes of the Admissions and Continued Occupancy Policy (ACOP), , "day" without the prefix "calendar" means, every day on the calendar.

Consecutive days: Means days that follow without interruption or gaps.

Business days: Means the hours of operations of the PHA, excluding weekends and holidays.

Decent, Safe and Sanitary Housing (In Good Repair)

Housing is decent, safe, sanitary, and in good repair if the requirements of 24 CFR 5.703 and the National Standards for the Physical Inspection of Real Estate ~~for~~ the implemented by HUD are met.

Dependent

A member of the family (which excludes foster children and foster adults) other than the family head, spouse, or co-head, who is under 18 years of age, or is a person with a disability, or is a full-time student.

Dilapidated Housing

See the definitions of Substandard Housing.

Disability Assistance Expenses

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

Disabled Family

A family whose head (including co-head), spouse, or sole member is a person with a disability. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

Disabled Person (or "Person with a Disability")

This definition no longer includes any person whose "disability" is solely related to drug or alcohol dependency.

Disallowance

An exclusion from annual income.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Discriminatory Housing Practice

The Fair Housing Act prohibits housing discrimination on the basis of race, color, national origin, religion, sex, familial status, and disability.

An act that is unlawful under Sections 804, 805, 806, or 818 of the Fair Housing Act.

Displaced Person/Family

A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief.

Divestiture Income

Imputed income from assets disposed of by an applicant or tenant in the last two years for less than fair market value.

Domestic Violence

Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the survivor, by a person with whom the survivor shares a child in common, by a person who is cohabitating with or has cohabitated with the survivor as a spouse or intimate partner, by a person similarly situated to a spouse of the survivor under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth survivor who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term “spouse or intimate partner of the survivor” includes a person who is or has been in a social relationship of a romantic or intimate nature with the survivor, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Drug

A controlled substance as defined in section 102 of the Controlled Substances Act.

Drug Abuse Treatment Facility

An entity that holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to illegal drug use; and that is either an identified unit within a general care facility, or an entity other than a general medical care facility.

Drug-Related Criminal Activity

The illegal manufacture, sale, distribution, or use of a drug, or possession of a drug with intent to manufacture, sell, distribute, or use the drug.

Drug-Trafficking

The illegal selling, transporting, or importing of unlawful control substances.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Dwelling

Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

Earned Income

Earned income means income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment.

Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, social security, and governmental subsidies for certain benefits), or any cash or in-kind benefits.

Economic Self-Sufficiency Program

Any program designed to encourage, assist, train or facilitate the economic independence of HUD-assisted families or to provide work for such families.

These programs include job training, employment counseling, work placement, basic skills training, education, English proficiency, financial or household management, apprenticeship and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

Elderly Family

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. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

Elderly Person

An individual who is at least 62 years of age.

Elements of Due Process

Means an eviction action or termination of tenancy in a State or local court in which the following safeguards are required:

- Adequate notice to the resident of the grounds for terminating the tenancy and for eviction.
- Opportunity for the resident to examine all relevant documents, records and regulations of the PHA, prior to the trial, for the purpose of preparing a defense.
- Right of the resident to be represented by counsel.
- Opportunity for the resident to refute the evidence presented by the PHA, including the right to confront and cross-examine witnesses, and to present any affirmative legal or equitable defense which the resident may have.
- A decision on the merits.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Elevated Blood Lead Level

A confirmed concentration of lead in whole blood of a child under age 6 equal to or greater than the concentration in the most recent guidance published by the U.S. Department of Health and Human Services (HHS) on recommending that an environmental intervention be conducted.

Eligible Families

Current residents of public housing and applicants who have been screened and notified they are eligible, but a unit is not yet available for them.

Emergency Condition

A situation in which failure to supply immediate relief would pose a serious threat to the life, health, or safety of the applicant for admission.

Enrollment

Enrollment means the date that the FSS family entered into the contract of participation with the PHA.

Enterprise Income Verification (EIV) System

A web-based computer system that contains employment and income information of individuals who participate in HUD rental assistance programs.

Evidence of Citizenship or Eligible Immigration Status

The documents that must be submitted as evidence of citizenship or eligible immigration status.

Expedited Grievance

The procedure established by the PHA for any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety and right to peaceful enjoyment of the PHA's public housing premises by other residents or employees of the PHA; or
- Any drug-related or violent criminal activity on or off PHA premises.

Extremely Low-Income Family

A family whose annual income does not exceed the higher of:

- The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved (except in Puerto Rico or any other territory or possession of the United States); or
- 30% of the median income for the area, as determined by HUD, with adjustment for smaller and larger family, except that HUD may establish income ceilings higher or lower than 30% of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Eviction

Means any action initiated by the PHA to regain possession of the unit and use of the premises.

Facility

All or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other real or personal property or interest in the property.

Fair Housing Act

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

Fair Market Rent (FMR)

The rent that would be required to be paid in the particular housing market area in order to obtain privately owned, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. This Fair Market Rent includes utilities (except telephone). Separate Fair Market Rents will be established by HUD for dwelling units of varying sizes (number of bedrooms) and will be published in the Federal Register in accordance with 24 CFR Part 888.

Familial Status

Familial status covers:

- Families with children under the age of 18,
- Pregnant persons
- Any person in the process of securing legal custody of a minor child (including adoptive or foster parents)
- Persons with written permission of the parent or legal guardian

Under the Fair Housing Act, a family may not be discriminated against because of familial status.

Family

Includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- A single person, who may be:
    - An elderly person, displaced person, disabled person, near-elderly person, or any other single person;
    - 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
- A group of persons residing together, and such group includes, but is not limited to:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

- A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
- An elderly family;
- A near-elderly family;
- A disabled family;
- A displaced family; and
- The remaining member of a tenant family.

Family Income

Means monthly income as defined in HUD regulations, i.e., annual income divided by 12.

Family Project (Family Development/General Occupancy Development)

Any development assisted under Section 9 of the U.S. Housing Act of 1937, which is not an elderly development. For this purpose, an elderly development is one that was designated for occupancy by the elderly at its inception (and has retained that character) or, although not so designated, for which the PHA gives preferences in tenant selection (with HUD approval) for all units in the development to elderly families. A building within a mixed-use development which meets these qualifications shall, for the purposes of 24 CFR, Part 965, Subpart H, Lead-Based Paint Poisoning Prevention, be excluded from any family development. Zero-bedroom units, for the purposes of Subpart H, are excluded from any family development.

Family Self-Sufficiency (FSS)

Family Self-Sufficiency program or FSS program means the program established by a PHA within its jurisdiction to promote self-sufficiency among participating families, including the provision of supportive services to these families, as authorized by section 23 of the U.S. Housing Act of 1937.

FSS Account

FSS account means the FSS escrow account authorized by section 23 of the U.S. Housing Act of 1937.

FSS Credit

FSS credit means the amount credited by the PHA to the participating family's FSS account.

FSS Family

FSS family or participating family means a family that resides in public housing, and that elects to participate in the FSS program, and whose designated head of the family has signed the contract of participation.

FSS-Related Service Program

Means any program, publicly or privately sponsored, that offers the kinds of supportive services described in the definition of "supportive services'' set forth in regulations.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

FSS Slots

FSS slots refer to the total number of public housing units that comprise the minimum size of a PHA's public housing FSS program.

Federal Preference

The Quality Housing and Work Responsibility Act of 1998 has permanently eliminated federal preferences. However, the language and criteria of the former Federal preferences may be retained or adopted by the PHA as their local preferences. Therefore, these definitions remain without the reference to "Federal". Means a resident selection preference for admission of applicant families that are any of the following:

- Involuntarily displaced;
- Living in substandard housing (including families that are homeless or living in a shelter for the homeless);
- Paying more than 50 percent of family income for rent.

Federally Assisted Housing

- Public housing;
- Housing receiving project-based or tenant-based assistance under Section 8 of the U.S. Housing Act of 1937;
- Housing that is assisted under Section 202 of the Housing Act of 1959, as amended by section 801 of the National Affordable Housing Act;
- Housing that is assisted under Section 202 of the Housing Act of 1959; as such section existed before enactment of the National Affordable Housing Act;
- Housing that is assisted under Section 811 of the National Affordable Housing Act;
- Housing financed by a loan or mortgage insured under section221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;
- Housing insured assisted or held by HUD or by a State or local agency under section 236 of the National Housing Act;
- Housing assisted by the Rural Development Administration under section 514 or section 515 of the Housing Act of 1949.

Fixed Source of Income

A family member with a fixed source of income is a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources:

- Social Security, Supplemental Security Income (SSI), Supplemental Disability Insurance;
- Federal, state, local, or private pension plans;
- Annuities or other retirement benefit programs, insurance policies, disability or death benefits,

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

or other similar types of periodic receipts; or

- Any other source of income subject to adjustment by a verifiable COLA or current rate of interest

Flat Rent

Flat rent is determined annually by the PHA and is based on the market rental value of the unit. The PHA will establish a flat rent for each public housing unit that is:

- No less than 80% of the applicable Fair Market Rent (FMR); or
- No less than 80% of an applicable small area FMR (SAFMR) or unadjusted rent, if applicable, as determined by HUD, or any successor determination, that more accurately reflects local market conditions and is based on an applicable market area that is geographically smaller than the applicable market area. If HUD has not determined an applicable SAFMR or unadjusted rent, the PHA must rely on the applicable FMR; or
- Established based on an exception from HUD.

The PHA must revise, if necessary, the flat rent amount for a unit no later than 90 days after HUD issues the new FMRs.

For units where utilities are tenant-paid, the PHA must adjust the flat rent downward by the amount of a utility allowance for which the family might otherwise be eligible.

If a new flat rent would cause a family's rent to increase by more than 35%, the family's rent increase must be phased in at 35% annually until such time that the family chooses to pay the income-based rent, or the family starts to pay the established flat rent.

Foster Adult

A member of the household who is 18 years of age or older and meets the definition of a foster adult under State law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

Foster Child

A member of the household who meets the definition of a foster child under State law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

Full-Time Student

A person attending school or vocational training on a full-time basis based on the standards of the institution.

Gender Identity

Means the gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person's perceived gender identity.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Perceived gender identity means the gender with which a person is perceived to identify based on that person's appearance, behavior, expression, other gender related characteristics, or sex assigned to the individual at birth or identified in documents.

Good Faith

Means honesty in fact, in the conduct of the transaction concerned, as evidenced by all surrounding circumstances.

Grievance

Any dispute which a resident may have with respect to PHA action or failure to act in accordance with the individual resident's lease, or PHA regulations which adversely affect the individual resident's rights, duties, welfare, or status.

Guest

Only for purposes of 24 CFR Part 5, Subpart A and I, and Parts 882, 960, 966, and 982, means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of parts 966 and 982 apply to a guest as so defined.

Handicap/Disability

With respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities; a record of having such an impairment or being regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act; 21 U.S.C. 802). For the purpose of 24 CFR Part 100, Discriminatory Conduct Under the Fair Housing Act, an individual shall not be considered to have a disability solely because that individual is a transvestite (a person, especially a male, who dresses in the clothing of the opposite sex for psychological reasons).

Handicapped/Disabled Assistance Expenses

Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Disabled Family member, and that are necessary to enable a Family member (including the Disabled member) to be employed, provided that the expenses are neither paid to a member of the Family nor reimbursed by an outside source.

Handicapped/Disabled Person

A person having a physical or mental impairment that:

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

Has a Record of Such an Impairment

As used in the definition of Disability, means has a history of, or has been misclassified as having,

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

a mental or physical impairment that substantially limits one or more major life activities.

Head of Household

The head of household is the adult member of the family who is designated for purposes of determining income eligibility and rent.

Hearing Officer/Hearing Panel

An impartial person or persons selected by the PHA, other than the person who made or approved the decision under review, or a subordinate of that person. Such individual or individuals do not need legal training.

Health and Medical care Expenses

Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body.

Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

Homelessness

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) revised the definition of homeless for HUD's homeless assistance programs. While the HUD regulations maintain four categories for defining people who are homeless, the PIH definition for IMS-PIC reporting (Form 50058) is narrowed to the following two categories:

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

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

Category 4: Any individual or family who:

- Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; and

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

- Has no other residence; and
- Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

HOTMA (Housing Opportunity Through Modernization Act of 2016

On July 29, 2016, HOTMA was signed into law (Pub. L. 114–201, 130 Stat. 782). HOTMA makes numerous changes to statutes governing HUD programs, including sections 3, 8, and 16 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (1937 Act).

In addition to amending regulations for HUD's public housing and Section 8 programs, the HOTMA Final Rule revises the program regulations for several other HUD programs. HUD did this in the interest of aligning its requirements across its programs or because the underlying program statute required HUD to make the revisions. These include the regulations for:

- HUD's Community Development Block Grants,
- HOME Investment Partnerships,
- Housing Trust Fund,
- Housing Opportunities for Persons With AIDS,
- Supportive Housing for the Elderly (Section 202), and
- Supportive Housing for Persons with Disabilities (Section 811) programs.

Since HUD and other federal agencies may use the regulations revised as part of this rulemaking in the calculation of income for other programs or activities, the public should be aware that the effects of this rulemaking are not limited to the programs listed in this rule and preamble.

Household

Includes everyone who lives in the unit. Household members are used to determine the unit size.

Housing Agency (HA)

A State, county, municipality or other governmental entity or public body authorized to administer the program. The term "HA'' has been replaced by the term "PHA" (Public Housing Agency) and no longer includes an Indian Housing Authority (IHA).

Housing Assistance Limitation for Single Persons

A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a resident family may not be provided public housing and other project-based assistance in a housing unit with two or more bedrooms.

Housing Manager/Assistant Housing Manager

A Housing Manager is any person who, irrespective of title, is responsible for the day-to-day management and operation, which may include the supervision of employees, of a low-income housing development or developments. An Assistant Housing Manager is any person who, irrespective of title, is responsible for assisting a Housing Manager in performing his/her

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

managerial responsibilities.

Housing Provider (Responsible Entity)

- The owner or manager of the housing facility;
- The owner or manager of the common and public use areas of a housing facility, when the dwelling units are individually owned;
- The term "housing provider" may include any person or entity that operates a housing facility. The term "housing provider" includes any person or entity that represents the property owners of a community in their housing interest, including homeowners or resident associations, whether or not there is common ownership operation of any portion of a community.

Housing Subsidies

Means, assistance to meet the costs and expenses of temporary shelter, rental housing or homeownership, and includes rent, mortgage or utility payments.

HUD

The Department of Housing and Urban Development or its designated officer or employee.

HUD Field Office

Any HUD Office that has been delegated authority under the U.S. Housing Act of 1937 to perform functions pertaining to the area in which the PHA is located.

Immigration and Naturalization Service (INS)

Now referred to as the U.S. Citizenship and Immigration Services (CIS).

Imputed Income from Asset

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

Imputed Welfare Income

The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

Income Limits

HUD establishes Extremely Low-Income, Very Low-Income and Low-Income limits that are used to determine if assisted housing program applicants qualify for admission to HUD-assisted programs. These income limits are based on HUD estimates for area median family income (using Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas as defined by the Office of Management and Budget (OMB), and the Bureau of the Census definition of family) with specific statutorily permissible adjustments. If the income limits based on this approach would be less than if based on the relevant State non-metropolitan median family income level, income limits are based on the State non-metropolitan family income level.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Income-Based Rent

An amount based on the projected family income for the subsequent 12-month period.

Independent Contractor

An individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code Federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax.

In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done.

Individual Training Services Plan

Means a written plan that is prepared for the head of the FSS family, and each adult member of the FSS family who elects to participate in the FSS program, by the PHA in consultation with the family member, and which sets forth:

- The supportive services to be provided to the family member;
- The activities to be completed by that family member; and
- The agreed upon completion dates for the services and activities. Each individual training and services plan must be signed by the PHA and the participating family member, and is attached to, and incorporated as part of the contract of participation. An individual training and services plan must be prepared for the head of the FSS family.

Institution of Higher Education

An institution of higher education as defined in 20 U.S.C. 1001 and 1002.

Interim Reexaminations

A family may request an interim reexamination of family income or composition because of any changes since the last determination.

The PHA must conduct any interim reexamination within a reasonable period of time after the family request or when the family's adjusted income decreases by 10% or more (or lower threshold per HUD or PHA policy) for when a family's adjusted income increases by 10% or more; however, the PHA may not consider any increase in the earned income of the family when estimating or calculating whether the family's adjusted income has increased, unless the family has previously received an interim reduction during the certification period.

Jurisdiction

The area in which the PHA has authority, under state and local law, to administer the public housing program.

Kin-GAP Payments

Kin-GAP payments are subsidies that go to, or on behalf of, children leaving the juvenile court system to live with a relative or legal guardian. This is an excluded income.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Kinship Care Payments

Kinship care payments are foster care subsidies that go to, or on behalf of, children living with a relative or legal guardian. This is an excluded income.

Law Enforcement Agency

The National Crime Information Center (NCIC), police departments, and other law enforcement agencies that hold criminal conviction records. (Note that the NCIC is a division of the Federal Bureau of Investigation (FBI)).

Lead-Based Paint

Paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or 0.5 percent by weight or 5,000 parts per million (ppm) by weight.

Lead is a highly toxic metal that may cause a range of health problems, especially in young children. When lead is absorbed into the body, it can cause damage to the brain and other vital organs, like the kidneys, nerves and blood.

Lease

A written agreement between the PHA and the tenant for the leasing of a unit to the tenant. The lease establishes the conditions for occupancy of the unit by a family with public housing assistance.

Live-In Aide

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

- Is determined by the PHA to be essential to the care and well-being of the person or persons;
- Is not obligated for support of the person or persons; and
- Would not be living in the unit except to provide necessary supportive services.

Local Preference

A preference used by the PHA to select among applicant families.

Location (or Site)

A term used to identify units located in any common geographical area. It may be a development, a portion of a development, two or more developments, or an entire development plus one or more portions of another development. If the units are divided by a major architectural or topographical barrier, such as a freeway, stream or retaining wall, that substantially impairs mutual access, the separated units constitute separate locations or sites.

Low-Income Family

A family whose annual income does not exceed 80% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

HUD may establish income limits higher or lower than 80% of the median income for the area on

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low-income family.

Major Life Activities

As used in the definition of disability, means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

The limitation on major life activity cannot be insubstantial. It must be significant.

Management Contract

A written agreement between a resident management corporation and a PHA as provided by 24 CFR 964.35, Management Responsibilities.

Marriage

Marriage certified by a formal marriage license, or an informal marriage, as may be specified in State or local laws or regulations.

Master Meter System

A Utility distribution system in which a PHA is supplied Utility Service by a Utility supplier, through a system meter or meters, and distributes the Utility Service to its residents.

Medical Expenses

Those medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. (Medical expenses are allowable only for Elderly or Disabled Families.)

Minimum Rent

Is the PHA-determined minimum TTP amount. The minimum rent is the least a family will contribute toward rent and utilities. The PHA can set the minimum rent anywhere from $0 to $50.

Minor

A member of the family, other than the head of household, spouse, or co-head who is under 18 years of age.

Mixed Family

A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Mixed Population Project

A public housing project, or portion of a project that is reserved for elderly families and disabled families at its inception (and has retained that character). If the project was not so reserved at its inception the PHA has obtained HUD approval to give preference in Tenant Selection for all units in the project (or portion of project) to elderly families and disabled families. These projects were formerly known as elderly projects.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Monthly Adjusted Income

One-twelfth of adjusted income.

Monthly Income

One-twelfth of annual income.

National

A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession, including Puerto Rico, the U.S. Virgin Islands, Guam, Canal Zone, etc.

Near-Elderly Person/Family

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; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

Net Family Assets

Net family assets is the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds, and other forms of capital investment.

Noncitizen

A person who is neither a citizen nor a national of the United States.

Non-Public Housing Over-Income Family

A family whose income exceeds the over-income limit for 24 consecutive months and is paying the alternative non-public housing rent. These families will no longer be public housing program (PHP) participants.

Normal Wear and Tear

Means deterioration which occurs, based upon the use for which the rental unit is intended, without negligence, carelessness, accident, abuse or intentional damage of the premises, equipment or chattels of the PHA by the resident, members of the resident's household, or by his/her invitees or guests. However, uncleanliness does not constitute normal wear and tear.

Occupancy Standards

These standards are established by the PHA for determining the number of bedrooms required for families of different sizes and compositions.

Older Person

A person 55 years of age or older.

Other Person Under the Tenant's Control, for the Purposes of the Definition of Covered Person (Drug-Related and Criminal Activity)

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

The person, although not staying as a guest (as defined under "guest') in the unit, is, or was at the time of the activity in question, on the premises (as defined under "premises") because of an invitation express or implied from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

Other Person Under the Tenant's Control

Means that the person, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

Overcrowded

A unit that does not meet the following PHA occupancy standards.

Over-Income Family

A family whose income exceeds the over-income limit.

Over-Income Limit

The over-income limit is determined by multiplying the applicable income limit for a very low-income family, as defined in 24 CFR 5.603(b) of this title, by a factor of 2.4. HUD has codified this definition.

Participant

Has the following meaning for the programs referred to in the regulations.

- Part 960: a resident under the program.
- Part 905: a resident or homebuyer under the program.

Partnership Process

A specific and ongoing process that is designed to ensure that residents, resident groups, and the PHA work in a cooperative and collaborative manner to develop, implement, and monitor the CIAP or CGP. At a minimum, a PHA shall ensure that the partnership process incorporates full resident participation in each of the required program components.

Passbook Rate and Determination

Annually HUD will publish the passbook rate based on the Federal Deposit Insurance Corporation (FDIC) National Deposit Rate for savings accounts, which is an average of national savings rates published on a monthly basis.

Person with Disabilities for Eligibility

Is person who:

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

- Has a disability, as defined in 42 U.S.C. 423;
- Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that: Is expected to be of long-continued and indefinite duration; Substantially impedes his or her ability to live independently, and Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- Has a developmental disability as defined in 42 U.S.C. 6001;
- Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
- For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
- Means "individual with handicaps", as defined in §8.3 of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

Person with Disabilities for Reasonable Accommodations

Any person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such impairments; or
- Is regarded as having such an impairment.
- **Is Regarded as Having an Impairment:** As used in the definition of disability, means:
    - Has a physical or mental impairment that does not substantially limit one or more major life activities, but that is treated by another person as constituting such a limitation;
    - Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
    - Has none of the impairments defined under the definition of "physical or mental impairment," below, but is treated by another person as having such an impairment.

PHA Plan

The annual plan and the 5-year plan as adopted by the PHA and approved by HUD.

PHAS (Public Housing Assessment Program)

The revised assessment program for public housing authorities that became effective on October 1, 1998, and applies first to housing authorities with fiscal years ending September 30, 1999.

Physical or Mental Impairment

As used in the definition of Disability, includes:

- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; Musculo-skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive;

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Genitourinary; hemic and lymphatic; skin; and endocrine; or

- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

Police Officer

A person determined by the PHA to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State, or local government or by any agency of these governments. An officer of an accredited police force of a housing agency may qualify.

Premises

Means, facilities, appurtenances, areas and other facilities held out for use of the resident, or whose use is promised to the resident coincidental with occupancy of a dwelling unit. For purposes of Drug-Related and Criminal Activity, premises means, the building or complex or development in which the public housing unit is located, including common areas and grounds.

Preponderance of Evidence

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.

Previously Unemployed

With regard to the earned income disallowance, a person with disabilities who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Processing Entity

The person or entity that, under any of the programs covered in 24 CFR, Part 5.210-5.238, is responsible for making eligibility and related determinations and any income reexaminations.

Project (Development)

Includes any of the following that meet the requirements of 24 CFR, Part 964, Resident Participation and Management in Public Housing:

- One or more contiguous buildings;
- An area of contiguous row houses;
- Scattered site buildings.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

The whole of one or more residential structures and appurtenant structures, equipment, roads, walks, and parking lots which are covered by a single contract for Federal financial assistance or application for assistance, or are treated as a whole for processing purposes, whether or not located on a common site.

Project (Development) for the Elderly or Disabled (24 CFR, Section 942.3)

Means any development assisted under the Unites States Housing Act of 1937 (other than under Section 8 or Section 17 of the Act), including any building within a mixed-use development, that was designated for occupancy by the elderly or disabled at its inception, or, although not so designated, for which the PHA gives preference in Tenant Selection (with HUD approval) for all units in the development (or for a building within a mixed-use development) to elderly or disabled families. For the purposes of 24 CFR, Part 942, Pet Ownership in Public Housing for the Elderly or Disabled, this term does not include developments assisted under the Low-Rent Housing Homeownership Opportunity program--Turnkey III; 24 CFR, Part 5.300 et al, or under Title II of the U.S. Housing Act of 1937--Indian Housing; 24 CFR, Part 905.

Promptly

Means within 10 calendar days

Prorated Tenant Rent

For families that include both members who are citizens or have eligible immigration status and members who do not have eligible immigration status (or elect not to state that they have eligibility), the amount of tenant rent is prorated based on the percentage of household members who are citizens or have established eligible immigration status.

Prorated tenant rent does not apply to families exceeding the income limits or over-income families.

Public Housing Agency (PHA)

Any state, county, municipality, or other governmental entity or public body, (or agency or instrumentality thereof) that is authorized to engage in or to assist in the development or operation of low-income housing. For the purposes of 24 CFR, Part 942, Resident Participation and Management in Public Housing, the term Public Housing Agency does not include Indian Housing Authorities.

Public Use Areas

Interior or exterior rooms or spaces of a building that are made available to the general public. Public use may be provided at a building that is privately or publicly owned.

Qualified EID Family

A family receiving public housing assistance:

- Whose annual income increases as a result of employment of a family member and who was previously unemployed for one or more years prior to employment;
- Whose annual income increases as a result of increased earnings by a family member during

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

participation in any economic self-sufficiency or other job training program; or

- Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance—provided that the total amount over a six-month period is at least $500.

Real Property

Has the same meaning as that provided under the law of the state in which the property is located.

Reasonable Accommodation

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to fulfill their program obligations.

Reasonable Modification

Is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises.

Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas.

Examples include the installation of a ramp into a building, lowering the entry threshold of a unit, or the installation of grab bars in a bathroom. Under the Fair Housing Act, prohibited discrimination includes a refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.

Reexaminations

The PHA must reexamine the income and composition of all families at least once 12 months. The family is required to submit any certification, release, information or documentation that the PHA or HUD has determined necessary.

The PHA will adjust the total tenant payment, offer the family a choice of rent, and verify compliance with the community service and self-sufficient requirement for non-exempt household members, during the reexamination process.

Remaining Members

Means a person who was a member of a household occupying a PHA unit, and who remains in the unit after other members of the household have departed, usually because of marriage,

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

separation, divorce, death, or long-term illness requiring placement in a nursing home or other facility.

Resident

Means a person entitled, under a rental agreement (lease), to occupy a unit in peaceful possession, to the exclusion of others, and includes the owner of a mobile home renting premises, other than a lot or parcel in a mobile home park, for use as a site for the location of the mobile home.

Resident Council

An incorporated or unincorporated non-profit organization or association that meets each of the following requirements:

- It must be representative of the residents it purports to represent.
- It may represent residents in more than one development or in all of the developments of a PHA, but it must fairly represent residents from each development that it represents.
- It must adopt written procedures providing for the election of specific officers on a regular basis (but at least once every three years).
- It must have a democratically elected governing board. The voting membership of the board must consist of residents of the development or developments that the resident organization or resident council represents.

Resident Groups

Democratically elected resident groups such as PHA-wide resident groups, area-wide resident groups, single development resident groups, or RMCs.

Resident Management

The performance of one or more management activities for one or more developments by a resident management corporation under a management contract with the PHA.

Resident Management Corporation

The entity that proposes to enter into, or enters into, a management contract with a PHA that meets the requirements of 24 CFR, Part 964, Subpart C, Resident Management Under Section 20 of the U.S. Housing Act of 1937. The corporation must have each of the following characteristics:

- It must be a non-profit organization that is incorporated under the laws of the State in which it is located.
- It may be established by more than one resident organization or resident council, so long as each such organization or council (a) approves the establishment of the corporation and (b) has representation on the Board of Directors of the corporation.
- It must have an elected Board of Directors.
- Its bylaws must require the Board of Directors to include representatives of each resident organization or resident council involved in establishing the corporation.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

- Its voting members must be residents of the development or developments it manages.
- It must be approved by the resident council. If there is no council, a majority of the households of the development must approve the establishment of such an organization to determine the feasibility of establishing a corporation to manage the development.
- It may serve as both the resident management corporation and the resident council, so long as the corporation meets the requirements of 24 CFR, Part 964, for a resident council.

Responsible Entity

The PHA administering the low-income public housing program under an ACC with HUD.

Retail Service

Purchase of utility service by PHA residents directly from the utility supplier.

Seasonal Worker

An individual who is hired into a short-term position and the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the particular employer or industry.

Section 214

Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a). Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

Section 214 Covered Programs

Programs to which the restrictions imposed by Section 214 apply are programs that make available financial assistance pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437-1440), Section 235 or Section 236 of the National Housing Act (12 U.S.C. 1715z-1) and Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s).

Section 504

Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, prohibits discrimination on the basis of disability in program and activities conducted by HUD or any federal agency that receive financial assistance.

Security Deposit

Means an amount of currency delivered to the PHA by the family as a pledge to abide by terms or conditions of the rental agreement.

Sexual Assault

Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the survivor lacks capacity to consent.

Sex Offender

HUD determines a sex offender to be someone who is required to be registered in a state life-

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

time sexual offender registry.

Sexual Orientation

Means one's emotional or physical attraction to the same and/or opposite sex (*e.g.,* homosexuality, heterosexuality, or bisexuality).

Single Person

A person who lives alone, or intends to live alone, and who does not qualify as an elderly family, a displaced person, or the remaining member of a resident family.

Social Security Number

The number that is assigned to a person by the Social Security Administration of the Department of Health and Human Services, and that identifies the record of the person's earnings that are reported to the Administration.

The social security number has nine digits separated by hyphens, as follows: 000-00-0000. It does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary under the Social Security System.

Special Admission

Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

Specified Welfare Benefit Reduction

A reduction of welfare benefits, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program. It does not include a reduction or termination of welfare benefits by the welfare agency:

- At expiration of a lifetime or other time limit on the payment of welfare benefits;
- Because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements;
- Because a family member has not complied with other welfare agency requirements.

Spouse

Spouse refers to the marriage partner who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common law marriage.

It does not cover boyfriends, girlfriends, significant others, or co-head.

Stalking

The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Stalking may include to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and/or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily harm to: (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person. Immediate family member means, with respect to a person- - a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or any other person living in the household of that person and related to that person by blood and marriage.

State

Any of the States of the United States of America, the District of Columbia, the territories and possessions of the United States (American Samoa, Guam, Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands) and Indian tribes.

Statement of Family Responsibility

An agreement, in the form prescribed by HUD, between the PHA and a family to be assisted under the Program, stating the obligations and responsibilities of the two parties.

Surcharge

The utility suppler installs, owns, and operates a utility meter that includes consumption for at least one building/property and there are meters (check-meters) installed to measure consumption for each of the individual units in the building/property. The PHA sets allotments for allowable utility consumption for each unit and surcharges residents for consumption that exceeds the allotted amount. The PHA may own the individual dwelling unit meters, or the utility supplier may own the meters. Independent of who owns the utility meters, the PHA is responsible for surcharging residents.

Supportive Services

Those appropriate services that a PHA will make available, or cause to be made available to an FSS family under a contract of participation, and may include:

- Childcare: Childcare of a type that provides sufficient hours of operation and serves an appropriate range of ages;
- Transportation: Transportation necessary to enable a participating family to receive available services, or to commute to their places of employment;
- Education: Remedial education; education for completion of secondary or post-secondary schooling;
- Employment: Job training, preparation, and counseling; job development and placement; and follow-up assistance after job placement and completion of the contract of participation;
- Personal welfare: Substance/alcohol abuse treatment and counseling;
- Household skills and management: Training in homemaking and parenting skills; household

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

management; and money management;

- Counseling: Counseling in the areas of: The responsibilities of homeownership; Opportunities available for affordable rental and homeownership in the private housing market, including information on an individual's rights under the Fair Housing Act; and Money management; and
- Other services: Any other services and resources, including case management, reasonable accommodations for individuals with disabilities, that the PHA may determine to be appropriate in assisting FSS families to achieve economic independence and self-sufficiency.

SWICA

State Wage Information Collection Agency (SWICA), the State agency, including any Indian tribal agency, receiving quarterly wage reports from employers in the State, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Tenant

The person or persons (other than a live-in aide) who executed the lease as lessee of the dwelling unit.

Tenant (Resident) Participation

A process of consultation between residents and the PHA concerning matters affecting the management of public housing, as a means of providing residents with information about PHA plans and decisions and affording them opportunities to make comments and recommendations, on an advisory basis, about those plans and decisions.

Tenant Rent

•The amount payable monthly by the family as rent to the PHA.

•Where all utilities (except telephone & cable) and other essential housing services are supplied by the PHA, tenant rent equals Total Tenant Payment.

•Where some or all utilities (except telephone & cable) and other essential housing services are not supplied by the PHA, and the cost thereof is not included in the amount paid as rent, tenant rent equals Total Tenant Payment less the allowance for tenant-purchased utilities.

Term

Means the period of occupancy specified in the rental agreement. Effective April 28, 2000, the term of the lease agreement for public housing units is 12 months and automatically renewable except for non-compliance with the community service requirement, where applicable.

Total Tenant Payment

Is the minimum family contribution to the gross rent and is calculated as the greater of:

- 30% of monthly adjusted income;

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

- 10% of monthly income;
- The welfare rent (in as-paid states only);
- The PHA minimum rent; or
- For public housing only, the alternative non-public housing rent.

Unearned Income

Any annual income, as calculated under 24 CFR 5.609, that is not earned income.

Unit Size

Unit size or size of unit refers to the number of bedrooms in a dwelling unit.

Unreimbursed Medical Expense Costs

This deduction is granted only to elderly or disabled families. A range of medical expenses and services can be claimed to the extent that the total medical expenses exceed three percent (3%) of annual income. Determination of eligibility for reimbursement of expenses will be consistent with the current IRS Publication 502.

Upfront Income Verification (UIV)

Is the verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals.

U.S. Citizenship and Immigration Services (CIS)

Formerly the U.S. Immigration and Naturalization Service (INS).

U.S. National

A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession, or persons who have obtained a U.S. Certificate of Naturalization.

Utilities

Water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection, and sewage services. Telephone service is not included.

Utility Allowance

The cost of utilities (except telephone & cable) and other housing services for an assisted unit that is not included in the tenant rent, but is the responsibility of the family occupying the unit, and an amount equal to the estimate made and adopted by the PHA of the monthly cost of a reasonable consumption of such utilities and other services for the unit, by an energy conservative household of modest circumstances, consistent with the requirements of a safe, sanitary, and healthful living environment.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Utility Reimbursement

Where applicable, the utility reimbursement shall be paid to the family in the manner provided in the pertinent program regulations. A PHA or owner may pay the utility reimbursement directly to the utility company without the consent of the family; however, the PHA must advise the family of the amount paid.

VAWA

The Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e *et seq.*).

VAWA Violence/Abuse

Collectively domestic violence, dating violence, sexual assault, or stalking.

Verification Techniques and Ranking:

- Level 6: Highest

  Upfront Income Verification (UIV), using HUD's Enterprise Income Verification (EIV system

- Level 5: Highest

  Upfront Income Verification (UIV), using non-EIV (e.g., The Work Number, web-based state benefits systems, etc.)

- Level 4: High

  Written, third-party verification from the source, also known as "tenant-provided verification;" EIV + Self-Certification; PHAs can choose either option when both are available to verify income. PHAs must use written, third-party verification when the income type is not available in EIV (e.g., self-employment, Go Fund Me accounts, general public assistance, Veterans Administration benefits, etc.) Party Verification.

- Level 3 Medium

  Written Third-Party Verification Form

- Level 2: Medium

  Oral Third-Party Verification

- Level 1: Low

  Self-Certification (not third-party verification)

Very Low-Income Family

A low-income family whose annual income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

HUD may establish income limits higher or lower than 50% of the median income for the area, on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

© 2024 The Nelrod Company, Fort Worth, TX 76107

DRAFT

Veteran

A person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable.

Violent Criminal Activity

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 likely to cause, serious bodily injury or property damage.

Waiting List Admission

An admission from the PHA waiting list.

Welfare Assistance

Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by federal, state, or local governments (including assistance provided under the Temporary Assistance for Needy Family (TANF) program).

Welfare Rent

The portion of welfare assistance specifically designated to meet the family's actual housing costs.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107

NOTICE

The Nelrod Company has made its best efforts to comply with regulations, laws, and Federal/local policies. The Nelrod Company does not offer advice on legal matters or render legal opinions. We recommend that this policy be reviewed by the Housing Authority's general counsel and/or attorney prior to approval by the Board of Commissioners.

The Nelrod Company is not responsible for any changes made to these policies by any party other than The Nelrod Company.

DRAFT

© 2024 The Nelrod Company, Fort Worth, TX 76107