

The Allen Metropolitan Housing Authority.

Operated by

Governing Public Housing

Admissions and Contingent Occupancy Policy

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1. It is the policy of the Allen Metropolitan Housing Authority (AMHA) to comply with all laws relating to Civil Rights, including but not limited to:
- Title VI of the Civil Rights Act of 1964, (See 24 CFR Part 1)
 - Title VII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988). (See 24 CFR Part 100)
 - Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, (See 24 CFR Part 8)
 - the Age Discrimination Act of 1975, (See 24 CFR Part 146)
 - Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments Act govern). (Title II details with common areas and public space, not living units.)
 - Any legislation protecting the individual rights of tenants, applicants or staff that may subsequently be enacted. (Required 24 CFR § 960.203)
 - 2. AMHA shall not discriminate because of race, color, national origin, sex, religion, familial status, or handicap in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or program under AMHA's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use of occupancy thereon. (Required, 24 CFR § 100.5)
 - 3. AMHA shall not, on account of race, color, national origin, sex, religion, familial status, or handicap treat any family or person in the manner described below:
 - (a) Deny anyone the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
 - (b) Provide anyone housing that is different from that provided others;
 - (c) Subject anyone to segregation or discrimination treatment;
 - (d) Restrict anyone's access to any benefit enjoyed by others in connection with the housing program;
 - (e) Treat anyone differently in determining eligibility or other requirements for admission;

AMHA is not only permitted but is required to provide persons with disabilities with housing that is appropriate for their needs. This accessible or adaptable housing, although different from that provided to others, is permitted because it permits persons with disabilities to participate in the public housing program.

Admissions and Continued Occupancy Policy Governing Public Housing Operated by the Allen Metropolitan Housing Authority
A. Compliance with Civil Rights Laws
1. Non-discrimination

- (f) Deny anyone access to the same level of services³, or (g) Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program. AMHA shall not automatically deny admission to any group or category of otherwise qualified applicants (e.g., families with children born to unmarried parents or families whose head or spouse is a student). Each applicant in a particular group or category must be treated on an individual basis in the normal processing routine. (Required, 24 CFR § 960.205)
5. AMHA will identify and eliminate situations of procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504, and the Fair Housing Amendments Act of 1988, AMHA will make structural modifications to its housing and non-housing facilities (Required, 24 CFR § 8.24, and 8.25) and make reasonable accommodations to its housing and non-housing facilities (See 24 CFR § 8.24 or in carrying out Other Alterations [See 24 CFR § 8.23(b)] for otherwise qualified persons with disabilities, AMHA is not required to: (i) Make each of its existing facilities accessible [24 CFR § 8.24 (a) (1)]; or make structural alterations when other methods can be demonstrated to achieve the same effect; [24 CFR § 8.24 (b)]
- (ii) Provide structural alterations that require the removal or altering of a load-bearing structural member, [24 CFR § 8.24 (a) (2)] or (iii) Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level; [24 CFR § 8.25]
- (iv) Take any action that would result in a fundamental alteration in the nature of the program; [24 CFR § 8.24 (a) (2)] or (v) Take any action that would result in an undue financial and administrative burden on the Authority. [24 CFR § 8.24 (a) (2)]
- (b) When the AMHA is making substantial alterations (defined in 24 CFR § 8.23 as Comprehensive Modification or Work in Developments with 15+ Units, work whose value exceeds 75% of the replacement cost of the facility) to an existing housing facility AMHA is not required to:
- (i) Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level; [24 CFR § 8.26]
- (ii) Revise its procedures or practices in carrying out those standards, but it might require AMHA to revise its procedures or practices in carrying out eligibility standards, but it might require AMHA's permission on public housing property. Thus, a health screening program offered by others with AMHA's permission on public housing property.
2. Except that AMHA is obliged to offer reasonable accommodations to applicants with disabilities. This will not affect AMHA's screening or eligibility standards, but it might require AMHA to revise its procedures or practices in carrying out those standards.
3. This requirement applies to services provided by AMHA and services provided by others with AMHA's permission on public housing property. Thus, a health screening program offered by others with AMHA's permission on public housing property would have to be fully accessible to persons with disabilities.

- (iii) Make structural alterations to meet minimum accessibility requirements where it is structurally impracticable. Structural impracticability is defined as: Changes having little likelihood of being accomplished without removing or altering a load-bearing structural member and/or incurring an increased cost of 50% or more of the value of the element of the building or facility involved. [24 CFR § 8.32 (c) and § 40, Uniform Federal Accessibility Standards, 3.5 and 4.1.6(3)]
6. AMHA will not permit these policies to be subverted to do personal or political favors. AMHA will not offer units in an order different from that prescribed by this Policy, since doing so violates the policy, federal law, and the civil rights of the other families on the waiting list. [Required, 24 CFR § 906.204 (a)(3)(ii)]
- B. Accessibility and Plain Language
1. Facilities and programs used by residents must be accessible to a person in a wheelchair. Application and management offices, hearing rooms, community centres, day care centres, laundry facilities, craft and game rooms and so on must be usable by residents with a full range of disabilities. If none of these facilities are already accessible (and located on accessible routes), some must be made so, subject to the undue financial and administrative burden test. [Required, 24 CFR § 8.20 and 8.21]
2. Documents used by applicants and residents will be made available in formats accessible for those with vision or hearing impairments (Required, 24 CFR § 8.6). Equally important, the documents will be written simply and clearly to enable applicants with learning disabilities to understand as much as possible. Unless prohibited by local law, documents may be translated into languages other than English as needed.
3. Some aspects of eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance are complicated, but AMHA will present examples to help applicants and residents understand the issues involved. In writing materials for applicants and residents, AMHA staff will keep in mind that mental retardation, learning disabilities and cognitive disabilities may affect the applicant's ability to read or understand – so rules and benefits may have to be explained verbally, perhaps more than once. (Required, 24 CFR § 8.6)

4. It is not required that all public and common areas be made accessible so long as persons with disabilities have full access to all the types of facilities and activities available to persons without disabilities. Thus, not all laundry facilities need to be accessible so long as there are sufficient accessible laundry facilities for use by persons with disabilities at each development that provides laundry facilities.
5. 24 CFR § 5.505 requires that any notice or document relative to citizen or eligible immigration status, where feasible, be provided to an applicant or tenant in a language that is understood by the individual if the individual is not proficient in English. In general, documents will be translated when there are sufficient numbers of applicants or residents speaking a language to warrant the expense.

4. At the point of initial contact with all applicants, AMHA staff will ask whether they need some form of communication other than plain language paperwork. Alternative forms of communication might include sign language interpretation; having materials explained orally by staff, either in person or by phone; large type materials; information on tape; having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials; permitting applicants to file applications by mail; and permitting alternative sites for application taking. (Req'd, 24 CFR § 8.6)
5. Some applicants will not be able to read (or to read English), so intake staff must be prepared to read and explain anything that they would normally hand to an applicant to be read or filled out. Applicants who read or understand little English may turnish an interpreter who can explain what is going on. AMHA is not required to pay the costs associated with having a foreign language interpreter (as they are for a sign language interpreter for the hearing impaired [Req'd, 24 CFR § 8.6]) because the Fair Housing law makes no such requirement).
6. At a minimum, AMHA will prepare the following information in plain-language accessible formats:
- Marketing, promotional and informational materials
 - Information about the application process
 - How rents and utility allowances are determined
 - The application form and required certifications
 - All form letters and notices to applicants and residents
 - General statement about reasonable accommodation
 - Orientation materials for new residents
 - The lease and house rules, if any
 - Guidance or instructions about care of the housing unit
 - Information about opening, updating or closing the waiting list
 - All information related to applicants' rights (to informal hearings, etc.)
 - II. Eligibility for Admission and Processing of Applications
 - A. Affirmative Marketing
1. AMHA will conduct outreach as needed to maintain an adequate application pool representative of the eligible population in the area. Outreach efforts will consider the level of vacancy in the AMHA's units, any disparity in incomes between developments, availability of units through turnover, and waiting list population characteristics. AMHA will periodically assess these factors in order to determine the need for and scope of any marketing efforts. All marketing efforts will include outreach to those least likely to apply (Affirmative Marketing Requirement).
2. Marketing and informational materials will be subject to the following:
- (a) Marketing materials will comply with Fair Housing Act requirements on wording, logos, size of type, etc. [Req'd, 24 CFR § 109.30(a)].
 - (b) Marketing will describe the housing units, application process, waiting list and preference structure accurately.

- (4) each family member receiving assistance must be a citizen or non-citizen with immigratation status per 24 CFR § 5.5;
- age 6 or older, must have a social security number or certify that he/she has no number; and
- (2) have an annual income at or below program guidelines; (3) each family member, of family; (2) have an annual income at or below program guidelines; (1) they must meet HAs definition of individual with handicaps. Eligibility is a term having specific meaning under the Housing Act of 1937. In order to be eligible, a family must meet four tests: (1) they must meet HA's definition of individual with handicaps. Eligibility is a term having specific meaning under the Housing Act of 1937. In order to be eligible, a family must meet four tests: (1) they must meet HA's definition of individual with handicaps. This term is taken from the 504 regs: 24 CFR § 8.3 Definition of qualified selection standards. This term refers to applicants who are eligible and able to meet the applicant selection standards.

2. **Opening and Closing Waiting Lists**
1. It is the policy of AMHA to administer its waiting list as required by the regulations at 24 CFR §§ 5.4, 5.5, 5.6, 960.201 through 960.215).

- C. **Waiting List Management**
- (e) Meets or exceeds the Applicant Selection Criteria set forth in Section II, F, of these policies [Required, 24 CFR § 960.205], including attending and successfully completing a AMHA-approved pre-occupancy orientation session;]
- (d) Provides documentation of Social Security numbers for all family members, age 6 or older, or certifies that they do not have Social Security numbers; [Required, 24 CFR § 5.216] and
- (c) Has an Annual Income (as defined in Section XI of this document) at the time of admission that does not exceed the income limits (maximum incomes by family size established by HUD) posted in AMHA offices. Applicants must apply for all income for which they may be eligible such as Social Security, Supplemental Security Income, Child Support and any other potential source.
- (b) Meets the HUD requirements on citizenship or immigration status; [Required, 24 CFR § 5.5 Subpart E]
- (a) Is a family as defined in Section XII of this policy;
2. An applicant is qualified if he or she meets all of the following criteria:
1. It is AMHA's policy to admit only qualified applicants.

- B. **Qualification for Admission**
- (f) AMHA will be clear about its responsibility to provide reasonable accommodations to people with disabilities;
- (e) Marketing materials will make clear who is eligible: low income individuals and families; working and non-working people; and people with both physical and mental disabilities; and
- (d) Agencies that serve and advocate for potentially qualified applicants least likely to apply (e.g. the disabled) will be contacted to ensure that accessible/adaptable units are offered to applicants who need their features;
- (c) Marketing will use clear and easy to understand terms;

7. This policy refers to written procedures that cover, in this case, the closing of the waiting list. References to other administrative procedures is made periodically in the text of this policy.
8. Or by the method designated at initial application by applicants with disabilities.
9. The first written communication will be sent by first class mail, the second written communication will also be sent by first class mail.
- The policy choices made in this document. The procedures are for use by staff and may be modified or amended as needed without Board approval.
- These procedures are separate documents that describe the work steps necessary to implement the policy choices made in this document. The procedures are for use by staff and may be modified or amended as needed without Board approval.

Applied may experience a change in circumstances that qualifies them for a preference. In families on the waiting list who did not qualify for a local or ranking preference when they

(a)

5. Change in Preference Status While on the Waiting List
- (b) AMHA will not remove an applicant from the waiting list and Removing Applications. Its procedure on Updating the Waiting List and Removing Applications.
- At the time of initial intake, AMHA will advise families of their responsibility to notify the individual by telephone before deleting the applicant from the waiting list.
- If, after one attempt in writing, no response is received, AMHA will attempt to contact the AMHA when their circumstances, mailing address or phone numbers change.
- (c) Beginning in April of 2001 AMHA will update each waiting list sublist (by unit type and BR size) at least once a year by contacting all applicants in writing.

4. Updating the Waiting List

- AMHA will use its Procedure on Opening and Closing the Waiting List to determine whether the waiting list(s) may be closed.
3. Determining if the Waiting List may be Closed

- (d) During the period when the waiting list is closed, AMHA will not maintain a list of individuals who wish to be notified when the waiting list is re-opened.
- During the period of time (between twelve and eighteen months). A decision to close the waiting lists, restricting intake, or opening the waiting lists will be publicly announced.
- (c) Decisions about closing the waiting list will be based on the number of applications available for a particular size and type of unit, the number of applicants who qualify for a preference, and the ability of AMHA to house an applicant in an appropriate unit within a reasonable period of time (between twelve and eighteen months).

- (b) For any unit size or type, if the AMHA's highest waiting list preference category has sufficient applications to fill anticipated vacancies for the coming 12 months, AMHA may select to: (a) close the waiting list completely; (b) close the list during certain times of the year, or (c) restrict intake by preference, type of project, or by size and type of dwelling unit [Required, 24 CFR 5.410].

- (a) AMHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. AMHA may open or close the list for persons with a high preference category, or by unit size or type available. See (c) below [Required, 24 CFR § 5.410].

3. Applicants reporting zero income will be asked to complete a family expense form. The form will ask applicants to document how much they spend on food, transportation, health care, child care, debts, household items, etc. and what the source of income is for these expenses. The form is designed to capture regular cash and non-cash contributions to the family from persons outside the household, if a household item.

Citizens are permitted to certify to their status.

(c) Verification of eligible immigration status shall be carried out pursuant to 24 CFR § 5.6.

AMHA may also use (1) phone verifications with the results recorded in the file, dated, and signed by AMHA staff, (2) review of documents, and, if no other form of verification is available, (3) applicant certification. Applicants must cooperate fully in obtaining or providing the necessary verifications.

Third party written verification is the preferred form of documentation to substantiate applicant or resident claims. When it is not possible to obtain third party written verification,

(viii) Citizenship or eligible immigration status of all family members

(vii) Information Used in Applicant Screening

(vi) Social Security Numbers of all Family Members.

(v) Preferences

(iv) Deductions from Income

(iii) Assets and Asset Income

(ii) Annual Income

(i) Family composition and type (Elderly/Disabled/near elderly/non-elderly)

determine qualification for admission to AMHA's Procedure on Verification;

As applicants approach the top of the waiting list, they will be contacted and requested to come to the AMHA Occupancy Office for an interview to complete their applicant file. Applicants who fail to attend their scheduled interview or who cannot be contacted to schedule an interview will have their applications withdrawn, subject to reasonable accommodations for people with disabilities.

2. Interviews and Verification Process

1. AMHA will accept and process applications in accordance with applicable HUD Regulations and AMHA's Procedure on Taking Applications and Initial Processing. AMHA will work on the assumption that the facts certified to by the applicant in the preliminary application are correct, although all those facts will be subject to verification later in the application process.

(d) To the extent that AMHA determines that the family does now qualify for a preference, they will be moved up on the waiting list in accordance with their preference(s) and their date and time of application.

Such instances, it will be the family's duty to contact AMHA so that their status may be recertified or, depending on application processing status, reverified. Applicants whose preference status changes while they are on the waiting list will retain their original date and time of application.

4. AMHA's records with respect to applications for admission to any low-income housing assisted under the United States Housing Act of 1937, as amended, shall indicate for each application the date and time of receipt. The applicant's race and ethnicity, the determinant(s) for which eligible, the preference or ineligibility of the applicant, and circumstances of each vacancy offered and accepted or rejected. [Required, 24 CFR § 85.42]
1. It is AMHA's policy that a preference does not guarantee admission. Preferences are used to establish the order of placement on the waiting list. Every applicant must still meet AMHA's Resident Selection Criteria (described later in this policy) before being offered a unit.
2. Factors other than preferences that affect the selection of applicants from the waiting list [Required, 24 CFR § 5.410 (d)]
- E. The Preference System
4. AMHA's records with respect to applications for admission to any low-income housing assisted under the United States Housing Act of 1937, as amended, shall indicate for each application the date and time of receipt. The applicant's race and ethnicity, the determinant(s) for which eligible, the preference or ineligibility of the applicant, and circumstances of each vacancy offered and accepted or rejected. [Required, 24 CFR § 85.42]
1. It is AMHA's policy that a preference does not guarantee admission. Preferences are used to establish the order of placement on the waiting list. Every applicant must still meet AMHA's Resident Selection Criteria (described later in this policy) before being offered a unit.
2. Factors other than preferences that affect the selection of applicants from the waiting list [Required, 24 CFR § 5.410 (d)]
- By matching unit and family characteristics, it is possible that families lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application, or ahead of families with a higher preferences (e.g. the next unit available is an accessible unit and the only applicant family needing such features is in the non-preference pool, i.e. having no preference).
- (a) When selecting a family for a unit with accessible features, AMHA will give a preference to families that include persons with disabilities who can benefit from the unit's features. First preference will be given to existing tenant families seeking a transfer and second preference will be given to applicant families.
- (b) When selecting a family for a unit in housing designated for elderly, disabled or near elderly families, or disabled families, if any, AMHA will give a priority to elderly, disabled or near elderly families as described later in this section.
- (c) When selecting a family for a unit in a mixed population development (a property that houses both elderly and disabled families), as opposed to a general occupancy development that houses non-elderly families as well, AMHA will give a priority to elderly families and disabled families as described later in this section.
- If no family needing accessible features can be found for a unit with accessible features, AMHA will house a family not needing the unit features, subject to the requirement in the Tenant Selection and Assignment Plan, under which a non-disabled family in an accessible unit can be required to move so that a family needing the unit features can take advantage of the unit.
- AMHA will needily needing accessible features can be found for a unit with accessible features, if no family needing accessible features can be found for a unit with accessible features, Tenant Selection and Assignment Plan, under which a non-disabled family in an accessible unit can be required to move so that a family needing the unit features can take advantage of the unit.
- When selecting a family for a unit with accessible features, AMHA will give a preference to families that include persons with disabilities who can benefit from the unit's features. First preference will be given to existing tenant families seeking a transfer and second preference will be given to applicant families.
- When selecting a family for a unit in housing designated for elderly, disabled or near elderly families, or disabled families, if any, AMHA will give a priority to elderly, disabled or near elderly families as described later in this section.
- When selecting a family for a unit in a mixed population development (a property that houses both elderly and disabled families), as opposed to a general occupancy development that houses non-elderly families as well, AMHA will give a priority to elderly families and disabled families as described later in this section.
- When selecting a family for a unit in a mixed population development (a property that houses both elderly and disabled families), as opposed to a general occupancy development that houses non-elderly families as well, AMHA will give a priority to elderly families and disabled families as described later in this section.
- "zero income" family is admitted, redeterminations of income will be performed every 90 days and be referred to any self-sufficiency programs administered by the AMHA. See Section 3.C. Periodic reassessments, of this policy.)

(a) AMHA will house applicants from Tiers I and II on the waiting list by selecting first from the same time, does not create concentrations of families by income at any of its properties, AMHA will rank applicants within both income tiers as Displacement. Working Family or no-preference. Four out of every ten applicants admitted will be from Tier I, if there are insufficient applications among the Tier I Displacement preference holders, Tier I Working Family preference holders will be selected. If there are insufficient Working Family preference holders, staff will make offers to the applicants with no preference in Tier I. Within each of the ranking preference categories, offers will be made by oldest application date and time or lottery number.

b. Method of Applying Preferences

b. Mixed Population Buildings Local Preference
In addition to the Income Tier preference, which applies to all AMHAs' developments, AMHA elects to retain the former Federally mandated priority for single persons who are elderly, persons with disabilities, or persons displaced by government action over all other single persons when filling vacancies in its Mixed population buildings.

5. Mixed Population Buildings Local Preference

4. Ranking Preferences
There are two possible ranking preferences in effect: first is the Displacement Preference, and second is the Working Family Mobility Preference (as defined in Section XII). AMHAs Procedure on Unit Offers and Applicant Placement will be used to order the Waiting List and make unit offers.
Families that qualify for neither the Displacement nor the Working Family Preferences will be categorized as families with no preference.

4. Ranking Preference

- There is one local preference in effect based on ranges of income. Applicants will be grouped as follows:
 - Tier I: Families with incomes between 0% and 30% of area median income (this group must constitute at least 40% of all admissions in any year);
 - Tier II: Families with incomes between 31% and 80% of area median income (the target for this group is 60% of all admissions in any year); and
 - At least 40% of all applicants admitted in any year must be applicants from Tier I. This is a requirement of the Quality Housing and Work Responsibility Act of 1998.

3. Local Preference

(d) When selecting a single person at a Mixed Population development, elderly, disabled or displaced single persons have priority over singles who are not elderly, disabled or displaced regardless of preferences. Single applicants who are not elderly, disabled or displaced can only be admitted after all elderly or disabled families or single displaced persons have been offered units. [Revised, 24 CFR § 960.407]

10. This reference is to buildings or portions of buildings designated for the elderly by following HUD's requirements. Designation of housing for the elderly requires the preparation of a designated housing plan. The plan must be presented to HUD for review and approval.

- (a) Projects designed for the elderly.¹⁰ Elderly families will receive a priority for units or buildings covered by a HUD-approved Designation Plan. When there are insufficient elderly families on the waiting list, near-elderly families (head or spouse ages 50 to 61) will receive a priority for this type of unit. The preference system described above will work in combination with requirements to match the characteristics of the family to the type of unit available, including developments with HUD-approved designated populations, if any. When such matching is required or permitted by current law, AMHA will give preference to the families described below. The ability to provide preferences for some family types will depend on unit size available.
- (b) Projects designed for handicapped families.¹¹ Handicapped families will receive a priority for admission to admission to units or buildings that are covered by a HUD-approved Designation Plan.

8. Designated Housing
- The Working Family preference described above will work in combination with requirements to match the characteristics of the family to the type of unit available, including developments with HUD-approved designated populations, if any. When such matching is required or permitted by current law, AMHA will give preference to the families described below. The ability to provide preferences for some family types will depend on unit size available.
- Family preferences does not rank any higher than a family that has only one member qualifying for the Working Family preference. Thus, an applicant whose family includes two members with working subcategories in which they qualify. Although the Working Family preference has several subcategories, the subcategories will not be combined or aggregated in any way. Applicants will be considered for admission based on any one of the subcategories in which they qualify. Additionally, persons who cannot work because of age (age 62 years or older) or disability employed. Additionally, persons who can document that they are employed by a natural disaster declared by the President of the United States, or displaced, through no fault of their own by governmental action, or currently living in a recognized shelter for homeless individuals or families.
- Working Family preference will include all applicants with adult members who can document that they have been displaced by a natural disaster declared by the President of the United States, or displaced, through no fault of their own by governmental action, or currently living in a recognized shelter for homeless individuals or families.
- AMHA defines Displacement Preference to include applicants who can document that they have been displaced by a natural disaster declared by the President of the United States, or displaced, through no fault of their own by governmental action, or currently living in a recognized shelter for homeless individuals or families.
7. Definition of Displacement and Working Family Preference

- (c) AMHA will neither hold units vacant for prospective applicants with preferences, nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants with preferences.
- (b) AMHA will also offer units to existing residents on the transfer list. Some types of transfers are processed before new admissions and some types of transfers are processed with new admissions, using a ratio set forth in the Tenant Selection and Assignment Plan (TSA). Transfers do not count toward the 40% Tier I requirement.
- If the Working Family applications are exhausted, by selecting from the N-C-preference applicants within each Tier.

11. Buildings, floors and units can also be designated for disabled families, also by following the HUD requirements. This entails preparing a designating housing plan noting which buildings (if any) will be set aside for disabled families. HUD approval is required for the plan.
12. A mixed population project is a property (or portion of a property) that was reserved for elderly and handicap families at its inception and has retained that character or the AMHA obtained HUD approval to retain the property for elderly and handicap families. These projects were formerly known as elderly projects.

If an applicant claims but does not qualify for a preference, the applicant can request a meeting:

10. Notice and Opportunity for a Meeting [Required, 24 CFR § 960.211(e)]

Families that claim a preference at pre-application, but do not qualify for a preference at the time of application interview, will be notified in writing and advised of their right to an informal meeting as described below. If otherwise qualified, the family's application will then be placed on the waiting list in the appropriate Non-preference category.

Applicants that self-certify to a preference at the time of pre-application and cannot verify current preference status at the time of certification will lose their preference status and be moved into the Non-preference category, and to a lower position on the waiting list based on date and time of application.

Applicants that are otherwise eligible and self-certified as qualified for a preference will be placed on the waiting list in the appropriate applicant pool.

At the time of pre-application, AMHA will obtain the family's certification that it qualifies for a preference. Between pre-application and the application interview, the family will be advised to notify AMHA of any change that may affect their ability to qualify for a preference.

9. Administration of the Preferences

(a) Depending on the time an applicant may have to remain on the waiting list, AMHA will either verify preferences at the time of application (when there is no waiting list or the waiting list is very short) or require that applicants certify to their qualification for a preference at the time of pre-application (when the waiting list is more than 120 days old at the time of certification).

(b) General Occupancy Projects: The priority for elderly and handicap families and displaced persons over single persons does not apply at General Occupancy Projects.

All elderly, handicap or displaced applicants who are single persons shall be admitted before single persons who are not elderly, disabled nor displaced.

(c) Mixed Population Projects: Elderly families, handicap families and families displaced by governmental action will receive equal priority for admission to such units.

- (a) AMHA will provide a written notice if an applicant does not qualify for a preference. This notice shall contain: a brief statement of the reasons for the determination, and a statement that the applicant has the right to meet with AMHA's designee to review the conduct of the meeting. This person(s) can be the person who made the initial determination or reviewed the determination of his or her subordinate, or any other person designated by the AMHA. A written summary of this meeting shall be made and retained in the applicant's file.
- (b) If the applicant requests the meeting, AMHA shall designate an officer or employee to conduct the meeting. This person(s) can be the person who made the initial determination or reviewed the determination of his or her subordinate, or any other person designated by the AMHA. A written summary of this meeting shall be made and retained in the applicant's file.
- (c) The applicant will be advised that he/she may exercise other rights if the applicant believes that illegal discrimination, based on race, color, national origin, religion, age, disability, or familial status has contributed to the AMHA's decision to deny the preference.
1. It is AMHA's policy that all applicants shall be screened in accordance with HUD's regulations (24 CFR § 960) and sound management practices. During screening, AMHA will require applicants to demonstrate ability to comply with essential provisions of the lease as summarized below:
- (a) to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
- (b) to care for and avoid damaging the unit and common areas;
- (c) to use facilities and equipment in a reasonable way;
- (d) to create no health, or safety hazards, and to report maintenance needs;
- (e) not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
- (f) not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff, and not to engage in drug-related criminal activity;
- (g) to comply with necessary and reasonable rules and program requirements of HUD and the AMHA.
2. How AMHA will check ability to comply with essential lease requirements:
- (a) Applicant ability and willingness to comply with the essential lease requirements:
- (b) The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:
- (i) interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare; [Required, 24 CFR § 960.205 (b)]

1. The person demonstrates to the AMHA's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol.
- AMHA may waive this requirement if:
- a. (4)]
Persons subject to sex offender registration requirement. AMHA will prohibit admission to the public housing program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. [24 CFR 960.204
a. (4)]
- c. Sex Offender:
b. AMHA may deny admissions for any household member who has a record of drug related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substance Act, 21 USC 862 or a record of alcohol abuse within the past five (5) years.
- (a))
AMHA must prohibit admission of an applicant to the public housing program for five (5) years from the date of the eviction if any household member has been evicted from federally assisted housing for drug-related criminal activity. (Required, 24 CFR 960.204
a. Required denial of admission. (1) Persons evicted for drug-related criminal activity. The AMHA must provide a denial of admission for drug-related criminal activity. The
whom criminal records are available. [24 CFR § 960.205 (b)(3)]
- (f)
AMHA will complete a criminal background check on all adult applicants or any member for whom criminal records are available. [24 CFR § 960.205 (b)(1)]
- (e)
AMHA will conduct a detailed interview of all applicants using a pre-application completed by the applicant. The pre-application is part of the screening procedures (Screening Procedure) used in support of this policy. The form will ask questions based on the essential elements of tenancy. Answers will be subject to third party verification. (Required)
24 CFR § 960.206 (a) &(d)]
- (d)
AMHA will complete a credit check and a rental history check on all applicants.
Payment of funds owed to AMHA or any other housing authority is part of the screening process.
- (c)
(iv) Require services from AMHA staff that would alter the fundamental nature of AMHA's program. [See 24 CFR § 8.3 Definition: Qualified individual with handicaps]
(iii) Violate the terms and conditions of the lease. [See 24 CFR § 8.3 Definition: Qualified individual with handicaps]]
- (ii) Adversely affect the physical environment or financial stability of the project. [Required, 24 CFR § 960.205 (b)]

14. If AMHA is unable to perform home visits on all applicants, AMHA may elect to perform home visits only on applicants who have passed the criminal background check or on applicants whose landlords referrences are marginal.

- (g) All applicants are required to attend and complete AMHA's Home Management Seminar.

(h) (i) Housekeeping criteria shall include, but not be limited to:

 - (ii) Conditions in living room, kitchen (food preparation and clean-up), bathroom, bedrooms, entrance-ways, halls, and yard (if applicable);
 - (iii) General care of appliances, fixtures, windows, doors and cabinets;
 - (iv) Other AMHA lease compliance criteria will also be checked, such as:
 - Evidence of destruction of property;
 - Cleanliness in each room; and
 - Unauthorized occupants;
 - Evidence of criminal activity; and
 - Conditions inconsistent with application information.

(ii) The purpose of the Home Visit is to obtain information to be used in determining the AMHA's examination of relevant information respecting past and current habits or practices will include, but is not limited to, an assessment of:

 - The applicant's past performance in meeting financial obligations, especially rent and utility bills. [Required, 24 CFR § 960.205 (b) (1)]
 - A record of disturbance of neighbors (sufficient to warrant a police call) destruction of property, or living or housekeeping habits at present or prior residences that may adversely affect the health, safety, or welfare of other tenants or neighbors. [Required]

(1)

14. Applicants whose landlords, financial, criminal, references demonstrate that they
are already willing and able to comply with lease terms in their existing housing will be
considered to have met this criterion, whether or not they are disabled. Applicants whose
housing situations make it difficult for AMHA to determine whether or not they are able and
willing to comply with lease terms (e.g. because they are homeless, are living with friends or
relatives, or have other non-traditional housing circumstances) will have to demonstrate ability
and willingness to comply with lease terms whether or not they are disabled.

15. The discussion of mitigating circumstance in this paragraph is applicable to all applicants.
AMHA is required by regulation to consider mitigating circumstance, see 24 CFR § 950.205 (d).

Mitigating circumstances¹³ are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified, indicate both: (1) the reason for the unsuitable rental history and/or behavior, and (2) that the reason for the unsuitable rental history and/or behavior is no longer in effect or is under control. AND applicant's prospect for lease complicity is an acceptable one, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.

negative information is received about an applicant, ACHA shall consider the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of future conduct. To be factored into ACHA's screening assessment of the applicant, mitigating circumstances must be verifiable. [Revised, 24 CFR §960.205(d)]

3. Screening applicants who claim mitigating circumstances

Applicants must be able to demonstrate the ability and willingness to comply with the terms of AMHAs lease, either alone or with assistance that they can demonstrate they have or will have at the time of admission.¹⁴ [24 CFR § 8.2 Definition: Qualified individual with handicaps] Availability of assistance is subject to verification by AMHA.

An applicant's intentionality misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.

An applicant's ability and willingness to comply with the terms of AMHA's lease. [24 CFR § 8.22 Definition: Qualified Individual with Handicaps]

A record of eviction from housing or involuntary termination from residential programs taking into account date and circumstances.

Any history of criminal activity on the part of **any** applicant family member involving crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or the development [Required] 24 CFR § 960.205 (b)(3) & the Anti-Drug Act of 1988

- (c) If the applicant asserts that the mitigating circumstances relate to a change in disability, medical condition or course of treatment, AMHA shall have the right to refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstances. AMHA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances claimed by the applicant or, in the case of a person with disabilities, to verify a reasonable accommodation.
- (d) Examples of mitigating circumstances might include: [Required, 24 CFR § 960.205 (d)].
- (e) Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. AMHA will consider such circumstances in light of:
- (i) Evidence of successful and sustained modification of previous disqualifying behavior.
 - (ii) Evidence of successful rehabilitation;
 - (iii) Evidence of the applicant family's participation in social service or other appropriate counseling service; or
- (f) Qualified and Unqualified Applicants
- (a) Verified information will be analyzed and a determination made with respect to:
- (i) Eligibility of the applicant as a family; [Required, 24 CFR § 5.403]
 - (ii) Eligibility of the applicant with respect to income limits for admission; [Required, 24 CFR § 5.603]
 - (iii) Eligibility of the applicant with respect to income limits for admission; [Required, 24 CFR § 5.5]
 - (iv) Unit size required for and selected by the family;
 - (v) Preference category (if any) to which the family is entitled; [24 CFR § 5.4] and
 - (vi) Qualification of the applicant with respect to citizenship or eligible immigration status; [24 CFR § 960.205]
- (g) (b) Applicants known to have a disability that are determined eligible but fail to meet the Applicant Selection Criteria, will be offered an opportunity for a second meeting to have their cases examined to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the Screening Procedures.

- (a) It will not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom, although they may do so at the request of the family.
- (b) The following principles govern the size of unit for which a family will qualify. Generally, two people are expected to share each bedroom, except that units will be so assigned that it will not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom, although they may do so at the request of the family.
- (c) Two children of the opposite sex will not be required to share a bedroom, although they may do so at the request of the family if both are under the age of six.
- (d) An unbom child will not be counted as a person in determining unit size. A single pregnant woman may be assigned to a one bedroom unit. In determining unit size, AMHA will count a dependent who is temporarily away from the home because the dependent has been placed in foster care, kinship care, or is away at school.
- (e) A single head of household parent shall not be required to share a bedroom with his/her child, although they may do so at the request of the family.
- (f) A live-in attendant may be assigned a bedroom. Single elderly or disabled residents with live-in attendants will be assigned one or two bedroom units.
2. The Local Housing Code of two persons per bedroom will be used as the standard for the smallest unit member, taking into account family size and composition.
3. The largest unit size that a family may be offered would provide no more than one bedroom per family effect of discriminating on the basis of familial status.

Number of Bedrooms	Min Persons/Unit	Max Persons/Unit	(Largest Unit Size)	(Smallest Unit Size)
0BR	1	1	8	4
1BR	1	2	6	3
2BR	2	4	6	3
3BR	2	4	8	4
4BR	3	6	8	4

1. Units shall be occupied by families of the appropriate size. This policy maintains the usefulness of the complicant with HUD rules related to Occupancy Standards.

Units, while preserving both from excessive wear and tear and under-utilization, it is also fully

- AMHA's Annual Plan. All current applicants for such lists shall be a part of the AMHA elects to operate Site-based Waiting Lists, the application for such lists shall be updated to change their site selection.
- AMHA will maintain its waiting list in the form that records the type and size of unit needed, each applicant's priority/preference status, the date and time of application, and the race and ethnicity of the family head.
- date and time the application is received.
 - applicant preference or priority, if any; and
 - non-accessible unit, number of bedrooms);
 - type and size of unit needed and selected by the family (e.g. general occupancy building, accessible or
- It is AMHA's policy that each applicant shall be assigned his/her appropriate place on a single community-wide waiting list in sequence based upon:
1. Community-wide Waiting List
 - A. Organization of the Waiting List

III. Tenant Selection and Assignment Plan

7. IMPORTANT: The unit size standards shall be discussed with each applicant family that qualifies for more than one unit size. Families will also be informed about the status and movement of the various waiting lists and sublists maintained by AMHA. Families shall be asked to declare in writing the various waiting lists and sublists maintained by AMHA. Families shall agree not to request a transfer until their family size changes.
6. A family that chooses to occupy a smaller size unit must agree not to request a transfer until the waiting list at the family's request.
5. When a family is actually offered a unit, if they no longer qualify for a unit offer, they will be moved to the appropriate sublist, retaining their preferences and date and time of application. This may mean that they may have to wait longer for a unit offer.
- The family (not the AMHA) decides which size of unit they wish to be listed for (corresponding to the smallest, largest or a unit in between, for which they qualify).
4. When a family applies for housing, and each year when the waiting list is updated, some families will qualify for more than one unit size. Both at application and at update, the applicant family must choose the waiting sublist corresponding to one of the unit sizes for which they qualify. Factors that might affect the family's decision could include cultural standards, length of time the family would have to wait for smaller vs. larger units, and the age, relationship and gender of family members. Based on the family's choice, they will be placed on the appropriate waiting sublist by unit size.

1. The plan for assignment of dwelling units to assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, national origin, disability or familial status is PLAN "A". With modifications as described below. Under Plan A, the first qualified applicant will be given a choice of the waiting list if made one offer of a unit of appropriate size and type. The applicant will be offered the longest than one unit of the appropriate size and type. Under Plan A, the first qualified applicant will be given a choice of the waiting list if has been vacant the longest if more than one unit of the appropriate size and type is available, the first unit to be offered will be the unit that is or will be ready for move-in first. "Ready for move-in" means the first unit no Housing Quality Standard deficiencies and is broom clean.
2. If the applicant declines this choice, he/she will be given one additional choice of location. This location will be the next available unit based on the length of time it has been vacant. If the applicant refuses two offers, he/she will be placed at the bottom of the waiting list for housing.
3. AMHA will first match the characteristics of the unit available to the highest ranking applicant for a unit of that size, type and special features (if any), taking into account any limitations on admission because of designated housing (if applicable). Preferences, if any, will then be used to determine the order of selection from the waiting list. If two applicants need the same type and size of unit and have the same preference status, the applicant with the earlier date and time of application will receive the earliest offer.
4. Further, in the selection of a family for a unit with accessible features, AMHA will give preference to families that include a person with disabilities who can benefit from the unit features.
5. In selecting applicants for offers of units, AMHA will take into account any local preferences that may be properly adopted following the statutory requirements of the Quality Housing and Personal Responsibilities Act of 1998 and local housing needs and conditions.
6. The local preferences, if any, described above will be a factor in most admissions, although there may be instances (e.g. a unit with accessible features is ready and no applicant in the targeted preference group needs the features) when the AMHA will make an offer to an applicant who does not qualify for a local preference. Certain types of transfers will also be processed with new admissions. See Section F, for the ratio of transfers to new admissions.
7. The applicant must accept the vacancy offered within 2 working days of the date the offer is communicated (by phone, mail, or the method of communication designated by the applicant) or be removed from the waiting list. (See good cause discussion below).
8. Due Process Rights for Applicants
To ensure that filling vacant units occurs in a timely manner, it is necessary to have a waiting list that is complete and accurate. While it is the responsibility of each applicant to keep AMHA apprised of any changes in his/her address, phone number, family income or other family circumstances, no applicant on the waiting list, now or in the future, shall be removed from the waiting list except when one of the following situations occurs:
 1. The applicant receives and accepts an offer of housing;
 2. The applicant requests that his/her name be removed from the waiting list;

disabilities.

17. Except that AMHA shall contact persons with disabilities according to the methods such individuals have previously designated. Such methods of contact could include verbal or written contact or relatives, friends or advocates rather than the person with disabilities.

See the Procedure on Informal Hearings for Rejected Applicants.

18. All rejected applicants are entitled to a complete explanation of the reason for their rejection and an informal hearing at which they may present reasons why they should not be rejected.

1. Examples of "good cause" for refusal of an offer of housing include, but are not limited to:
 1. An applicant is willing to accept the unit offered but is unable to move at the time of the offer and presents to the satisfaction of AMHA, clear evidence ("good cause") that acceptance of the offer of a suitable unit would result in undue hardship not related to considerations of race, color, sex, religion, family status, handicap, or national origin, the applicant will not be dropped to the bottom of the list.
2. Families whose applications are withdrawn or rejected as described above can only be placed on the waiting list again by applying for housing at a time that the waiting list is open or were withdrawn for refusing. In these cases, they will have a new date and time of application.
3. Families whose applications are withdrawn or rejected as described above can only be placed on the waiting list if an applicant is willing to accept the unit offered but is unable to move at the time of the offer and presents to the satisfaction of AMHA, clear evidence ("good cause") that acceptance of the offer of a suitable unit would result in undue hardship not related to considerations of race, color, sex, religion, family status, handicap, or national origin, the applicant will not be dropped to the bottom of the list.

C. Good Cause for Applicant Refusal of Unit Offer

4. Persons who fail to respond to AMHA attempts to contact them because of situations related to a disability shall be entitled to reasonable accommodation, provided that the situation can be verified to be related to a disability, in such circumstances AMHA shall reinstate these individuals to their former waiting list positions.
5. Persons who fail to respond to AMHA attempts to contact them because of situations related to a disability shall be entitled to reasonable accommodation, provided that the situation can be verified to be related to a disability, in such circumstances AMHA shall reinstate these individuals to their former waiting list positions.
6. Families whose applications are withdrawn or rejected as described above can only be placed on the waiting list if an applicant is unable to contact an applicant by first class mail to schedule a meeting, or interview or to make an offer, AMHA drop their name from the waiting list. The applicants next in sequence will be reinstated at the former waiting list position.
7. When AMHA is unable to contact an applicant by first class mail to schedule a meeting, he/she shall be reinstated at the former waiting list position.
8. If an applicant contacts AMHA as required within any of the deadlines stated above, he/she shall be reinstated at the former waiting list position.
9. If the applicant does not respond within five working days from the date when the AMHA mails the letter, the AMHA will attempt to contact the applicant by telephone from the numbers given on the letter, the AMHA will either by returning the Waiting List Update or in person, bring proof of application to contact AMHA either by returning the Waiting List Update or in person, asking the applicant to contact AMHA either by returning the Waiting List Update or in person, bringing proof of identity, and was unable to contact the applicant, the following two methods shall be undertaken before an application may be withdrawn:

4. The application is withdrawn because the AMHA attempted to contact the applicant for an annual waiting list update, to schedule a meeting or interview, to offer or show a unit, or for some other reason, and was unable to contact the applicant, the following two methods shall be undertaken before an application may be withdrawn:
 1. The applicant is rejected, either because he/she fails to meet the applicant selection criteria, or certificate, or because he/she is ineligible for public housing at the time of application, or because he/she fails to meet the applicant selection criteria, or

18 If the applicant has a child participating in such a program.

2. When offering an accessible/adaptable unit to a non-handicap applicant, AMHA will require the applicant to sign an agreement to move to an available non-accessible unit within 30 days when either a current

- features of the vacant unit.
- Second, to an eligible qualified applicant on the waiting list having a handicap that requires the special accessible/adapted unit).
- First, to a current occupant of another unit of the same development, or other public housing developments under AMHA's control, having a handicap that requires the special features of the vacant unit (in effect, a transfer of the occupant with a handicap from a non-adapted unit to the vacant unit which they have no good cause to refuse).
- 1. Before offering a vacant accessible unit to a non-handicap applicant, AMHA will offer such units:

D. Dwelling Units with accessible/adaptable features

3. AMHA will maintain a record of units offered, including location, date, and circumstances of each offer, and each acceptance or refusal, including the reason for the refusal.

- The applicant must be able to document that the hardship claimed is good cause for refusing an offer of housing. Where good cause is verified, the refusal of the offer shall not require that the applicant be dropped to the bottom of the waiting list or otherwise affect the family's position on the waiting list (in effect, the family's application will remain at the top of the waiting list until the family receives an offer for which they have no good cause to refuse).
- 2. The applicant is serving in a sequestered jury at the time of the unit offer.

- An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing; or
- 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; or
- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member;

The family demonstrates to AMHA's satisfaction that accepting the offer will place a family member in foster care or an educational program for children with disabilities; or

- The unit is inaccessible to source of employment, education, or job training, children's day care, or adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities;
- The unit has no Housing Quality Standards deficiencies and is room clean. If an applicant refuses a unit because it is not ready for move-in, the applicant will be offered the next unit that is ready for move-in;
- The unit is not ready for move-in at the time of the offer of housing. "Ready for move-in" means the unit has no Housing Quality Standard deficiencies and is room clean. It means the

the applicant refuses the unit, a signed reason for refusal should be obtained from the applicant if possible.

2. Once the unit is shown and the applicant accepts the unit, the occupancy staff will execute a lease. If the manager of the property will be advised of the offer and will contact the applicant to set up a date to show the unit.

1. When offering units, AMHA will provide the applicant with a brief property description and other information to help orient the applicant to the neighborhood and location in the property. Staff making offers will be familiar with AMHA's housing sites. If the offer of a unit is preliminarily accepted by the applicant, the manager of the property will be advised of the offer and will contact the applicant to set up a date to show the unit.

B. Showing Units Prior to Leasing

6. Residents must advise AMHA if they will be absent from the unit for more than 7 days. Residents are required to notify the manager and make arrangements to secure the unit and provide a means for AMHA to contact the resident in the event of an emergency. Failure to advise AMHA of an extended absence is grounds for termination of the lease.

(c) An appropriate rider will be prepared and made a part of the existing lease, or appropriate insertions made within the lease. All copies of such riders or insertions are to be dated and signed by the Resident and by the Executive Director or other authorized representative of the Housing Authority. [24 CFR § 966.4(o)]

(b) A Notice of Rent Adjustment will be executed, or

(a) A new lease agreement will be executed, or

5. If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:

4. If a resident transfers from one AMHA unit to another, a new lease will be executed for the dwelling into which the family moves. [24 CFR § 966.4(c)(3)]

3. Changes in family composition, income, or status between the time of the interview with the applicant and the showing of the unit, or between annual reexaminations will be processed centrally. Managers shall work with AMHA's central office to forward necessary information and coordinate this activity with the applicant or resident family.

2. The lease shall be signed by the head, spouse, and all other adult members of the household accepted as a resident family and by the Executive Director or other authorized representative of AMHA, prior to actual admission. [24 CFR § 966.4(p)]

1. All units must be occupied pursuant to a lease that complies with HUD's regulations [Required, 24 CFR § 966].

A. General Leasing Policy

V. Leasing Policies

Applications for admission and transfer will be processed centrally. Initial intake, waiting list management, screening, and assigning of housing (including transfers), will be made from the central office. Offers may be made in person, in writing or by phone from the central office or the development.

E. Leasing and Occupancy of Dwelling Units

resident or an applicant with a handicap needs the unit. This requirement is also reflected in the lease agreement signed with the applicant.

4. Residents who fail to notify AMHA of additions to the household of who permit persons to join the unauthorized occupants by AMHA and the entire household will be subject to eviction. [24 CFR § 966.4(f)(3)]

(e) Resident is being considered for an incentive Transfer.

(d) A unit is occupied by a remaining family member(s) under age 18 (who is not an emancipated minor) and an adult, not a part of the original household, requests permission to take over as the head of the household; and

(c) Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren) over the age for which juvenile justice records are available;

(b) Resident is awarded custody of a child over the age for which juvenile justice records are available;

(a) Resident plans to be married and files a request to add the new spouse to the lease;

3. Examples of situations where the addition of a family or household member is subject to screening are: State or locality modify its laws concerning the availability of police or court records for juvenile offenders. Although the resident still needs prior permission from AMHA to add children other than those born to or formal custody award or kinship care arrangement are exempt from the pre-admission screening process, Children under the age below which juvenile justice records are made available, or added through a

2. Following receipt of a family's request for approval to add a new person or persons to the lease, AMHA will conduct a pre-admission screening of any proposed new adult members. The results of screening shall be used to determine whether the AMHA will approve admitting the new member.

1. Only those persons listed on the most recent certification form and the lease must use the dwelling unit as their sole residence. Any family seeking to add a new member must request approval in writing prior to the new member occupying the unit. This would include situations in which a resident is granted custody of a child or children not previously listed on the application or lease. Also included, would be situations in which a person (often a relative) came to the unit as a visitor but stayed on in the unit because the tenant needed support, for example, after a medical procedure. [24 CFR § 966.4 (f)(3) & (c)(2)] All persons listed on the most recent certification form and the lease must use the dwelling unit as their sole residence.

C. Occupancy, Additions to the Household and Visitors

If an exception to AMHA's largest unit standard is approved for the applicant, this information will be noted on the leasing packet sent to the manager. No exceptions will be granted to the smallest unit standard, since this would result in overcrowding.

3. Managers will only show and lease units of the appropriate size. Families may choose to lease units of sizes between the largest and smallest unit for which they qualify. If a family opts to lease a unit smaller than the largest unit for which they qualify, the family shall agree in writing to remain in that size until family size or circumstances require a larger unit.

The form is then sent to central office for a "good cause" determination. No lease will have an effective date before the unit is ready for occupancy. [24 CFR § 966.4 (i)]

5. Visitors may be permitted in a dwelling unit so long as the visitors have no previous history of behavior on AMHA premises that would be a leasee violation. Tenants must follow the following lease requirements for visitors [Article VII (A)].
- This provision permits accommodations of Tenant's guests or visitors for a period not exceeding three (3) consecutive days or nights, or more than three (3) days or nights in any given week, or more than a total of fourteen (14) days (or portion thereof) per calendar year. Permitted, upon prior written request to the Public Housing Deputy Manager or designee, for an extension of this provision, which shall not be unreasonable. Any person in violation of the foregoing provision shall not nor shall they be permitted to move in with any family occupying a dwelling unit. Violation of this provision is ground for termination of the lease. [24 CFR § 966.4 (f) (2)]
6. In accordance with the lease, roomers and lodgers shall neither be permitted to occupy a dwelling unit, nor shall they be permitted to move in with any family occupying a dwelling unit. Violation of this provision is ground for termination of the lease. [Title VI of VAWA Sec. 603 and Sec. 607]
7. Residents will not be given permission to allow a former resident of AMHA who has been evicted to occupy the unit for any period of time. Violation of this requirement is ground for termination of the lease.
8. Family members over age 17 or emancipated minors who move from the dwelling unit to establish new households shall be removed from the lease. The resident has the responsibility to report the move-out within 30 calendar days of its occurrence.
9. Violence Against Women Act (Title VI of VAWA Sec. 603 and Sec. 607)
- (a) An incident or incidents of actual or threatened domestic violence, dating such violence.
- b. Criminal activity directly relating to domestic violence, dating violence, or stalking.
- c. The Allen Metropolitan Housing Authority may bifurcate a lease (divide it into two parts) to terminate assistance to remove a lawful occupant or tenant who engages in criminal acts of violence to family members or others without terminating assistance/evicting victimized lawful occupants.

19 If the AMHA has no units appropriate for incentive Transfers, but such units are developed or acquired in the future, this policy will be activated by Board resolution.

These transfers shall take priority over new admissions.

the household from attack by the criminal element in a particular property or neighborhood, or, based on threat assessment by a law enforcement agency, protect members of a household from life threatening hazards to life, health, or safety; alleviate vertifed disability problems of a life threatening transfers within sites or between sites may be made to: permit repair of unit defects immediately threat to resident life, health or safety, as determined by AMHA. Emergency immediacy imposes transfer when the unit or building conditions poses an

(a)

1. 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.

C. Types of Transfers

4. Tenants are entitled to use the AMHA Grievance Procedure if they are refused the right to transfer or if

AMHA is requiring them to transfer and they do not want to do so.

3. Tenants whose transfers are mandatory are subject to lease termination.

2. Tenants who refuse a transfer without good cause may be removed from the transfer list and above without losing their position on the transfer list.

1. Tenants on the transfer list may refuse transfer offers for the "good cause" reasons cited in Section C

admissions. Category 3 administrative transfers will be processed at the rate of four admissions to each transfer. The specific definitions of each type of transfer are covered in Section V, Transfers, below.

1. Emergency and Category 1 and 2 administrative transfers and incentive transfers will take priority over admissions. Category 3 administrative transfers and incentive transfers are covered in Section V, Transfers, below.

of the Admissions and Occupancy Policy.

AMHA has five possible types of transfers: Emergency, Administrative - Category 1, Category 2 and Category 3, and incentive transfers. The definition of each type of transfer is found in the Transfer section

B. Transfers

4. All transfers are to be completed in three (3) days as outlined in the Transfer Agreement or the tenant

will be required to pay rent on the unit being vacated. This rent will be based on the Flat rent and will be calculated per day until the move is completed.

3. Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfers or the removal of the household from the transfer list for voluntary transfers. The good cause standard applicable to new admissions shall apply to transfers.

2. Residents will not be transferred to a dwelling unit of equal size within a site or between sites except to alleivate hardship of the resident or other undesirable conditions as determined by the Executive Director or designee.

CFR § 100.5]

1. It is AMHA's policy that transfers will be made without regard to race, color, national origin, handicap, sex, religion, or familial status. Residents can be transferred to accommodate a disability. [Required, 24

A. General Transfer Policy

V. Transfer Policy

- | | | | | | |
|-----|---|---|--|--|---|
| (b) | Category 1 Administrative transfers include mandatory transfers to remove residents who are witness to crimes and may face reprisals (as documented by a law enforcement agency); provide housing options to residents who are victims of hate crimes or harassment; alleviate verbal medical problems of a serious (but not life-threatening) nature; permit modernization or demolition of units; or permit a family that requires a unit with accessible features to occupy such a unit. | These transfers shall take priority over new admissions. | Requests for these transfers will be made to the manager. The Resident shall provide the necessary documentation to substantiate the need for such transfers. Transfers may also be initiated by AMHA (e.g. moving a person with mobility problems to a unit with accessible features). | Category 2 Administrative transfers are mandatory transfers within sites or between sites to correct serious occupancy standards (over or under the AMHA's standards) as described below. | (c) |
| (d) | Category 3 Administrative transfers are mandatory transfers within sites or between sites if a family's size is between the smallest and largest size permissible for the unit, the family may be made to correct standard occupancy standards (over or under the AMHA's size is so small that it includes fewer persons than the number of bedrooms, or so large that the household members over age 6 would equal more than two persons per bedroom). These transfers are mandatory. | These transfers will take priority over new admissions. | Category 2 transfers to correct occupancy standards will only be made if the family size is between the smallest and largest size permissible for the unit, the family may be made to correct standard occupancy standards (over or under the AMHA's size is so small that it includes fewer persons than the number of bedrooms, or so large that the household members over age 6 would equal more than two persons per bedroom). These transfers are mandatory. | Category 3 Administrative transfers are mandatory transfers within sites or between sites if a family's size is between the smallest and largest size permissible for the unit, the family may be made to correct standard occupancy standards (over or under the AMHA's size is so small that it includes fewer persons than the number of bedrooms, or so large that the household members over age 6 would equal more than two persons per bedroom). These transfers are mandatory. | (d) |
| (e) | Incentive Transfers: As described in detail below, Incentive Transfers are offered to new or recently modernized units, including townhouses, on a nondiscriminatory basis to residents with good rental histories. | These transfers will take priority over new admissions. | Incentive Transfers: As described in detail below, Incentive Transfers are offered to new or recently modernized units, including townhouses, on a nondiscriminatory basis to residents with good rental histories. | These transfers will take priority over new admissions. | Incentive Transfers: As described in detail below, Incentive Transfers are offered to new or recently modernized units, including townhouses, on a nondiscriminatory basis to residents with good rental histories. |
| 2. | Whenever feasible, transfers will be made within a resident's area. | These transfers take priority over new admissions, with transfers being processed at the rate of three transfers to each admission. | These transfers take priority over new admissions, with transfers being processed at the rate of three transfers to each admission. | These transfers take priority over new admissions, with transfers being processed at the rate of three transfers to each admission. | 2. Whenever feasible, transfers will be made within a resident's area. |
| D. | Processing Transfers | A centralized transfer waiting list will be administered by the Occupancy Division. Managers are responsible for submitting requests for transfer including necessary documentation, to the Occupancy Division. Managers are responsible for submitting requests for transfer including necessary documentation, to the Occupancy Division. Managers are responsible for submitting requests for transfer including necessary documentation, to the Occupancy Division. | A centralized transfer waiting list will be administered by the Occupancy Division. Managers are responsible for submitting requests for transfer including necessary documentation, to the Occupancy Division. Managers are responsible for submitting requests for transfer including necessary documentation, to the Occupancy Division. | A centralized transfer waiting list will be administered by the Occupancy Division. Managers are responsible for submitting requests for transfer including necessary documentation, to the Occupancy Division. | D. Processing Transfers |

- (c) meet reasonable housekeeping standards and have no housekeeping lease violations; and
- (b) do not owe back rent or other charges, or evidence a pattern of late payment;
- (a) have not engaged in criminal activity that threatens the health and safety of residents and staff;

only if the head of household and any other family members for the past two years.

1. In general, and in all cases of all resident-requested transfers, residents will be considered for transfers

E. Good Record Requirement for Transfers

7. Category 3 administrative transfers will be processed with new admissions using a ratio of 1 transfer for every 4 new admissions. This ratio is discretionary and will be reviewed at least annually to determine its effects on vacancy. Based on recommendations from staff, the Executive Director may authorize a change in this ratio or suspend the processing of this type of transfer.

6. Split-family transfers will be processed as Category 2 administrative transfers. Families that split into "new" households may be transferred to two different units or a portion of the "old" household may be transferred to a single unit depending on family circumstances and unit availability. Options for split-family transfers will be considered in order to minimize the impact on vacant units. Such transfers will be made in a manner that best benefits AMHA.

5. When a head of a household, originally housed in a bedroom by himself/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. Exceptions: spouse or partner returns to the unit, marriage takes place, or family decides to remain in the unit and the unit is large enough (using the smallest-unit standard) to accommodate the number of persons now in the household. Other than for births or adoptions that occur during tenancy, AMHA's prior approval of additional transfers to the household is required.

4. Residents in a Category 2 overunder 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. Interviewers will record transfer recommendations for each manager affected by the transfer.

3. Category 2 transfers to correct occupancy standards may be recommended at time of re-examination or interim re-determination. This is the only method used to determine over/under housed status.

Within each category, transfer applications will be sorted by the date the completed file (including any verification needed) is received from the manager.

Category 3 Administrative Transfers

• Applicants, and, at a rate of four applicants to every transfer,

Incentive Transfers

• Category 2 Administrative Transfers,

• Category 1 Administrative Transfers,

• First: Emergency transfers, then

2. Transfers will be sorted into their appropriate categories by the Occupancy staff. Admissions will be made in the following order:

1. Residents shall bear the cost of transfers to correct occupancy standards. However, where there is a hardship due to health, handicap, or other factors, the manager may recommend that families be reimbursed their out-of-pocket expenses for an occupancy transfer in an amount not to exceed a

G. Cost of Transfers

4. A Manager's failure to process or recommend an incentive Transfer is subject to the Grievance Procedure.
3. No exceptions will be granted to the good record requirement for incentive transfers.
2. Incentive transfers are Category 2 administrative transfers.
 - (iv) Good housekeeping record.
- (iii) No history of disturbances that resulted in lease violations or violence toward staff or neighbors as indicated by notices of lease violation in the applicant's file.
- (ii) Residence in a AMHA development for a least three years.
- (i) No more than two repayment agreements, or unpaid balances at any time in the past two (2) years.

Resident requests for incentive transfers should be made to their Housing Manager. Managers may also recommend a resident for an incentive transfer. For a resident to be considered for an incentive transfer, the following conditions must be met

Incentive Transfers - AMHA may occupy recently modernized and scattered site units through incentive transfers. Depending on AMHA's vacant unit status, modernized units reserves the right to fill modernization units in a manner that has the least impact on vacant units.

Reserves the right to fill incentive transfers, new applicants, or a combination of both. AMHA will be filled with incentive transfers. new applicants, or a combination of both. AMHA through incentive transfers. Depending on AMHA's vacant unit status, modernized units they currently occupy.

1. Incentive transfers are offered to residents without regard to their race, color, national origin, sex, handicap, or familial status, who have good rental histories and want to move to units other than those they currently occupy.

F. Incentive Transfers

- (a) If back rent is owed, the resident will not be transferred until a payment plan is established or, if prior payment plans have failed, back rent is paid in full.
 - (b) A resident with housekeeping standards violations will not be transferred until he/she passes a follow-up housekeeping inspection.
 - (c) Absent a determination of exception, the following policy applies to transfers:
- When it is to AMHA's advantage (e.g. a single person is living alone in a three bedroom unit and does not want to move) to move forward with the transfer. The determination to make an exception to the good record requirement will be made by the central transfer administrator taking into account the recommendation by the Manager.
2. Exceptions to the good record requirement will be made for emergency transfers or may be made when it is to AMHA's advantage (e.g. a single person is living alone in a three bedroom unit and does not want to move) to move forward with the transfer. The determination to make an exception to the good record requirement will be made by the central transfer administrator taking into account the recommendation by the Manager.

(d) can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities).

3. Zero Income Families: Unless the family has income that is excluded for rent computation, families reporting zero income will have their circumstances examined every 90 days until they have a stable income. Persons claiming zero income will also be asked to complete a family expense form. The form will report the family's expenses.

2. Special Reexaminations: When it is not possible to estimate projected family income with any degree of accuracy at the time of admission or reexamination, a temporary determination will be made with respect to income and a special reexamination will be conducted every 90 days until a reasonably accurate estimate of income can be made. The resident will be notified in advance as to the date for the special reexamination(s). Special reexamination shall also be conducted when there is a change in the head of household that requires a remaining family member to take on the responsibilities of a lessorholder.

1. Regular reexaminations: AMHA shall, at least once a year, re-examine the incomes of all residents families. [24 CFR § 960.257 (a)]

C. Periodic Reexamination

2. Remaining family members under age 18 shall not be held responsible for the rent arrearages incurred by the former head of household.

1. As a party to the lease, remaining family members 18 years of age or older (other than the head or spouse) will be held responsible for arrearages incurred by the former head or spouse. AMHA will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred prior to the remaining member attaining age 18.

B. Remaining Family Members and Prior Debt

6. All residents must apply for all income for which they may be eligible such as; SS, SSI, Child Support, and any other potential source.

5. Who are in compliance with the AMHA's 8 hour per month community service requirements (applicable to certain adults who are neither elderly, disabled, working nor participating in qualifying educational or job training programs).

4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent. [24 CFR § 5.5]

3. Whose family members each have Social Security numbers or have certifications on file indicating they have no Social Security number.

2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.

1. Qualify as a family as defined in Section XII of this policy. (Note: For purpose of continued occupancy, remaining family members qualify as a family so long as at least one of them is of legal age to execute a lease. Remaining family members can also include recognized emancipated minors under the age of 18.)

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

A. Eligibility for Continued Occupancy

And Remaining Family Members

V. Eligibility for Continued Occupancy, Annual Reexaminations,

for or made by AMHA.

1. Residents are required to report all changes in family income, composition or status to the housing manager within 10 calendar days of the occurrence. Failure to report within the 10 calendar days may result in a retrospective rent increase, but not a retroactive credit or rent reduction. In order to qualify for rent reductions, residents must report income decreases promptly.

A. Rent Adjustments

VII. Interim Rent Adjustments: Fixed Rent System

If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described above in this policy and moved to an appropriate unit when one becomes available. [24 CFR § 966.4(c)(3)]

(b) If there is any change in rent, the lease will be amended, or a new lease will be executed, or a Notice of Rent Adjustment will be issued.

5. Action Following Reexamination

Families failing to respond to the initial reexamination appointment will be issued a final appointment within 30 days. Failure to respond to the final request will result in the family being sent a notice of lease violation and referred to the Housing Manager for failure to comply with the terms and conditions of occupancy required by the lease. Failure to comply will result in termination of the lease. [24 CFR § 966.4(c)(2)]

(c) Income shall be computed in accordance with the definitions and procedures set forth in Federal regulations and this policy. [24 CFR § 5]

(d) Residents with a history of employment whose regular reexamination takes place at a time that they are not employed will have income anticipated based on their past and anticipated employment. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of the circumstances of their employment including start and ending dates.

(e) (iii) Rent the family should pay.

(ii) Eligibility of the resident as a family or as the remaining member of a family;

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

(b) Employment, income, allowances, Social Security numbers, and such other data that is unreported income. [24 CFR § 960.257]

(a) At the time of reexamination, all adult members of the household will be required to sign an application for continued occupancy and other forms required by HUD.

4. Reexamination Procedures

Residents to estimate how much they spend on: telephone, cable TV, food, clothing, transportation, health care, child care, debts, household items, etc. Residents will then be asked how they pay for these items. (P.H. Occupancy guide book, pg. 15)

20. Decreases in income resulting from welfare fraud or form TANF cuts for failure to comply with economic self sufficiency requirements are not eligible for rent reductions.

1. Rent decreases go into effect the first of the month following the reported change. Residents will be notified in writing of any rent adjustment and such notice will state the effective date of the adjustment.

B. Effective Date of Adjustments

(a) When a decrease in income is reported, and the Authority receives confirmation that the decrease will last less than 30 days, an interim adjustment will not be processed.

(b) Residents reporting decreases in income that are expected to last more than 30 days will have an interim adjustment processed.

4. AMHA will process interim adjustments in rent in accordance with the following policy:

3. Complete verification of the circumstances applicable to rent adjustments must be documented and approved by the Executive Director or his/her designee. [24 CFR § 960.206]

(e) AMHA will process an interim increase in rent if it is found that the resident at an annual or interim reexamination has misrepresented facts upon which the rent is based so that the rent misrepresentation occurred.

INCOME CHANGE	AMHA ACTION
(a) Decrease in income for any reason, except for decreases that last less than 30 days [24 CFR § 913.107] increase in income following a decrease in rent if the income decrease will last more than 30 days. AMHA will process an interim increase for rent reductions. AMHA granting of interim rent decrease.	• AMHA will process an interim reduction in rent for decreases that last less than 30 days [24 CFR § 913.107] increase in income following a decrease in rent if the income decrease will last more than 30 days. AMHA will process an interim increase for rent reductions.
(b) Increase in earned income from the employment of a current household member.	• AMHA will defer the increase to the next regular reexamination.
(c) Increase in unearned income (e.g. COLA adjustment for Social Security).	• AMHA will defer the increase to the next regular reexamination.
(d) Increase in income because a person with income (from any source) joins the household.	• AMHA will process the change in family composition and income. The family will be given a 30 day written notice of any increase in rent.

2. AMHA wishes to encourage families to improve their economic circumstances, so most changes in family income between reexaminations will not result in a rent change. AMHA will simply make a note of the reported increase in the resident's file. AMHA will process interim charges in rent in accordance with the chart below:

- The Following offenses may constitute a termination of the lease:
1. Assigning the lease or subleasing the dwelling unit.
 2. Giving accommodation to boarders or lodgers in violation of the lease. Giving accommodation to guest(s) without the advance written consent of AMHA; harboring a fugitive.
 3. Using the dwelling other than as the sole private dwelling for tenant's household.
 4. If the resident's household does not abide by the necessary and reasonable regulations for the benefit and well being of the housing projects and residents as given to the residents by the AMHA as a notification anytime throughout the year.
 5. Non-compliance with state and local building or housing codes, materially affecting health and/or safety of resident and household, other residents, adjacent neighbors, or employees of the Housing Authority.
 6. Not keeping unit in a clean and safe condition as defined by the Public Housing Rules and regulations, including mowing, maintaining trees, shrubs and fence lines; keeping sidewalls, front and rear entrances and walkways free of snow, ice or obstructions.
 7. Failure to dispose of all garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner in containers approved by AMHA and/or appropriate jurisdiction, i.e., City of Lima.
 8. Resident household members or guests littering or leaving trash and debris in common areas including the outside of the dwelling unit.
 9. Resident's household members or guests improve property using any/all electrical, sanitary, heating, ventilation, air-conditioning, and other facilities and appurtenances including elevators.
 10. If household member or guest destroys, defaces, damages, or removes any part of the dwelling unit or project.
 11. Failure to pay reasonable charges (other than wear and tear) for the repair of damages to the dwelling unit, project buildings, facilities or common areas.
- A. General Policy: Lease Termination
- VIII. Lease Termination Procedures
- If it is found the resident has misrepresented or failed to report to Landlord the facts upon which his/her rent is based so that the rent being paid is less than what should have been charged, then the increase in rent will be made retroactive. Failure to report accurate information is also grounds for initiating eviction proceedings in accordance with AMHA's dwelling lease. [24 CFR § 966.4 (i)(2)]
- It is AMHA's policy that no resident's lease shall be terminated except in compliance with applicable HUD regulations [24 CFR § 966.4 (i)(2)] and the lease terms.
- C. Failure to Report Accurate Information
1. Rent increases (except those due to misrepresentation) require 30 days notice and become effective the first of the second month.
 2. Rent increases (except those due to misrepresentation) require 30 days notice and become effective the

12. Resident household members or guest depriving other residents or neighbors of the peaceful enjoyment of their accommodations.
13. Resident, any member of the household, guest, or other persons invited on the premises by household member engages in any criminal activity that threatens the health safety, or right to peaceful enjoyment of AMHA public housing premises by other residents, neighbors, agents, or employees of AMHA, or any drug related criminal activity on or off the premises. Any criminal activity in violation of the preceding sentence shall be cause for termination of tenancy, and eviction from the unit. The term drug related criminal activity means the illegal possession, manufacture, sale, distribution, use or possession of controlled substances under the Comprehensive Substance Abuse Act.
14. Resident alters, repairs, redecorates the interior of the dwelling, alters equipment, and installs additional equipment or major appliances including security equipment, without written consent of AMHA. Resident changes locks or installs new locks on interior or exterior doors without AMHA written approval.
15. Household leaves unit unoccupied for any period exceeding one calendar week without notice to AMHA.
16. Resident's household or guest(s) act or speak in an abusive or threatening manner toward residents, neighbors, or AMHA staff.
17. Resident's household or guest(s) display, use or possess any firearms, (operable or inoperable) or other offensive weapons as defined by the laws and courts of the State of Ohio anywhere in the unit or elsewhere on the property of AMHA.
18. Resident's household does not take reasonable precautions to prevent fires and/or improper storage of flammable materials on the premises.
19. Obstructs sidewalks, areasways, galleries, passageways, elevators, or stairs and uses these for purposes other than going in and out of the dwelling unit.
20. If resident erects, installs, or hangs radio, telephone or television antennas, cables or satellite dishes on or form any part of the dwelling unit without written approval of AMHA.
21. Resident's household places signs in or about the dwelling unit or apartment complex without written permission of AMHA.
22. If resident's household keeps, maintains, harbors or boards any dog, cat, livestock, or pet of any nature in the dwelling unit or on the grounds of any AMHA development not in accordance with the AMHA pet policy. This includes pet sitting.
23. Resident does not notify AMHA of all household vehicles or obtain stickers for vehicles. Resident does not remove any vehicles which do not have valid registration and stickers, inoperable unlicensed vehicles. Parks in any right-of-way or fire lane designated and marked by AMHA.
24. Resident does not maintain utilities to dwelling unit as outlined in lease.
25. If any member of the family commits a felony, non-violent criminal activity, drug related activity, or violent criminal activity.

- Name of resident and address.
 - Date of the Notice of Lease Termination.
 - Specific reason(s) for the Notice(s) and other facts pertinent to the issuing of the Notice(s) described in detail;
 - Date and method of notifying resident; and
 - Summaries of any conferences held with resident including dates, names of conference participants and conclusions.

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

C. Recordkeeping Requirements

1. No resident shall be given a Notice of Lease Termination without being told by AMHA in writing the reason for the termination. The resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure, and be given the opportunity to make such a reply as he/she may wish.
 2. Notices of lease termination may be served personally, and/or posted on the unit door.
 3. The Notice shall include a statement describing right of any resident with a disability to meet with manager and determine whether a reasonable accommodation could eliminate the need for the lease terminates.

B. Notice Requirements

26. If residents or household members fails to sign and submit consent forms or fails to recently annulally.

27. If any household member commits fraud; bribery; or any other corrupt or criminal act in connection with any Federal Housing program.

28. If any household member currently owes rent or other amounts to AMHA or to other Housing Authority in connection with Section 8 or Public Housing assistance under the 1987 Act.

29. If any household member breaches an agreement with AMHA to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority, AMHA may offer a family the opportunity to enter and agreeement to pay amounts owed to a Housing Authority or a family the opportunity to enter and agreeement to pay amounts owed to a Housing Authority, AMHA may prescribe the terms of the agreement.

30. If any household member is subject to a lifetime registration requirement under a State sex offender registration program.

31. If any household members illegal use (or pattern of illegal use) of a controlled substance, or whose abuse (or pattern of abuse of alcohol, is determined by the AMHA to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

2. Residents with disabilities may be entitled to higher than normal utility allowances or may not be charged for the use of certain residential-supplied appliances if there is a verified need for special equipment because of the disability.

1. Check-metered developments or buildings: In buildings that are check metered, residents shall have consumption-based utility allowances established that reflect the size and type of units and the actual equipment provided by the ACHA. Quarterly the check meters shall be read by the ACHA and each tenant charged for any consumption in excess of the utility allowance.

B. Excess Utility Charges

6. Paying the utility bill is the residents obligation under the Authority's lease. Failure to pay utilities is grounds for eviction.

5. If an applicant is unable to get utilities connected because of a previous balance owed the utility company at a prior address, applicant will not be admitted and will receive a Notice of Rejection.

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

3. When the supplier of utilities offers a "Budget" or level payment plan, it shall be suggested to the resident to pay his/her bills according to this plan. This protects the resident from large fluctuations in utility bills and ensures adequate heat in the winter.

2. Payment of utility remunerations made directly to the utility companies on residents behalf will be implemented after July 1, 2001 when agreements can be made with individual companies.

The payment of utility remunerations made directly to the utility companies on residents behalf will be normally be designated to be applied to the billing from the heat source.

1. When a resident's Total Tenant Payment is less than the utility allowance, ACHA will pay a utility remuneration, equal to the difference between one month's total tenant payment and the utility remuneration, to the resident or directly to a designated utility company on the resident's behalf. The amount and utility company assignment shall be based on the total amount of the utility remuneration.

2. When a resident's Total Tenant Payment is less than the utility allowance, ACHA will pay a utility remuneration with resident-paid utilities, each resident will receive a monthly utility allowance that reflects a reasonable amount of utilities for the specific size and type of unit occupied.

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

A. Resident-Paid Utilities

In certain of ACHA's developments, residents may pay the cost of certain utilities directly to the supplier of utilities. When this is the case, resident rents are reduced by an Allowance for Utilities that is developed by ACHA in consultation with an energy consultant and the utility supplier and reviewed by HUD. [24 CFR § 965 & 966.4 (b)(2)]

Families paying flat rents are required to recertify income every year and the flat rent a tenant is paying will be adjusted annually to reflect the actual market value of the unit.

C. Recertification of Families on Flat Rents

Federal rules require AMHA to review their Flat Rent structure annually and adjust the rents as needed. Factors such as improvement or decline in the AMHA property or the surrounding neighborhood would affect AMHA's flat rents at selected developments.

B. Annual Update of Flat Rents

- Availability of accessible units for persons with mobility impairments
- Availability of public transportation at each AMHA development
- Quality of local schools serving each AMHA development
- Crime in AMHA's developments and the surrounding neighborhood
- Education/job training programs, etc.) at AMHA's properties and in the surrounding neighborhood
- Amenities (childcare, laundry facilities, playgrounds, community rooms, social services,
- Land use in the surrounding neighborhood
- Age, type of unit and condition of AMHA's units compared to non-assisted rental units from the neighborhood
- Size of AMHA's units compared to non-assisted rental units from the neighborhood
- Rents of non-assisted rental units in the immediate neighborhood

Flat rents are required by the Quality Housing and Work Responsibility Act of 1998, and are market-based rents. Accordingly, they will vary by unit size and type and also by development location. Once each year, the annual recertification, all residents will be offered the choice of paying an income-based rent or the flat rent. Flat rents represent the actual market value of AMHA's housing units. Accordingly, AMHA will take the following information into account in developing its Flat rent Schedule:

A. Flat Rents

X. Flat Rent

- A. Annual income (24 CFR 5.609)
- X1. Definitions and Procedures to be used in Determining Income and Rent
- Annual income is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member including all net income from assets for the 12-month period following the effective date of initial determination or reexamination of income, exclusive of income that is temporary, non-recurring, or sporadic as defined below, or is specifically excluded from income by other federal statute. Annual income includes but is not limited to:
1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
 2. The net income from operation of a business, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight line depreciation of real or personal property is permitted. An amortization of capital indebtedness shall not be used as deductions in determining the net income from a business if the Family has Net Family Assets in excess of \$5,000. Annual income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate as determined by HUD;
 3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income from a business if the Family has Net Family Assets in excess of \$5,000. Annual income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate as determined by HUD;
 4. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts [See B. 14, below for treatment of delayed or deferred periodic payment of social security or supplemental security income benefits.];
 5. Payments in lieu of earnings, such as unemployment and disability compensation, workers' compensation, and severance pay (But see Paragraph B. 3, below concerning lump-sum additional payments as Family assets);
 6. All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any family member shall be counted. After admission to the housing assistance program the agency shall include imputed welfare income. The family's annual income includes the amount of imputed welfare income, plus the total amount of other annual income as determined in accordance with [24 CFR 5.615 (c)].
 7. Periodic and determinable allowances, such as alimony and child support payments, and regular cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members and [24 CFR 5.615 (c)].
 8. All regular pay, special pay, and allowances of a family member in the Armed Forces. (See paragraph B. 7, below concerning pay for exposure to hostile fire.)

- E. Items not included in Annual Income [24 CFR § 5.609]
- Annual income does not include the following:
1. Income from the employment of children (including foster children) under the age of 18 years;
 2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
 3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, and workers' compensation), capital gains, one-time lottery winnings, and settlement for personal property losses (but see Paragraphs 4 and 5 above if the payments are of will be periodic in nature);
 4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
 5. Income of a live-in aide, provided the person meets the definition of a live-in aide (See Section 12 of these policies);
 6. The full amount of student financial assistance paid directly to the student or the educational institution; (FR Vol. 60, #65/5 April 1995)
 7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
 8. Certain amounts received that are related to participation in the following programs:
 - (a) Amounts received under HUD funded training programs (e.g. Step-up program; excludes stipends, wages, transportation payments, child care vouchers, etc. for the duration of the training);
 - (b) Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - (c) Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program;
 - (d) A resident services stipend. A resident services stipend is a modest amount (not to exceed \$200/month) received by a public housing resident for performing a service for the AMHA, usually on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordinates the local government), and training of family members as resident affiliated with the local government (including training programs not affiliated with the state of local employment training to any family member from participation in incremental earnings and/or benefits resulting to any family member from participation in only for a limited period as determined in advance by the AMHA);

9. Temporary, non-recurring, or sporadic income (including gifts):
10. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
11. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household and spouse);
12. Adoption assistance payments in excess of \$480 per adopted child;
13. The incremental earnings and benefits to any resident 1) whose annual income increases due to employment of a family member who was unemployed for one or more years previous to employment; or 2) whose annual income increases as the result of increased earnings by a family member during participation in any economic self sufficiency or other job training program; or 3) whose annual income increases due to new employment or increased earnings of a family member during or within six months of receiving state-funded assistance for needy families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance - provided that the increase in income as a result of employment. For the 12 months following the exclusion period, 50% of the income increase shall be excluded.
- (a) State-funded assistance, benefits or services means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act;
- (b) During the 12 month period beginning when the member is first employed or the family first experiences an increase in income the AMHA must exclude from Annual Income regardless of how long it takes a resident to work for 12 months (to qualify for the first period for the disallowance (exclusion) is 48 months.
- (c) Regardless of how long it takes a resident to work for 12 months (to qualify for the first period for the disallowance (exclusion) is 48 months (to qualify for the second exclusion) or the second 12 months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is 48 months.
- (d) The disallowance of increased income under this section is only applicable to current residents and will not apply to applicants who have begun working prior to admission.
14. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment;
15. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
16. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
17. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility for benefits under a category of assistance programs that include under the United States Housing Act of 1937. (A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.)

- The following is a list of benefits excluded by other Federal Statutes:
 - The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 [7 USC 2017 (h)];
 - Payments to volunteers under the Domestic Volunteer Service Act of 1973 [42 USC 5044 (g), 5088];
 - Examples of programs under this Act include but are not limited to:
 - the Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service;
 - Small Business Administration Programs such as the National Volunteer Program to assist Small Businesses and Promote Volunteer Service to Persons with Disabilities
 - Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes [25 USC 459e];
 - Payments received under the Alaska Native Claims Settlement Act [43 USC 1626 (a)];
 - Payments received under the Alaska Native Claims Settlement Act [43 USC 1626 (a)], Executive (ACE).
- National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program;
- Examples of programs under this Act include but are not limited to:
 - the Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service;
 - Small Businesses Administration Programs such as the National Volunteer Program to assist Small Businesses and Promote Volunteer Service to Persons with Disabilities
 - Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes [25 USC 459e];
 - Payments received under the Alaska Native Claims Settlement Act [43 USC 1626 (a)], Executive (ACE).
- Payments or allowances made under the Department of Health and Human Services Low-income Home Energy Assistance Program [42 USC 8624 (f)];
- Payments received under programs funded in whole or in part under the Job Training Partnership Act [29 USC 1552 (d)];
- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians [Pub. L. 94-540, 90 Stat 2503-04];
- The first \$2000 of per capita shares received from judgments awarded by the Indian Claims Commission or the Court of Claims (25 USC 1407-08), or from funds held in trust for an Indian Tribe by the Secretary of Interior [25 USC 117b, 1407]; and
- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal Work-study program or under the Bureau of Indian Affairs student assistance programs [20 USC 1087 uu];
- Examples of Title IV programs include but are not limited to: Basic Educational Opportunity Grants (PELL Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.
- Payments received from programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)]:
 - Examples of programs under this Act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aging, National Urban League, Association National Pro Persons Mayores, National

2. Dependent Deduction — An exemption of \$480 for each member of the family residing in the household (other than the head of household, or spouse, Live-in Aide, foster adult or foster child) who is under

responsible by AMHA when the expense is incurred to permit education or to seek employment.
amount of income earned by the family member released to work; or (b) an amount determined to be his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed: (a) the care is necessary to enable a family member to be gainfully employed, to seek employment or to further children under 13 years of age for the period for which Annual income is computed, BUT ONLY when such

1. Child Care Expenses — A deduction of amounts anticipated to be paid by the family for the care of

following deductions and exemptions:

5.603) of the members of the family residing or intending to reside in the dwelling unit, after making the Adjusted Income means Annual income (as determined by the responsible entity, defined in § 5.100 and §

C. Adjusted Income [24 CFR § 5.611]

a. Annualization of income. If it is not feasible to anticipate a level of income over a 12-month period, subject to a redetermination at the end of the shorter period. [24 CFR § 5.609 (17)(d)].
Indicator of expected future income, the PHA may annualize the income anticipated for a shorter period (e.g., seasonal or cyclic income), or the PHA believes that past income is the best available

18. Amounts specifically excluded by any Federal statute from consideration as income for purposes of exclusion. Updates will be published and distributed when necessary.
Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this any program to which the exclusions set forth in 24 CFR 5.609 (c) apply. A notice will be published in the determining eligibility or benefits under a category of assistance that includes assistance under

• Workforce Investment Act of 1998 (29 U.S.C. 2931).

• [ix] Allowances, earnings and payments to individuals participating in programs under the

• Any amount of crime victim compensation (under the Victims of Crime Act) received through application under the Victims of Crime Act (42 U.S.C.10602);

• Any amount of crime victim compensation (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

• Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spinal bifida who is the child of a Vietnam veteran (38 U.S.C.1805);

• Earmarked income tax credit refund payments received on or after January 1, 1991 [26 USC 32 (d)].

• The value of any child care provided or arranged (or any amount received as payment for such

• Care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 [42 USC 985g];

• Payments received under the Native Indian Claims Settlement Act of 1980 [Pub. L. 96-420, 94 Stat. 1785];

• Payments received under the Agent Orange Settlement Fund or any other fund established in the in Re Agent Orange Product Liability litigation;

• Senior Citizens, and Green Thumb.

Council on Aging, American Association of Retired Persons, National Council on

3. Work-related Handicap Expenses — A deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus may include but are not limited to: wheelchair lifts, lifts, reading devices for the visually impaired, and equipment added to cars and vans to permit their use by the disabled family member. Also included would be the annualized cost differential between a car and the cost of a van required by the family member with the handicap.
- a. For non-elderly families and elderly families without medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less the three percent of Annual income (provided the amount so calculated does not exceed the employment income earned).
- b. For elderly families with medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related handicapped expenses less the three percent of Annual income (provided the amount so calculated does not exceed the employment income earned by the family member with the handicap).
5. Eamed Income of Minors — All amount earned by family members other than the head or spouse who are under age 18.
6. Child Support — All court ordered child support payments made by a head of household or spouse for minor children not living full time in the household.
- For elderly and handicap families only:
5. Medical Expenses Deduction — A deduction of unreimbursed Medical Expenses, including insurance premiums, anticipated for the period for which Annual income is computed.
6. Child Support — All court ordered child support payments made by a head of household or spouse for minor children not living full time in the household.
- For elderly and handicap families only:
5. Medical Expenses Deduction — An exemption of \$400 per household. See Definitions in the next section.
7. Elderly/Handicap Household Exemption — An exemption of this policy and would be noted here.
8. Optional Deductions/Exemptions: AMHA may choose to amend this policy and grant further exemptions or deductions to families with members who are employed. Any such exemption or deduction would require an amendment of this policy and would be noted here.

When an individual dwelling unit in an existing facility is being modified for use by a specific individual, the unit will not be deemed accessible unless it meets the UFAS standards. Individual, unless it also meets the UFAS standards.

of this paragraph.

standards set forth in 8.32 [the Uniform Federal Accessibility Standards] is "accessible" within the meaning handicaps. A unit that is on an accessible route and is adaptable and otherwise in compliance with the handicaps. A unit that is on an accessible route and is adaptable and used by individuals with physical constructed, altered, or adapted can be approached, entered, and used by individuals with physical

individual dwelling unit, means that the unit is located on an accessible route and when designed,

1. Accessible dwelling units -- when used with respect to the design, construction or alteration of an

XII. Definitions of Terms Used in This Statement of Policies

The minimum rent hardship exemption is retroactive to October 21, 1998, so if any resident who qualified for the hardship exemption was charged a minimum rent since that time, the resident may be entitled to a retroactive credit.

- Other circumstances as determined by AMHA
- A death in the family has occurred; or

The income of the family has decreased because of changed circumstances, including loss of employment;

- The family would be evicted as result of the imposition of the minimum rent requirements;
- State or local assistance program;
- The family has lost eligibility for or is applying for an eligibility determination for a Federal,

10. The Minimum Rent shall be \$25 per month, but a hardship exemption shall be granted to residents who can document that they are unable to pay the \$25 because of a long-term hardship (over 90 days). Examples under which residents would qualify for the hardship exemption to the minimum rent would include but not be limited to the following:

9. Tenant rent is computed by subtracting the utility allowance for tenant supplied utilities (if applicable) from the Total Tenant Payment. In developments where the AMHA pays all utility bills directly to the utility supplier, Tenant Rent equals Total Tenant Payment.

- Minimum Rent
- 10% of monthly income; but never less than the
- 30% of adjusted monthly income; or

2. Total Tenant Payment is the highest of:

- i. Occupying a unit that has tenant-paid utilities, the Utility Allowance is subtracted from the Total Tenant Payment less the result of this computation, if a positive number, is the Tenant Rent. If the Total Tenant Payment less the result of this computation, if a negative number, is the Utility reimbursement, which may be paid to the tenant or, if they tenant agrees, directly to the utility company by the AMHA.
- ii. The first step in computing rent is to determine each family's Total Tenant Payment. Then, if the family is occupying a unit that has tenant-paid utilities, the Utility Allowance is subtracted from the Total Tenant Payment less the result of this computation, if a positive number, is the Tenant Rent. If the Total Tenant

1. Accessibile Facility - means all or any portion of a facility other than an individual dwelling unit used by individuals with physical handicaps.

2. Accessible Route - For persons with mobility impairment, a continuous nonobstructed path that complies with space and reaches requirements of the Uniform Federal Accessibility Standards. For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility. [24 CFR § 8.3 & § 403.5]

3. Adaptability - Ability to change certain elements in a dwelling unit to accommodate the needs of handicapped and non-handicapped persons, or ability to meet the needs of persons with different types of disabilities.

4. Adjusted Income - Annual income, less allowable HUD deductions. [CRF 5.611]

5. Admission - Admission to the program is the effective date of the lease.

6. Annual Income. The anticipated total annual income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations. [CFR 5.609]

7. Alteration - Any change in a facility or its permanent fixtures or equipment. It does not include: normal maintenance or repairs, roofing, interior decoration or changes to mechanical systems. [24 CFR § 8.3 & § 8.23 (b)]

8. Annual Income. The anticipated total annual income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

9. Applicant - a person or a family that has applied for admission to housing.

10. Area of Operation - The jurisdiction of the ALHA as described in applicable State law and the AMHA's articles of incorporation.

11. Assets - Assets means "cash (including checking accounts), stocks, bonds, savings, equity in real property, or the cash value of life insurance policies. Assets do not include the value of personal property such as furniture, automobiles and household effects or the value of business assets." IMPROTANT: See definition of Net Family Assets.

12. Auxiliary Aids - means 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. (24 CFR § 8.3)

13. Care Attendant - a person that regularly visits the unit of a ALHA resident to provide supportive services. Care attendants are not live-in aides, since they have their own place of residence (and if medicaid services. Care attendants are not live-in aides, since they have their own place of residence (and if such care is necessary to enable a family member to be employed, to actively seek employment, or further their education).

14. Child - A member of the family other than the family head or spouse who is under 18 years of age.

15. Child Care Expenses - Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed, to actively seek employment, or further their education.

16. Citizen - A citizen or national of the United States.

17. 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 household.

18. Consent Form - Any consent form approved by HUD to be signed by assistance applicants and participants to obtain income information from employers and SWICAs; Social Security; and return information from the IRS. Consent forms expire after a certain time and may authorize the collection of other information to determine eligibility or level of benefits.
19. Covered Families - Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.
20. Dependents - A member of the household, other than head, spouse, sole member, foster child, or live-in aide, who is under 18 years of age, or 18 years of age or older and disabled, handicapped, or a full-time student. [24 CFR § 5.603]
21. Designated Family - means the category of family for whom ACHA elects (subject to HUD approval) to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 Housing Act (PL 96-120).
22. Designated housing (or designated project) - a project(s), or portion of a project(s) designated for elderly only or for disabled families only in accordance with PL 96-106.
23. Disability (Handicap) 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. (CFR 5.603)
24. Disabled (Handicap) Family - A family whose head, spouse or sole member is a person with disabilities. (Person with disabilities is defined later in this section.) The term includes two or more persons with disabilities living together, and one or more such persons living with one or more persons including live-in aides determined to be essential to the care and well-being of the person or persons with disabilities. (A disabled family may include persons with disabilities who are elderly. (24 CFR § 5.403)
25. Displaced Family - A family in which each member or sole member is a displaced person.
26. Displaced Person - A single person displaced by government action or a person whose dwelling has been extensivly damaged by a natural disaster declared by the President of the United States, or by a general disaster relief laws. This definition is used for eligibility determinations only. It should not be confused with the Federal preference for involuntarily displaced. [42 USC 1437(a)(3)]
27. Displacement Preference - An admissions preference awarded to applicants who can verify that they are or will be displaced by a natural disaster declared by the President of the United States, or by governmental action (e.g. an eminent domain condemnation, code enforcement action, etc.) or domestic violence.
28. Divestiture Income - Imputed income from assets, including business assets, disposed of by applicant or resident in the last two years at less than fair market value. (See the definition of Net Family Assets (24 CFR § 5.603) in this section.)
29. Drug-related crime - Drug trafficking, or the illegal use or possession for personal use of a controlled substance as defined in Section 102 of the Controlled Substances Act. (U.S.C. 802)

29. **Full-Time Student** - A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. Educational institution shall a resident family with the capacity to execute a lease.
28. **Family** - For purposes of continued occupancy; the term family also includes the remaining member of a household placed in the home by a public adult placement agency.
27. **Foster Care Arrangements** - Include situations in which the family is caring for a foster adult or children in their home who have been placed there by a public child placement agency, or a foster adult or adults placed in the home by a public adult placement agency.
26. **Flat Rent** - Established by the PHA for each public housing unit; a rent based on the market rent charged for comparable units in the unassisted rental market, designed so that the rent does not create a distinction for continued residency by families who are attempting to become economically self-sufficient.
25. **Family Self-Sufficiency Program (FSS Program)** - The program established by a PHA to promote self-sufficiency of assisted families, including the provision of supportive services. (CFR 984)
24. **Fair Market Rent** - The rent, including the cost of utilities (except telephone/cable), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities.
- The term family also includes: Elderly family, Near elderly family, Disabled person, Single arrangement, The remaining member of a tenant family, a foster care arrangement, or a kinship care person, The remaining member of a tenant family, a foster care arrangement, or a kinship care person, including members temporarily absent (e.g., a child temporarily placed in foster care or a student temporarily away at college), may be considered a part of the applicant family's household if they are living or will live regularly with the family. (24 CFR §§ 5 and 960)
23. **Family** - Two or more persons (with or without children) regularly living together, related by blood, marriage, adoption, guardianship or operation of law who will live together in ACHA housing.
22. **Extremely Low Income Family** - A family whose Annual income is equal to or less than 30% of Area Median income, as published by HUD.
33. **Elderly Person** - A person who is at least 62 years of age. [42 USC 1437a(b)(3)]
32. **Elderly Family** - A family whose head or spouse (or sole member) is at least 62 years of age. It may include two or more elderly persons living together, and one or more such persons living with one or more elderly persons, including live-in aides, determined to be essential to the care and well-being of the elderly person or persons. An elderly family may include elderly persons with disabilities and other family members who are not elderly. (24 CFR § 5.403)
21. **Effective Date** - The "Effective Date" of an examination or reexamination refers to:
- (i) in the case of an examination for admission, the date of initial occupancy and
- (ii) in the case of a reexamination of an existing tenant, the date the redetermined rent becomes effective.
30. **Duo Trafficking** - The illegal manufacture, sale, distribution or possession with intent to manufacture, sell, or distribute a controlled substance.

Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities and conditions as orthopedic, impairment" includes, but is not limited to, such diseases and conditions as orthopedic,

cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and neurological; musculoskeletal, special sense organs; respiratory, including speech organs; disfigurement, or anatomical loss affecting one or more of the following body systems: "physical or mental impairment" means any physiological disorder or condition, cosmetic

(c) **Definition elements:**

safety of others.

such current alcohol or drug abuse, would constitute a direct threat to property or the participant in the program or activity in question, or whose participation, by reason of alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from

For purposes of housing programs, the term does not include any individual who is an

- or is regarded as having such an impairment

• has a record of such an impairment;

• substantially limits one or more major life activities;

(a) **A physical or mental impairment that**

Section 504 definitions of individual with Handicaps and Qualified Individual with handicaps are not the definitions used to determine program eligibility. Instead, use the definition of person with disabilities as defined later in this section. Note: the Section 504, Fair Housing and Americans with Disabilities Act (ADA) definitions are similar. ADA uses the term "individual with a disability". Individual with handicaps means any person who has:

36. **Individual with Handicaps**, Section 504 definition [24 CFR § 8.3] -

35. **Income-Based Rent** - A tenant's rent that is based on the family's income and the PHA's rent policies for determination of such rents.

34. **Income** - Income form all sources of each member of the household as determined in accordance with criteria established by HUD (CFR § 5.609)

33. **Imputed welfare income** - An amount of annual income that is not actually received by a family as a result of a specified welfare reduction, but is included in the family's annual income and therefore reflected in the family's rental contribution.

32. **Imputed income** - HUD passbook rate multiplied by total cash value of assets. Calculated when assets exceed \$5,000. (HUD-50058)

31. **Imputed Asset**. Asset disposed of for less than fair market value during two years preceding examination or reexamination.

30. **Head of the Household** - Head of the household means the family member (identified by the family) who is held responsible and accountable for the family;

includes but not be limited to: college, university, secondary school, vocational school or trade school (24 CFR 5.603).

- (b) Move-in of a Live-in Aide must not result in overcrowding of the existing unit according to the maximum-number-of-persons-per-unit standard (although, a reasonable accommodation for a resident with a disability may be to move the family to a larger unit);
- (a) Before a Live-in Aide may be moved into a unit, a third-party verification must be supplied that establishes the need for such care and the fact the live-in aide is qualified to provide such care;
- AMHA policy on Live-in Aides stipulates that:
38. Live-in Aide - A person who resides with an elderly person(s), near elderly person(s) or person(s) with disabilities and who: (a) is determined by AMHA to be essential to the care and well being of the person(s); (b) is not obligated to support the family member; and (c) would not be living in the unit except to provide the necessary supportive services (24 CFR 5.403).
37. Kinship Care - an arrangement in which a relative or non-relative becomes the primary caregiver for a public housing a person must meet the program definition of person with disabilities found in this section. The 504 definition of individual with handicaps is a civil rights definition. To be considered for admission to public housing a person must meet the program definition of person with disabilities found in this section.
- (d) The 504 definition of handicap does not include homosexuality, bisexuality, or transvestism. Note: These characteristics do not disqualify an otherwise disabled applicant from being covered.
- NOTE: A person would be covered under the first item if AMHA refused to serve the person because of a physical impairment that substantially limits one or more major life activities only as result of other toward such impairment; or
- Has a physical or mental impairment that substantially limits one or more major life activities as constituting such a limitation; or
- "Is regarded as having an impairment" means has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as having, a mental or physical impairment that substantially limits one or more major life activities.
- "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- Visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

- (c) Live-in Aides have no right to the unit as a remaining member of a resident family.
 (d) Relatives who satisfy the definitions and stipulations above may qualify as Live-in Aides, but only if they sign a statement prior to moving in relinquishing all rights to the unit as the remaining member of a resident family.
 (e) A Live-in Aide is a single person.
 (f) A Live-in Aide will be required to meet AMHA's screening requirements with respect to past behavior especially:
 A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences that may adversely affect the health, safety, or welfare of other tenants or neighbors;
 Criminal activity such as crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or the development; and
 income for the area as determined by HUD with adjustments 80 percent of the median income for the area as determined by HUD with adjustments for smaller and larger families (42 USC 1437(a)(b)).
 39. Low-income Household - A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller and larger families (42 USC 1437(a)(b)).
 A record of eviction from housing or termination from residential programs.
 40. Medical Expense Allowance - For purposes of calculating adjusted income for elderly or disabled families only, medical expenses mean the medical expenses in excess of 3% of Annual income, where these expenses are not compensated for or covered by insurance. (24 CFR § 5.603).
 41. Minimum Rent - An amount established by the PHA between zero and \$50.00.
 42. Minor - A minor is a person less than 18 years of age. An unborn child will not be considered as a minor. Some minors are permitted to execute contracts, provided a court declares them "emancipated".
 43. Mixed Family - A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
 44. Mixed Population Project - means a public housing project for elderly and disabled families. The AMHA is not required to designate this type of project under the Extension Act. (PH Notice 97-12)
 45. Multifamily housing project - For purposes of Section 504, means a project containing five or more dwelling units. (24 CFR § 8.3.)
 46. Monthly Adjusted Income - 1 ½ of the Adjusted Income (CFR 5.603)
 47. Monthly Income - 1 ½ of the Annual Income (CFR 5.603)
 48. National Income - A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.
 49. Near-elderly family - means a family whose head, spouse, or sole member is a near-elderly person (at least 50 but less than 62 years of age), who may be a person with a disability. The term includes two or more near-elderly persons living together, and one or more such persons living with one or more persons who are determined to be essential to the care or well-being of the near-elderly person or persons. A near-elderly family may include other family members who are not near-elderly. (24 CFR § 5.403)

21. NOTE: this is the program definition for public housing. The 504 definition does not supersede this definition for eligibility or admission. [24 CFR 8.4 (c) (2)]

22. A person with disabilities may be a child.

- (c) Has a developmental disability as defined in Section 102 (5) (b) of the Developmental Disabilities Assistance and Bill of Rights Act [42 USC 6001 (5)].
- Is of such nature that such disability could be improved by more suitable housing conditions; or,
 - Substantially impedes his/her ability to live independently; and,
 - Is expected to be of long continued and indefinite duration;
- (b) Has a physical or mental impairment that:
- Has a disability as defined in Section 223 of the Social Security Act (42 USC 423); or,
55. Person with disabilities²¹ (42 USC 1437a(b)(3)) means a person²² who —

54. Over-income Family - A family or individual who is not a low-income family at the time of initial occupancy.

53. Occupancy Standard - Standards established by a PHA to determine appropriate number of bedrooms for families of different sizes and compositions.

52. Noncitizen - A person who is neither a citizen nor national of the United States.

In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be less than fair market value if the applicant or resident receives important considerations for families of different sizes and compositions.

Net Family Assets also include the amount in excess of any consideration received for assets disposed of by an applicant or resident for less than fair market value during the two years preceding the date of the initial certification or reexamination. This does not apply to assets transferred as the result of a foreclosure by an applicant or resident for less than fair market value of any assets received for assets disposed of by an applicant or resident for less than fair market value if the asset is sold before maturity.

Net cash value is determined by subtracting the reasonable costs likely to be incurred in selling or disposing of an asset from the market value of the asset. Examples of such costs are: brokerage or legal fees, settlement costs for real property, or penalties for withdrawing savings funds before maturity.

- (e) Other forms of capital investments (business equipment)
- (d) Stocks and bonds (mutual funds, corporate bonds, savings bonds)
- (c) Cash value of whole life insurance policies
- (b) Savings (CDs, IRA or KEOGH accounts, checking and savings accounts, precious metals)
- (a) Real property (land, houses, mobile homes)

51. Net Family Assets - The net cash value, after deducting reasonable costs that would be incurred in disposing of [24 CFR § 5.603].

50. Nearelderly person - means a person who is at least 50 years of age but below 62, who may be a person with a disability (42 USC 1437a(b)(3))

56. Portion of Project - includes, one or more buildings in a multi-building project; one or more floors of a project or projects; a certain number of dwelling units in a project or projects. (24 CFR § 945.105)
57. Project, Section 504 - means the whole of one or more residential structures & appurtenant structures, equipment, roads, walks, & parking lots that 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 body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income families.
58. Public Housing Agency (PHA) - Any state, county, municipality, or other governmental entity or public essential eligibility requirements and who can achieve the purpose of the program or activity without modification in the program or activity that an occupant of multifamily housing be capable of meeting the recipient's selection criteria and be capable of complying with all obligations of activity, such as requirements that an occupant of multifamily housing be capable of as well as other explicit or implicit requirements inherent in the nature of the program or occupancy with or without supportive services provided by persons other than AMHA.
- (a) Essential eligibility requirements include: ...stated eligibility requirements such as income significant risk of substantial interference with the safety or enjoyment of others or with his or her own health or safety in the absence of necessary supportive services may be "qualified" for occupancy in a project where such supportive services are provided by the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. Their are annual and interim recertification. 60. Recertification - Sometimes called reexamination. The process of securing documentation to determine security deposit - A dollar amount (maximum set according to the regulations) which can be used for unpaid rent or damages to the owner upon termination of the lease.
61. Security Deposit - A deposit of a maximum amount (maximum set according to the regulations) which can be used for the remaining member of a resident family.
62. Single Person - A person who is not an elderly person, a person with disabilities, a displaced person, or the remains of a deceased person.
63. Social Security Number (SSN) - The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.
64. Spouse - Spouse means the husband or wife of the head of the household.
65. Tenant Rent - The amount payable monthly by the Family as rent to AMHA. Where all utilities (except telephone) and other essential housing services are supplied by the Authority, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the AMHA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Utility Allowance (24 CFR § 5.603).

66. Total Tenant Payment (TTP) - The TTP is calculated using the following formula:
 The greatest of 30% of the monthly Adjusted Income (as defined in these policies) or 10% of the monthly Annual Income (as defined in these policies), or the Welfare Rent if applicable, but never less than the Minimum Rent or greater than the Ceiling Rent, if any. If the Resident pays and of the utilities directly to the utility supplier, the amount of the Utility Allowance is deducted from the TTP (24 CFR § 5.613).
 67. Uniform Federal Accessibility Standards - Standards for the design, construction, and alteration of publicly owned residential structures to insure that physically handicapped persons will have ready access to and use of such structures.
 68. Unit - Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit.
 69. Utilities - Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection, and sewerage services. Telephone service is not included as a utility (24 CFR § 965.473).
 70. Utility Allowance - The PHA's estimate of the average monthly utility bills (except telephone/cable) for an energy-conscious household. If all utilities are included in the rent, there is no utility allowance. Utility allowances vary by unit type and size and are listed on the PHA's Utility Allowance schedule. (CFR 5.603)
 71. Veteran - A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefore under conditions other than dishonorable.
 72. Waiting List - A list of families organized according to HUD regulations and PHA policy who are waiting for a unit to become available.
 73. 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. (CFR 5.603
 74. Working Family Preference - An admissions preference granted when:
- (a) A family can verify employment of an adult member.
 - (b) A family can verify employment of a jobless member prior to the actual offer of housing as described above.
 - (c) Employment periods may be interrupted, but to claim the preference, a family must have an employed family member prior to the actual offer of housing as described above.
 - (d) A family member that leaves a job will be asked to document the reasons for the termination.
 - (e) Someone who quits work receiving benefit of the preference (as opposed to layoff, or taking a new job) will be considered to have misrepresented the facts to AMHA and will have their lease terminated.
 - (f) The amount earned shall not be a factor in granting this local preference. This local preference shall also be available to a family if the head, spouse, or sole member is 62 or older, or is receiving inability to work. [Required, 24 CFR 960.212 (b) (1)]
 - (g) A family participating in a job training program or graduation from such a program. This includes programs of job training, skills training or education accepted or mandated by the Temporal Assistance to Needy Families program.]

The family must notify AMHA if it enters such a program while on the waiting list and provide documentation of participation to AMHA. AMHA will not grant this preference if the family fails to provide notice. Notice and verification of the preference claim must be received prior to the offer of housing. To claim this preference applicants must be in good standing with respect to attendance and program rules.

75. Utility Reimbursement - Funds that are reimbursed to the resident or, with the resident's permission, to the utility company on the resident's behalf if the utility allowance exceeds the Total Tenant Payment. Families paying Flat rent do not receive Utility Allowances and, consequently, will never qualify for utility reimbursements.

76. Very Low-income Family - Very low-income family means a family whose Annual income does not exceed 50 percent of the median Annual income for the area, with adjustments for smaller and larger families, as determined by the Secretary of Housing and Urban Development (42 USC 1437(a)(b)).