

# **WATERLOO HOUSING AUTHORITY**

## **PUBLIC HOUSING**

### **ADMISSION AND CONTINUED**

### **OCCUPANCY POLICY**

#### **A.C.O.P.**

**This document has been revised in accordance with HOTMA (the Housing Opportunity through Modernization Act of 2016) requirements. All mandatory rules have been added, in addition to discretionary policies adopted by the Waterloo Housing Authority. All previous policies will remain in effect until the HOTMA compliance date of no later than January 1, 2025.**

**Adopted 11-20-2023**

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## **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

This Admissions and Continued Occupancy Policy defines the Housing Authority's policies for the operation for the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

### **1.0 FAIR HOUSING**

It is the policy of the Waterloo Housing Authority to fully comply with all Federal, State and local non-discrimination laws; the Americans with Disabilities act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status(living with children under the age of 18) or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Housing Authority's programs.

To further its commitment to full compliance with applicable Civil Rights laws, the Housing Authority will provide Federal/State/local information to applicants/tenants of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Housing Authority office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The Housing Authority will assist any family that believes they have suffered illegal discrimination by providing them copies of the appropriate housing discrimination forms. The Housing Authority will also assist them in completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

### **2.0 REASONABLE ACCOMMODATION**

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Housing Authority housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the Housing Authority will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Housing Authority will

ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

## **2.1 COMMUNICATION**

Anyone requesting an application will also have the opportunity to request for reasonable accommodation.

Notifications of reexamination, inspection, appointment, or eviction will include information about requesting a reasonable accommodation. Any notification requesting action by the tenant will include information about requesting a reasonable accommodation.

All decisions granting or denying requests for reasonable accommodations will be in writing.

## **2.2 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION**

- A. Is the requestor a person with disabilities? For this purpose, the definition of person with disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. (The disability may not be apparent to others, i.e., a heart condition).

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the Housing Authority will obtain verification that the person is a person with a disability.

- B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the Housing authority will obtain documentation that the requested accommodation is needed due to the disability. The Housing Authority will not inquire as to the nature of the disability.
- C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:
1. Would the accommodation constitute a fundamental alteration? The Housing Authority's business is housing. If the request would alter the fundamental business that the Housing Authority conducts, that would not

be reasonable. For instance, the Housing Authority would deny a request to have the Housing Authority do grocery shopping for a person with disabilities.

2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the Housing Authority may request a meeting with the individual to investigate and consider equally effective alternatives.
- D. Generally the individual knows best what it is they need; however, the Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the Housing Authority's programs or services.

If more than one accommodation is equally effective in providing access to the Housing Authority's programs and services, the Housing Authority retains the right to select the most efficient or economic choice.

The cost necessary to carry out approved requests, including requests for physical modifications, will be borne by the Housing Authority if there is no one else willing to pay for the modifications. If another party pays for the modification, the Housing Authority will seek to have the same entity pay for any restoration costs.

If the tenant requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, the Housing Authority will generally approve such request if it does not violate codes or affect the structural integrity of the unit.

Any request for an accommodation that would enable a tenant to materially violate essential lease terms will not be approved, i.e. allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.

### **3.0 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND RESIDENTS**

The Housing Authority will endeavor to have access to people who speak languages other than English in order to assist non-English speaking families. However, prearrangements for an appointment will be necessary. The following languages shall be covered example:

**Spanish**

**Creotian (Bosnian) etc...**



#### **4.0 TENANT OUTREACH**

As needed, the Housing Authority will publicize the availability and nature of the Public Housing Program for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, and by other suitable means.

To reach people who cannot or do not read the newspapers; the Housing Authority will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. The Housing Authority will also try to utilize public service announcements.

The Housing Authority will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program.

#### **5.0 RIGHT TO PRIVACY**

All adult members of both applicant and tenant households are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy act Notice states how family information will be released and includes the Federal Privacy Act Statement.

Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant.

#### **6.0 REQUIRED POSTINGS**

In its management office, located at 620 Mulberry Street, Waterloo, IA, the Housing Authority will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Statement of policies and Procedure governing Admission and Continued Occupancy
- B. Notice of the status of the waiting list (opened or closed)
- C. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours.
- D. Income Limits for Admission
- E. Excess Utility Charges
- F. Current Schedule of Routine Maintenance Charges

- G. Dwelling Lease
- H. Grievance Procedure
- I. Fair Housing Poster
- J. Equal Opportunity in Employment Poster (see City Personnel & CDBG offices)
- K. Any current Housing Authority Notices

## **7.0 TAKING APPLICATIONS**

Families wishing to apply for the Public Housing Program will be required to complete an application for housing assistance. Applications will be accepted during regular business hours at:

**WATERLOO HOUSING AUTHORITY, 620 Mulberry Street, Waterloo, IA 50703**

Applications are taken to compile a waiting list. Due to the demand for housing in the Housing Authority jurisdiction, the Housing Authority may take applications on an open enrollment basis, depending on the length of the waiting list.

Completed applications will be accepted for all applicants and the Housing Authority will verify the information.

Applications for Ridgeway Towers Apartments may be made in person at the WATERLOO HOUSING AUTHORITY Office, 620 Mulberry Street, Waterloo, IA 50703 between 8:00 AM and 4:30 PM. Applications will be mailed to interested families upon request.

The completed application will be dated and time stamped upon its return to the Housing Authority.

Applications may also be completed online at <https://www.waitlistcheck.com/IA1249-3416>.

Persons with disabilities who require a reasonable accommodation in completing an application may call the Housing Authority to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available for the deaf. The TSS telephone number is (319) 233-0201 V/TDD.

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to

provide limited basic information establishing any preferences to which they may be entitled. This first phase results in the family's placement on the waiting list.

Upon receipt of the family's pre-application, the Housing Authority will make a preliminary determination of eligibility. The Housing Authority will notify the family of placement on the waiting list, and the approximate wait before housing may be offered. If the Housing Authority determines the family to be ineligible, the notice will state the reasons therefore and will offer the family the opportunity of an informal review of the determination.

The applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. The Housing Authority will annotate the applicant's file and will update their place on the waiting list.

The second phase of the final determination of eligibility, referred to as the full application. The full application takes place after the family has been shown an available unit and has expressed interest in renting that unit. The Housing Authority will ensure that verification of all preferences, eligibility, suitability and selection factors are current in order to determine the family's final eligibility for admission into the Public Housing Program.

## **8.0 ELIGIBILITY FOR ADMISSION**

### **8.1 INTRODUCTION**

There are five eligibility requirements for admission to public housing: qualifies as an elderly or near-elderly family (based on Ridgeway Towers' elderly designation by HUD), has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the Housing Authority screening criteria in order to be admitted to public housing.

### **8.2 ELIGIBILITY CRITERIA**

#### **A. Family status.**

##### **1. An elderly family, which is:**

- a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
- b. Two or more persons who are at least 62 years of age living together; or

- c. One or more persons who are at least 62 years of age living with one or more live-in aides.
- 2. A **near-elderly family**, which is:
  - a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
  - b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
  - c. One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

**B. Income eligibility**

1. To be eligible for admission to developments or scattered-site units that were available for occupancy before 10/1/1981, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area.
2. To be eligible for admission to developments or scattered-site units that became available on or after 10/1/1981, the family's annual income must be within the very low-income limit set by HUD, unless HUD grants an exception. This means that without a HUD exception, the family income cannot exceed 50 percent of the median income for the area.
3. Income limits apply only at admission and are not applicable for continued occupancy.
4. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income requirements of the Housing Authority.
5. If the Housing Authority acquires a property for federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing tenants.
6. Income limit restrictions do not apply to families transferring within our Public Housing Program.

7. **(For housing authorities with fewer than 250 public housing units)** If there are no eligible families on the waiting list and the Housing Authority has published a 30-day notice of available units in at least one newspaper of general circulation, families above the applicable income limit may be housed. They must vacate the unit if an eligible family applies.

**C. Asset Limitation**

Per requirements in Section 104 of HOTMA (24 CFR 5.618), an applicant must not own real property that is suitable for occupancy by the family as a residence or have net assets in excess of \$100,000. The value of any account under a retirement plan recognized by the Internal Revenue Service, including IRAs, employer retirement plans, and retirement plans for self-employed individuals is not considered in determining net family assets. No one may be admitted to the public housing program if they exceed this asset limitation.

**D. Citizenship/Eligibility Status**

1. To be eligible each member of the family must be a citizen, national, or a noncitizen that has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)).
2. Family eligibility for assistance.
  - a. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
  - b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 13.6 for calculating rents under the noncitizen rule)
  - c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

**E. Social Security Number Documentation**

To be eligible, all family members 6 years of age and older must provide a Social Security number or certify that they do not have one.

## **F. Signing Consent Forms**

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
2. After an applicant or participant has signed and submitted an updated HUD-9886 consent form either on or after January 1, 2024, they do not need to sign and submit subsequent HUD-9886 consent forms at future interim or regularly scheduled income examination except as indicated in #3 below.
3. The Waterloo Housing Authority's Release of Information form must be signed at each annual reexamination and at interim reexaminations, if required.
4. The HUD-9886 consent form must contain, at a minimum, the following:
  - a. A provision authorizing HUD or the Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and
  - b. A provision authorizing HUD or the Housing Authority to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance.
  - d. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
5. Failure to sign consent forms at the time of admission, or when a member over the age 18 is added to the household, or when a member of the family turns 18 years of age will result in denial or lease termination.
6. Revoking consent given by the updated HUD-9886 will likewise result in lease termination.

### **8.3 SUITABILITY**

- A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. The Housing Authority will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the

development environment, other tenants, Housing Authority employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.

- B. The Housing Authority will consider objective and reasonable aspects of the family's background, including the following:
1. History of meeting financial obligations, especially rent;
  2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
  3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
  4. History of disturbing neighbors or destruction of property;
  5. Having committed fraud in connection with any Federal Housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and
  6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.
- C. The Housing Authority will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The Housing Authority will verify the information provided. Such verification may include but may not be limited to the following:
1. A credit check of the head, spouse and co-head;
  2. A rental history check of all adult family members;
  3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, the Housing Authority may contact law enforcement agencies

where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);

4. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.

#### **8.4 GROUNDNS FOR DENIAL**

The Housing Authority is not required or obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Have a history of not meeting financial obligations, especially rent;
- E. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants;
- F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any housing authority in connection with the public housing or Section 8 programs;
- I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- J. Were evicted from assisted housing within three years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use;
- K. Were evicted from assisted housing within five years of the projected date of admission because 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 Substances Act, 21 U.S.C. 802;

- L. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The Housing Authority may waive this requirement if:
  - 1. The person demonstrates to the Housing Authority's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
  - 2. Has successfully completed a supervised drug or alcohol rehabilitation program;
  - 3. Has otherwise been rehabilitated successfully; or
  - 4. Is participating in a supervised drug or alcohol rehabilitation program.
- M. Have engaged in or threatened abusive or violent behavior towards any Housing Authority staff or residents;
- N. Have a household member who has ever been evicted from public housing;
- O. Have a family household member who has been terminated under the certificate or voucher program;
- P. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property;
- Q. **Denied for Life:** denied for the lifetime of the registration under a State sex offender registration program.

#### 8.5 *INFORMAL REVIEW*

- A. If the Housing Authority determines that an applicant does not meet the criteria for receiving public housing assistance, the Housing Authority will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request an informal review of the decision within 10 business days of the denial. The Housing Authority will describe how to obtain the informal review.

The informal review may be conducted by any person designated by the Housing Authority, other than a person who made or approved the decision under review or subordinate of this person. The applicant must be given the opportunity to present written or oral objections to the Housing Authority's decision. The Housing Authority must notify the applicant of the final decision within 14 calendar days after the informal review, including a brief statement of the reasons for the final decision.

- B. The participant family may request that the Housing Authority provide for an Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within 30 days of receipt of the Notice of Denial or Termination of Assistance, or within 30 days of receipt of the INS appeal decision.

For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 days of receipt of the Notice of Denial or Termination of Assistance, or of the INS appeal decision.

## **9.0 MANAGING THE WAITING LIST**

### **9.1 *OPENING AND CLOSING THE WAITING LIST***

Opening of the waiting list will be announced with a public notice stating that applications for public housing will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation and also by any available minority media. The public notice will state any limitations to who may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program and such applicants will not lose their place on other waiting lists when they apply for public housing. The notice will be in compliance with fair Housing requirements.

Closing of the waiting list will also be announced with a public notice. The public notice will state the date the waiting list will be closed and for what bedroom sizes. The public notice will be published in a local newspaper of general circulation and also by any available minority media.

### **9.2 *ORGANIZATION OF THE WAITING LIST***

The waiting list will be maintained in accordance with the following guidelines:

- A. The application will be a permanent file;

- B. All applications will be maintained in order of income guidelines, family status (elderly or near-elderly) bedroom size, preference, and then in order of date and time of application; and
- C. Any contacts between the Housing Authority and the applicant will be documented in the applicant file.

**9.3 FAMILIES AT THE TOP OF THE WAITING LIST**

When a family has reached at the top of the waiting list, the family will be shown an available apartment. If a family has claimed preference due to disaster or government relocation, the preference will be verified prior to showing the apartment. If the family is interested in renting the unit, the verification process will begin. This process will include tenant suitability (including reference checks), as well as income, medical expense and social security number verification.

**9.4 PURGING THE WAITING LIST**

The Housing Authority will update and purge its waiting list at least bi-annually to ensure that the pool of applicants reasonably represents the interested families for whom the Housing Authority has current information, i.e., applicant’s address, family composition and income category, and preferences.

**9.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST**

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

- A. The applicant requests that the name be removed;
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program; or
- C. The applicant does not meet either the eligibility or suitability criteria for the program.

**9.6 MISSED APPOINTMENTS**

All applicants who fail to keep a scheduled appointment with the Housing Authority will be given a second chance. If they fail to keep a second appointment, the applicant will be sent a notice of termination of the process for eligibility.

The Housing Authority will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without a good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing

an appointment, the Housing Authority will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

### **9.7 NOTIFICATION OF NEGATIVE ACTIONS**

Any applicant whose name is being removed from the waiting list will be notified by the Housing Authority, in writing, that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. The Housing Authority system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the Housing Authority will verify that there is in fact a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

## **10.0 TENANT SELECTION AND ASSIGNMENT PLAN**

### **10.1 PREFERENCES**

The Housing Authority will select families based on the following preferences within the 1 bedroom size category:

- A. Displaced person(s): Elderly or near-elderly families displaced by government action or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster Relief Laws.
- B. Broad Range of Income
- C. Disabled persons with needs matching a modified apartment available.
- D. Single, disabled, or elderly individuals or elderly families over age 62
- E. Single or disabled individuals or families or age 50

**The Housing Authority development at Ridgeway Towers was been designated as “elderly only” by HUD on April 28, 1999 based on community need for elderly housing and the availability of 100 units of Section 8 Mainstream Housing Vouchers for Persons with Disabilities (FY 1998-50 units for 62 and younger and FY 1999-50 units for anyone with disabilities)**

Based on the above preferences, all families in preference A will be offered housing before any families in preference B, and preference B families will be offered housing before any families in preference C.

The date and time of application will be noted and utilized to determine the sequence within the above-prescribed preferences.

**Buildings Designated as Elderly Only Housing:** The Ridgeway Towers Apartments have been approved by HUD as being designated for elderly only. If filling vacancies in this development, first priority will be given to elderly or disabled families over age 62. If there are no elderly families on the list, next priority will be given to the near-elderly or disabled persons over age 50. If there are no near elderly, units will be advertised to located families who qualify for the appropriate bedroom size. Using these priorities, families will be selected from the waiting list using the preferences as outlined above.

**Accessible Units:** Accessible units will be first offered to families who may benefit from the accessible features. Applicants from these units will be selected utilizing the same preference system as outlined above. If there are no applicants who would benefit from the accessible features, the Housing Authority will advertise the availability of these units for a period of 30 days. If no interested persons apply that are eligible for these apartments, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, must sign a release form stating they will accept a unit transfer (at their own expense) if, at a future time, a family requiring an accessible feature applies. Any family required to transfer will be given a 30-day notice.

## 10.2 ASSIGNMENT OF BEDROOM SIZES

The following guidelines will determine each family's unit size without overcrowding or over-housing:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
1	1	2
2	2	4

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons.

In determining bedroom size, the Housing Authority will determine whether a 1-bedroom unit or 2-bedroom unit is available. Ridgeway Towers Apartments has 48 1-bedroom units and 2 2-bedroom units. Following the occupancy standards above, 2-bedroom units

will only be offered to families consisting of 2 or more persons meeting the required definition of a “family.”

Exceptions to normal bedroom size standards include the following:

- A. Units smaller than assigned through the above guidelines—A family may request a smaller unit size than the guidelines allow. The Housing Authority will allow the smaller size unit so long as generally no more than two (2) people per bedroom are assigned.
- B. If there are no families on the waiting list for a larger size, the Housing Authority will advertise the available unit for a period of 30 days. If no applications are received from eligible families, smaller families may be housed if they sign a release form stating they will transfer (at the family’s own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30-day notice before being required to move.

### **10.3 SELECTION FROM THE WAITING LIST**

The Housing Authority shall follow the statutory requirement that at least 40% of newly admitted families whose annual income is at or below 30% of the area median income. To insure this requirement is met we shall monitor the incomes of newly admitted families and the incomes of the families on the waiting list. If it appears that the requirement to house extremely low-income families will not be met, we will skip higher income families on the waiting list to reach extremely low-income families.

If there are not enough extremely low-income families on the waiting list we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

### **10.4 DECONCENTRATION POLICY—PROPOSED—PENDING**

It is Housing Authority’s policy to provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments. Toward this end, we will skip families on the waiting list to reach other families with a lower or higher income. We will accomplish this in a uniform and non-discriminating manner. Admission and selection procedures for Ridgeway Towers ensure that, to the extent possible, at least 40% of new admissions fall below 30% of AMI (Average Median Income). As this public housing complex is located in a low-poverty census tract, many applicants fall between 30-50% of AMI, and some above 50%. When vacancies occur, the Housing Authority contacts (by date and time), those applicants below 30% of AMI first, and then moves on to those between 30-50% of AMI (by date and time). If both of these income groups are exhausted, then those between 50% and 80% of AMI will be offered an apartment (by date and time). Applicants whose income is over 80% of AMI are considered ineligible.

Ridgeway Towers currently has a good mix of all 3 income groups, with a very small percentage choosing to pay flat rent.

The Housing Authority will affirmatively market our housing to all eligible income groups.

#### **10.5 DECONCENTRATION INCENTIVES**

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

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

#### **10.6 OFFER OF A UNIT**

When the Housing Authority discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority for this type of unit and/or whose income category would help to meet the Broad Range of Income or deconcentration goal and/or the income-targeting goal.

The Housing Authority will contact the family first by telephone to arrange to show the apartment. If the family cannot be reached by telephone, the contact person listed on their application will be called. If neither can be reached, the family will be contacted to schedule an appointment to view the unit via first class mail. The family will be given five (5) business days from the date the letter was mailed to contact the Housing Authority to schedule an appointment to view the unit.

After the opportunity to view the unit, the family will have three (3) business days to accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, the Housing Authority will send the family a letter documenting the offer and the rejection.

#### **10.7 REJECTION OF UNIT**

If in making the offer to the family the Housing Authority skipped over other families on the waiting list in order to meet their Broad Range of Income or deconcentration goal or offered the family any other deconcentration incentive and the family rejects the unit, the family will not lose their place on the waiting list and will not be otherwise penalized.

If the Housing Authority did not skip over other families on the waiting list to reach this family, did not offer any other deconcentration incentive, and the family rejects the unit without good cause, the family will forfeit their application's date and time. The family will keep their preferences, but the date and time of application will be changed to the

date and time the unit was rejected. This may occur twice. After the third offer, the application must be withdrawn and the applicant will be required to place a new application. They will be counseled to consider the date of next placing an application and delay it until their situation is closer to a position where they actually intend to move.

If the family rejects with good cause any unit offered, they would not lose their place on the waiting list. Good cause includes reasons related to health, features in the apartment (tub vs. shower), family, school, and childcare (for those working or going to school). The family will be offered the right to an informal review of the decision to alter their application status.

### **10.8 ACCEPTANCE OF UNIT**

The family will pay a security deposit prior to lease signing, in order to “hold” the apartment. The security deposit will be equal to:

#### **A. \$100.00 for apartments at Ridgeway Towers**

In the case of a move within public housing, the security deposit of the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than for the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

At lease signing, the new tenant(s) will receive an “orientation” packet which includes information on emergency procedures, rent collection dates, the grievance procedure, and the current schedule of routine maintenance charges. The applicant will be provided a copy of the lease and a copy of the cable and internet lease addendum (or refusal). These documents will be explained in detail.

The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. One original copy of the lease will be furnished to the head of household and the Housing Authority will retain the other original executed lease in the tenant’s file.



## **11.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME**

To determine annual income, the Housing Authority counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the housing Authority subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

### ***11.1 INCOME TARGETING (24 CFR § 960.202)***

The income-targeting requirement guarantees a share of available public housing to the lowest income applicants. At least 40 percent of new admissions to public housing in a fiscal year must be “extremely low-income” (ELI) families (with annual incomes at or below 30 percent of the area median income)

PHAs that manage both public housing and Section 8 vouchers can reduce their public housing 40 percent target of ELI admissions by exceeding the 75 percent Section 8 admissions target during the same PHA fiscal year. The fiscal year credit for voucher program admissions that exceed 75 percent ELI families must not exceed ten (10) percent of public housing waiting list admissions during the PHA's fiscal year;

### ***11.2 ANNUAL INCOME***

Annual income means all amounts, monetary or not, that:

- A. Go to (or on behalf) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual income includes, but is not limited to:

- D. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
- E. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line

depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested into the operation by the family.

- F. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$50,000, annual income includes the actual income of all assets that can be calculated and imputed income using the rate as determined by HUD for those assets that cannot be calculated (i.e. the value of a 2<sup>nd</sup> vehicle or jewelry). Asset income will be the total of both actual asset income and imputed asset income.

Should the family acquire property suitable for occupancy after admission to the public housing program, it must be sold no more than 6 months following the effective date of the next annual or interim or reexamination. Likewise, if net assets have increased to over \$100,000 at an interim or annual reexamination date, the amount must fall below this maximum no more than 6 months following the effective date of the reexamination. If these requirements are not met, the Lease Agreement will be terminated at the end of the 6-month period.

- G. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a ~~lump sum~~ lump sum amount or in prospective monthly amounts are excluded.)
- H. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
- I. Welfare assistance.
1. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:

- a. The amount of allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
  - b. The maximum amounts that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is reasonably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
2. If the amount of welfare is reduced due to an act of fraud by a family member or because any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they fraud.
- J. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
  - K. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

### ***11.3 NOT CONSIDERED ANNUAL INCOME***

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensations), capital gains, and settlement for personal or property losses;
- D. Any income earned on retirement plans recognized by the Internal Revenue Service, including IRAs, employer retirement plans, and retirement plans for self-employed individuals.

- E. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- F. Income of a live-in-aide;
- G. The full amount of student financial assistance paid directly to the student or to the educational institution;
- H. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- I. The amounts received from the following programs:
  - 1. Amounts received under training programs funded by HUD;
  - 2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - 3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
  - 4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed over \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, all monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
  - 5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
  - 6. Temporary, nonrecurring or sporadic income (including gifts);

7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:
  - e. Comparable Federal, State or local law means a program providing employment training and supportive services that:
    - i. Is authorized by a Federal, State or local law;
    - ii. Is funded by the Federal, State or local government;
    - iii. Is operated or administered by a public agency; and
    - iv. Has as its objective to assist participants in acquiring employment skills.
  - b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
  - c. Earnings and benefits mean the incremental earnings and benefits resulting from a qualifying employment-training program or subsequent job.
11. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in perspective monthly amounts.
12. 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;

13. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
14. Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
  - a. The value of the allotment of food stamps
  - b. Payments to volunteers under the Domestic volunteer Services Act of 1973
  - c. Payments received under the Alaska Native Claims Settlement Act
  - d. Income from sub marginal land of the U.S. that is held in trust for certain Indian tribes
  - e. Payments made under HHS's Low-Income Energy Assistance Program
  - f. Payments received under the Job Training Partnership Act
  - g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
  - h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
  - i. Amount of scholarships awarded under Title IV including Work Study
  - j. Payments received under the Older Americans Act of 1965
  - k. Payments from Agent Orange Settlement
  - l. Payments received under the Maine Indian Claims Act
  - m. The value of child care under the Child Care and Development Block Grant Act of 1990
  - n. Earned income tax credit refund payments
  - o. Payments for living expenses under the Americorps Program

- p. Additional income exclusions provided by and funded by the Housing Authority

15. The Earned Income Disregard (EID) will not apply to any family who is not eligible for **and already participating in** the disallowance by December 31, 2023. Families who were already receiving the EID benefit as of December 31, 2023 may continue to receive the full benefit until the remaining timeframe for an individual family's EID expires.

The Housing Authority will not provide exclusions from income in addition to those already provided for by HUD.

#### **11.4 DEDUCTIONS FROM ANNUAL INCOME**

The following deductions will be made from annual income:

- A. \$480 for each dependent, which will be adjusted annually for inflation;
- B. \$~~52500~~ for any elderly family or disabled family, which will be adjusted annually for inflation;
- C. For an elderly or disabled family:
  - 1. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 10% of annual income;
  - 2. That has disability expenses greater than or equal to 10% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
  - 3. That has disability assistance expenses that are less than 10% of annual income, an allowance for combined disability assistance expense and medical expenses that is equal to the total of these expenses ~~less 10%~~ of annual income.
  - 4. An elderly or disabled family may request a general hardship to this 10% standard, due to unusual circumstances. If, when using the 10% standard, the family's TTP increases by more than 15%, the family will be eligible for the general 5% hardship for 90 days. The family may request one extension for an additional 90 days.

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5. Any elderly or disabled family that was eligible for a deduction in medical expenses under the previous 3% rule will receive the phased-in hardship beginning with their 1<sup>st</sup> regularly scheduled reexamination following the Waterloo Housing Authority's HOTMA compliance date as follows:
  - a. For the 1<sup>st</sup> 12 months, expenses in excess of 5% will be deducted.
  - b. For the 2<sup>nd</sup> 12 months, expenses in excess of 7.5% will be deducted.
  - c. After 24 months, expenses in excess of the full 10% will be deducted.

## 12.0 VERIFICATION

The Housing Authority will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

### 12.1 ACCEPTABLE METHODS OF VERIFICATION

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Other information will be verified by third party verification. The preferred method of 3<sup>rd</sup> party verification is documentation provided by the family from the source. This may include pay stubs, payroll reports, hire or termination letters, letters/printouts from SSA, DHS or IowaWORKS, as well as other information. Written documentation (with forms sent directly to and received directly from a source, not passed through the hands of the family, will be sent if 3<sup>rd</sup> party documents are not provided by the family. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the Waterloo Housing Authority or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral



third party documentation will include the same information as if the documentation had been written, i.e. name date of contact, amount received, etc.

As a last resort, when neither hand-carried 3<sup>rd</sup> party verification nor Housing Authority requested verification can be obtained, the Waterloo Housing Authority will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

## 12.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the Housing Authority will send a request form to the source along with a release form signed by the applicant/tenant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
<b>General Eligibility Items</b>		
Social Security Number	Letter from Social Security, Electronic reports.	Social Security card  Self-certification by adult household member plus at least one third-party statement, utility or cell phone bill, benefit letter, etc. that contains the name of the individual. <b>(ONLY FOR EXTENUATING CIRCUMSTANCES)</b>
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Full time student status (>18)	Letter from school	For high school students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
Child care costs	Letter from care provider	Bills and receipts
Disability assistance	Letters from suppliers, care givers	Bills and records of payment
Medical expenses	Letters from providers, Prescription record from Pharmacy, medical Professional's letter Stating assistance or a Companion animal is Needed	Bills, receipts, records of Payment, dates of trips, Mileage log, receipts for Fares and tolls
<b>Value of and Income from Assets – Self-Certification of assets below \$50,000 will not be accepted</b>		
Savings, checking Accounts	Letter from institution	Passbook, most current Statements
CDS, bonds, etc	Letter from institution	Tax return, information Brochure from institution, The CD, the bond
Stocks	Letter from broker or Holding company	Stock or most current Statement, price in Newspaper or through Internet
Real property	Letter <del>from</del> tax office, Assessment, etc. Self-certification allowed if do not own real property.	Property tax statement (for Current value), assessment, Records or income and Expenses, tax return
Personal property	Assessment, bluebook, etc	Receipt for purchase, Other evidence of worth
Cash value of life Insurance Policies	Letter from insurance Company	Current statement
Assets disposed of for Less than fair market value	N/A	Original receipt and receipt At disposition, other evidence Of worth
<b>Income</b>		
Earned income	Letter from employer	Multiple pay stubs

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
Self-employment	N/A	Tax return form prior year, Books of accounts
Regular gifts and contributions	Letter from source, letter From organization receiving Gift (i.e., if grandmother Pays day care provider, The day care provider could So state)	Bank deposits, other Similar evidence
Alimony/child support	Court order, letter from Source, letter from Human Services	Record of deposits, divorce Decree
Periodic payments (i.e. Social Security, welfare pensions, Workers compensation, Unemployment)	Letter or electronic reports From the source	Award letter, letter announcing Change in amount of Future payments
Training Program Participation	Letter from program provider Indicating -whether enrolled or completed -whether training is HUD-Funded -whether Federal, State, local Govt., or local program -whether it is employment Training -whether it has clearly defined Goals and objectives -whether program has Supportive services -whether payments are for Out-of-pocket expenses Incurred in order to participate In a program -date of first job after program completion	N/A  Evidence of job start

**ALTHOUGH ALLOWED BY HOTMA, THE WATERLOO HOUSING AUTHORITY WILL NOT USE OTHER ASSISTANCE AGENCIES' VERIFICATION OF INCOME FOR OUR PROGRAM (SAFE HARBOR).**

### **12.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS**

The citizenship/eligible non-citizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first re-examination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a Social Security card, birth certificate, military ID, or military DD214 Form.

Prior to being admitted or at the first re-examination, all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted or at the first re-examination, all eligible non-citizens must sign a declaration of their status and verification consent form and provide their original INS documentation. The Housing Authority will make a copy of the individual's INS documentation and place the copy in the file. If the INS SAVE system cannot confirm eligibility, the Housing Authority will mail information to the INS in order that a manual check can be made of INS records.

Family members who do not claim to be citizens, nationals, or eligible non-citizens must be listed on a statement of non-eligible members and the head of the household must sign the list.

Non-citizen students on student visas, though in the country legally, are not eligible to be admitted to public housing.

Any family member who does not choose to declare their status must be listed on the statement of noneligible members.

If no family member is determined to be eligible under this section the family's eligibility will be denied.

The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the family causes the delay.

If the Housing Authority determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

#### ***12.4 VERIFICATION OF SOCIAL SECURITY NUMBERS***

Prior to admission, each family member who has a Social Security number must provide verification of their Social Security number. The best verification of the Social Security number is the original social Security card. If the card is not available, the Housing Authority will accept letters from the Social Security Agency that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's licenses, military Ids, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security number, they will be required to sign a statement to this effect. The Housing Authority will not require any individual who does not have a Social Security number to obtain a Social Security number.

If a member of an applicant family indicates they have a Social Security number, but cannot readily verify it, the family cannot be housed until verification is provided.

If a member of a tenant family indicates they have a Social Security number, but cannot readily verify it, they shall be asked to certify to this fact and shall have up to sixty (60) days to provide the verification. If the individual is at least 62 years of age, they will be given one hundred and twenty (120) days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be evicted.

#### ***12.5 TIMING OF VERIFICATION***

Verification information must be dated within ninety (90) days of certification or re-examination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will verify and update all information related to family circumstances and level of assistance. (Or, the Housing Authority will only verify and update those elements reported to have changed.)

#### ***12.6 FREQUENCY OF OBTAINING VERIFICATION***

For each family member, citizenship/eligible non-citizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular re-examination. Prior to a new member joining the family, their citizenship/eligible non-citizen status will be verified.

For each family member, verification of Social Security numbers will be obtained only once. This verification will be accomplished prior to admission. When a family member

who did not have a Social Security number at admission receives a Social Security number that will be verified at the next regular reexamination.

## **13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT**

### **13.1 FAMILY CHOICE**

At admission and each year in preparation for their annual re-examination, each family is given the choice of having tier rent determined under the formula method or having their rent set at the flat rent amount.

- A. Families who opt for the flat rent will be required to go through the income re-examination process every three years, rather than the annual review they would otherwise undergo.
- B. Families who opt for the flat rent may request to have a re-examination and return to the formula based method at any time for any of the following reasons:
  - 1. The family's income has decreased.
  - 2. The family's circumstances have changed increasing their expenses for medical care, disability expenses, etc.
  - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

### **13.2 THE FORMULA METHOD**

The total tenant payment is equal to the highest of:

- A. 10% of monthly income; or
- B. 30% of adjusted monthly income.

The family will pay either the total tenant payment, or the flat rent as their rent to the Housing Authority. There is no minimum rent for Ridgeway Towers public housing.

In the case of a family who has qualified for the income exclusion at Section 11.2 (H) (11), upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance, the resulting rent

increase will be capped at 50 percent of the rent increase the family would have otherwise received.

### **13.3 THE FLAT RENT**

The Housing Authority has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. The Housing Authority determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be re-evaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family (for more information on flat rents, see Section 15.3).

The Housing Authority will post the flat rents at each of the developments and at the central office and are incorporated in this policy upon approval by the Board of Commissioners.

### **13.4 CEILING RENT-NOT APPLICABLE**

The Housing Authority has not set a ceiling rent for each public housing unit.

### **13.5 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE**

- A. A mixed family will receive full continuation of assistance if all of the following conditions are met:
  - 1. The family was receiving assistance on June 19, 1995;
  - 2. The family was granted continuation of assistance before November 29, 1996;
  - 3. The family's head or spouse has eligible immigration status; and
  - 4. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.
  
- B. If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three (3) years. If granted after that date, the maximum period of time for assistance

under the provision is eighteen (18) months. The Housing Authority will grant each family a period of six (6) months to find suitable affordable housing. If the family cannot find suitable affordable housing, the Housing Authority will provide additional search periods up to the maximum time allowable.

Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

- C. The family's assistance is prorated in the following manner:
1. Determine the 95<sup>th</sup> percentile of gross rents (tenant rent plus utility allowance) for the Housing Authority. The 95<sup>th</sup> percentile is called the maximum rent.
  2. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
  3. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.
  4. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

### **13.6 CABLE AND WIRELESS INTERNET**

Ridgeway Towers Apartments has bulk cable and wireless internet service installed in all fifty (50) apartments. All new tenants must sign either a "Cable Television and Internet Service Lease Addendum" or a "Refusal to Purchase Cable Television and Internet Service – Lease Addendum."

If a tenant signs the addendum for cable and internet, they will be required to pay a \$25.00 fee for these services each month directly to the Housing Authority, in addition to their rent amount. This amount is due and payable on the 1<sup>st</sup> day of each month, and is to be paid by no later than the 10<sup>th</sup> day. If a tenant refuses these services, the cable for their apartment will be disconnected, and they will not be given the SSID or password for the Wi-Fi. Likewise if a current tenant chooses to end their agreement, and signs a refusal, their cable will be disconnected. Failure to pay the required \$25.00 monthly fee will also result in disconnection of service.



### **13.7 PAYING RENT**

Rent and other charges are due and payable on the first day of the month. All rents should be paid at 620 Mulberry Street, Waterloo, IA. Reasonable accommodations for this requirement will be made for persons with disabilities. As a safety measure, no cash shall be accepted as a rent payment.

If the rent is not paid by the 10<sup>th</sup> of the month, a Notice to Vacate will be issued to the tenant. In addition, a \$10 late charge or 5% of total rent (not to exceed \$40 per month) charges, whichever is greater, will be assessed to the tenant. If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a nonpayment of rent and will incur the late charge plus an additional charge of \$30 to be paid to the City Clerk's Office for processing costs. Cash only will be accepted after an NFS check.

## **14.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE**

### **14.1 GENERAL**

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities) within the community in which the public housing development is located, or (2) participate in an economic self-sufficiency program unless they are exempt for this requirement.

### **14.2 EXEMPTIONS**

The following adult family members of tenant families are exempt from this requirement.

- A. Family members who are 62 or older
- B. Family members who are blind or disabled
- C. Family members who are the primary care giver for someone who is blind or disabled
- D. Family members engaged in work activity
- E. Family members who are exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program.

- F. Family members receiving assistance under a State program funded under part A title IV of the Social Security Act or under any other state welfare program, including welfare-to-work and who are in compliance with that program

#### **14.3 NOTIFICATIONS OF THE REQUIREMENT**

The Housing Authority shall identify all adult family members who are apparently not exempt from the community service requirement.

The Housing Authority shall notify all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. The Housing Authority shall verify such claims.

The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after the HUD final rule implementation date. For families paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

#### **14.4 VOLUNTEER OPPORTUNITIES**

Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community.

An economic self-sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (such as substance abuse or mental health treatment).

The Housing Authority will coordinate with social service agencies, local schools, and the City of Waterloo's Human Resources Office in identifying a list of volunteer community service positions.

#### **14.5 THE PROCESS**

At the first annual re-examination, the Housing Authority will do the following:

- A. Provide a list of volunteer opportunities to the family members.

- B. Provide information about obtaining suitable volunteer positions.
- C. Provide a volunteer time sheet to the family member, Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work.
- D. Assign family members to a volunteer coordinator who will assist the family members in identifying appropriate volunteer positions and in meeting their responsibilities. The volunteer coordinator will track the family member's progress monthly and will meet with the family member as needed to best encourage compliance.
- E. Thirty (30) days before the family's next lease anniversary date, the volunteer coordinator will advise the Housing Authority whether each applicable adult family member is in compliance with the community service requirement.

**14.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT**

The Housing Authority will notify any family found to be in noncompliance of the following:

- A. The family member(s) has been determined to be in noncompliance;
- B. That the determination is subject to the grievance procedure; and
- C. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated;

**14.7 OPPORTUNITY FOR CURE**

The Housing Authority will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with that year's community service requirement. The first hours a resident earns goes toward the current commitment until the current year's commitment is made.

The volunteer coordinator will assist the family member in identifying volunteer opportunities and will track compliance on a monthly basis.

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service by more than three (3) hours after three (3) months, the Housing Authority shall take action to terminate the lease.

## **15.0 RECERTIFICATIONS**

Annually, the Housing Authority will conduct a building reexamination of family income and circumstances with an effective date of June 1. New tenants will be reviewed during this building re-exam also. The results of the re-examination determine (1) the rent the family will pay, and (2) whether the family is housed in the correct unit size. The Housing Authority will not conduct streamlined reexaminations for those families whose annual income is 90% from unearned sources.

### **15.1 GENERAL**

The Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or formula method, and scheduling an appointment if they are currently paying a formula rent. If the family thinks they may want to switch from a flat rent to a formula rent, they should request an appointment. At the appointment, the family can make their final decision regarding which rent method they will choose. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

### **15.2 MISSED APPOINTMENTS**

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling and accommodation as above. The letter will also advise that failure by the family to attend the second scheduled interview will result in the Housing Authority taking eviction actions against the family.

### **15.3 FLAT RENTS**

The annual letter to flat rent payers regarding the reexamination process will state the following:

- A. Each year at the time of the annual re-examination, the family has the option of selecting a flat rent amount in lieu of completing the re-examination process and having their rent based on the formula amount.
- B. The amount of the flat rent

- C. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories of allowances that can be deducted from income.
- D. Families who opt for the flat rent will be required to go through the income reexamination process every three years. Rather than the annual review they otherwise would undergo.
- E. Families who opt for the flat rent may request to have a reexamination and return to the formula-based method at any time for any of the following reasons:
  - 1. The family's income has decreased.
  - 2. The family's circumstances have changed increasing their expenses for childcare, medical, etc.
  - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
- F. The dates upon which the Housing Authority expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.
- G. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
- H. A certification for the family to sign accepting or declining the flat rent.

Each year prior their anniversary date, Housing Authority will send a reexamination letter to the family offering the choice between a flat or a formula rent. The opportunity to select the flat rent is available only at this time. At the appointment, the Housing Authority may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with the Housing Authority representative, they may make the selection on the form and return the form to the Housing Authority. In such case, the Housing Authority will cancel the appointment.

#### **15.4 THE FORMULA METHOD**

During the interview, the family will provide all information regarding income, assets, expenses, and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.

Upon receipt of verification, the Housing Authority will determine the family's annual income and will calculate their rent as follows.

The total tenant payment is equal to the highest of:

- A. 10% of monthly income
- B. 30% of adjusted monthly income; or
- C. The welfare rent—not applicable in Iowa.

The family will pay total tenant payment as their monthly rent payment to the Housing Authority.

#### **15.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS**

The new rent will be effective June 1<sup>st</sup> of each year. Tenants will be sent 30-day notices prior to this effective date.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

#### **15.6 INTERIM REEXAMINATIONS**

During an interim re-examination, only the information affected by the changes being reported will be reviewed and verified.

Families will be required to report within 90 days any increase in income or decreases in allowable expenses between annual reexaminations.

Families are required to report any interim increase in income (earned or unearned) or decrease in expenses or other changes in family circumstances. Upon such changes, the Waterloo Housing Authority will take timely action to calculate whether these changes will result in more than a 10% increase in adjusted family income. If so, an interim reexamination will be processed. If several separate increases are reported throughout the year, an interim change will be processed once the cumulative change is over 10% of adjusted income.

Families are required to report the following changes to the Housing Authority between regular reexaminations. If the family's rent is being determined under the formula method, these changes will trigger a reexamination.

If a household member is leaving or has left the family unit, the change must be reported within 90 days.

In order to add a household member (including a live-in aide), the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. The Housing Authority will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph below 15.8.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, or other changes in family circumstances. Upon such request, the Housing Authority will take timely action to process the interim reexamination and recalculate the tenant's rent. Decreases in income must be reported by the 15<sup>th</sup> of the month in order for the tenant's rent to be changed the 1<sup>st</sup> of the following month. The Housing Authority will not process retroactive decreases in tenant rent.

#### **15.7 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM REEXAMINATIONS**

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the first of the second month after the month in which the family receives notice of the new rent amount. If the family caused a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed.

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

#### **15.8 DE MINIMIS ERRORS**

- A. Should the Housing Authority's determination of a family's income deviate from the corrected income by more than \$30/month in monthly adjusted income (or \$360 in annual adjusted income), the Housing Authority will take corrective active to repay overpaid tenant rent.
- B. In the public housing program, these reimbursements will be made as a credit toward the tenant's rent portion.

#### **15.9 OVER-INCOME TENANTS**

- A. Per HUD regulation (24CFR 960.507), the over-income limit is set by multiplying the very-low income level by a factor of 2.4 (120% of AMI).
- B. Current limits are as follows:
  - 1. 1-person household: \$69,720
  - 2. 2-person household: \$79,680
  - 3. 3-person household: \$89,640
- C. Following determination as an over-income family, the family will be given a 24-month grace period, during which time they must recertify annually. The family will continue to pay their choice of flat or income-based rent, and will maintain all rights of a public housing tenant.
- D. After the 24-month grace period, the Waterloo Housing Authority will terminate the tenancy of the over-income family no later than 180 days following the final notification.
- E. If a family falls below the OI limit at any time during the 24 consecutive month grace period.
  - 1. The family's status as a public housing program participant remains unchanged.
  - 2. The WHA will conduct an interim reexamination to lower the family's rent amount (for those choosing income-based rent).

If the family becomes OI again, they will be entitled to a new 24 consecutive month grace period.



F. The Waterloo Housing Authority will give OI families adequate notice of their change in status.3 notices will be sent, each following an income reexamination as follows.

1. The initial determination of OI status, which will notify the family of their right to request a grievance hearing.
2. The conclusion of the first 12-months of the grace period, which will give another opportunity to request a grievance hearing.
3. The conclusion of the 24-month grace period, which will include the final opportunity to request a grievance hearing.

All notices will be provided in writing and will state that tenancy will be terminated 180 days following the 24 consecutive month grace period.

G. During the 6 months (180 days) prior to termination the family may request an income reexamination. Although this change may reduce the tenant's rent burden, a reexamination after the 3<sup>rd</sup> notice cannot allow the family to remain in the public housing program beyond the period before termination.

## **16.0 UNIT TRANSFERS**

### ***16.1 OBJECTIVES OF THE TRANSFER POLICY***

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size of unit.
- C. To facilitate a relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To provide an incentive for families to assist in meeting the Housing Authority's deconcentration goal.
- F. To eliminate vacancy loss and other expense due to unnecessary transfers.

## **16.2 CATEGORIES OF TRANSFERS**

Category 1: Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood.

Category 2: Immediate administrative transfers. These transfers are necessary in order to permit a family needing accessible feature to move to a unit with such a feature or to enable modernization work to proceed.

Category 3: Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain Housing Authority occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers approved by the Housing Authority when a transfer is the only or best way of solving a serious problem.

## **16.3 DOCUMENTATION**

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer.

## **16.4 INCENTIVE TRANSFERS**

Persons living in the Ridgeway Towers multifamily development have the opportunity to transfer to Section 8 scattered-site housing. Families approved for such transfers will meet the following criteria:

- A. Have been a tenant for three years;
- B. For a minimum of one year, at least one adult family member is enrolled in an economic self-sufficiency program or is working at least thirty-five (35) hours per week, the adult family members are 62 years of age or older or are disabled or are the primary care givers to others with disabilities;
- C. The family is current in the payment of all charges owed the Housing Authority;
- D. The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year;

- E. The family has not materially violated the lease over the past two years by disturbing the peaceful enjoyment of their neighbors, by engaging in criminal or drug-related activity, or by threatening the health or safety of tenants or Housing Authority staff.

### **16.5 PROCESS TRANSFERS**

Transfers on the waiting list will be sorted by the above categories and within each category by date and time.

Transfers in categories 1 and 2 will be housed ahead of any other families, including those on the applicant waiting list. Transfers in category 1 will be housed ahead of transfers in category 2.

Transfers in category 3 will be housed along with applicants for admission at a ratio of one transfer for every seven admissions.

Upon offer and acceptance of a unit, the family will execute all lease up documents and pay any rent and/or security deposit within fourteen (14) days of being informed the unit is ready to rent. The family will be allowed thirty (30) days to complete a transfer. The family will be responsible for paying rent at the old unit as well as the new unit for any period of time they have possession of both. The prorated rent and other charges (cable/internet fees, additional pet deposit owing) must be paid at the time of lease execution.

The following is the policy for the rejection of an offer to transfer:

- A. If the family rejects with good cause any unit offered, they would not lose their place on the transfer waiting list.
- B. If the transfer is being made at the request of the Housing Authority and the family rejects two offers without good cause, the Housing Authority will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet the Housing Authority's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.
- C. If the transfer is being made at the family's request and the rejected offer provides deconcentration incentives, the family will maintain their place on the transfer list and will not otherwise be penalized.
- D. If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer that does not include deconcentration incentives. After turning down a second such offer without good cause, the family's name will be removed from the transfer list.

## **16.6 COST OF THE FAMILY'S MOVE**

The cost of the transfer generally will be borne by the family in the following circumstances:

- A. When the transfer is made at the request of the family or by others on behalf of the family (i.e., by the police);
- B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;
- C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or
- D. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.
- E. The cost of the transfer will be borne by the Housing Authority in the following circumstances:
  - 1. When the transfer is needed in order to carry out rehabilitation activities; or
  - 2. When action or inaction by the Housing Authority has caused the unit to be unsafe or uninhabitable.

## **16.7 TENANTS IN GOOD STANDING**

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with the Housing Authority. This means the family must be in compliance with their lease, current in all payments to the Housing Authority, and must pass a housekeeping inspection.

## **16.8 TRANSFER REQUESTS**

A tenant may request a transfer at any time by completing a written request to transfer stating the reason for the requested transfer. In considering the request, the Housing Authority may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. The Housing Authority will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within ten (10) business days of receipt of the request to schedule a meeting.

The Housing Authority will grant or deny the transfer request in writing within ten (10) business days of receiving the request or holding the meeting, whichever is later.

If the transfer is approved, the family's name will be added to the transfer waiting list.

If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

#### **16.9 RIGHT OF THE HOUSING AUTHORITY IN TRANSFER POLICY**

The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a tenant to transfer.

### **17.0 INSPECTIONS**

An authorized representative of the Housing Authority will inspect the unit prior to commencement of occupancy. A written statement of the condition of the premises will be made, including all equipment provided, and the statement will be signed by both parties with a copy retained in the Housing Authority file and a copy given to the family member. An authorized Housing Authority representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made, provided the resident turns in the proper notice under State law. The resident's security deposit can be used to offset against any Housing Authority damages to the unit, or any remaining unpaid rent amounts.

#### **17.1 MOVE-IN INSPECTIONS**

The Housing Authority inspects the unit prior to signing the lease. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file.

#### **17.2 ANNUAL INSPECTIONS**

The Housing Authority will inspect each public housing unit annually to ensure that each unit meets the Housing Authority's housing standards. Work orders will be submitted and completed to correct any deficiencies.

#### **17.3 SPECIAL INSPECTIONS**

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the Housing Authority.

#### **17.4 HOUSEKEEPING INSPECTIONS**

Generally, at the time of annual re-examination, or at other times as necessary, the Housing Authority will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

#### **17.5 NOTICE OF INSPECTION**

For inspections defined as annual inspections, special inspections, and housekeeping inspections the Housing Authority will give the tenant at least two (2) calendar days written notice.

#### **17.6 EMERGENCY INSPECTIONS**

If any employee and/or agent of the Housing Authority has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) that enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

#### **17.7 PRE-MOVE-OUT INSPECTIONS**

When a tenant gives notice that they intend to move, the Housing Authority will offer to schedule a pre-move-out inspection with the family. The inspection allows the Housing Authority to help the family identify any problems, which, if left uncorrected, could lead to vacate charges. This inspection is a courtesy to the family and has been found to be helpful both in reducing costs to the family and in enabling the Housing Authority to ready units more quickly for the future occupants.

#### **17.8 MOVE-OUT INSPECTIONS**

The Housing Authority conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the tenant is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

### **18.0 PET POLICY**

#### **18.1 EXCLUSIONS**

This policy with regard to size and weight of the animal does not apply to an animal that is used to assist persons with disabilities. Assistive animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors.

## **18.2 PETS IN THE SENIOR BUILDING**

The Housing Authority will allow for pet ownership in projects or buildings designated for use by the elderly and disabled families and in any project or building for which elderly and/or disabled families are given preference. Except at the developments and buildings listed below, pet ownership is prohibited in all public housing properties.

A. Ridgeway Towers, 225 W. Ridgeway Avenue, Waterloo, Iowa

## **18.3 APPROVAL**

Residents must have the prior approval of the Housing Authority before moving a pet into their unit. Residents must request approval on the Authorization for Pet Ownership Form that must be fully completed before the Housing Authority will approve the request.

## **18.4 TYPES AND NUMBER OF PETS**

The Housing Authority will allow only domesticated dogs, cats, birds, and fish in aquariums in units. All dogs and cats must be neutered.

Only one (1) warm blooded four-legged pet per unit allowed.

Any animals deemed to be potentially harmful to the health or safety of others, including attack or fight trained dogs, will not be allowed.

No animal may exceed thirty (30) pounds in weight.

## **18.5 INOCULATIONS**

In order to be registered, pets must be appropriately inoculated against rabies and other conditions prescribed by local ordinances.

## **18.6 PET DEPOSIT**

A pet deposit of \$150 is required. At the time of registering a pet, \$50.00 is required. The deposit balance of \$100 may be paid at a rate of \$10.00 per month until paid in full. The deposit is refundable when the pet or the family vacates the unit, unless any amounts owed due to damage beyond normal wear and tear.

## **18.7 FINANCIAL OBLIGATIONS OF RESIDENTS**

Any resident who owns or keeps a pet in their dwelling unit will be required to pay for any damages caused by the pet. Also, any pet-related insect infestation in the pet owner's

unit will be the financial responsibility of the pet owner and the Housing Authority reserves the right to exterminate and charge the resident.

#### **18.8 NUISANCE OR THREAT TO HEALTH OR SAFETY**

The pet and its living quarters must be maintained in a manner to prevent odors and any other unsanitary conditions in the owner's unit and surrounding areas.

Repeated substantiated complaints by neighbors or Housing Authority personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance will result in the owner having to remove the pet or move him/herself.

#### **18.9 DESIGNATION OF PET AREAS**

Pets must be kept in the owner's apartment or on a leash at all times when outside (no outdoor cages may be constructed). Pets will be allowed only in designated area on the grounds of the projects. Pet owners must clean up after their pets and are responsible for disposing of pet waste.

#### **18.10 VISITING PETS PROHIBITED**

No pets, regardless of size and type, may visit the projects/buildings where pets are allowed.

#### **18.11 REMOVAL OF PETS**

The Housing Authority, or an appropriate community authority, shall require the removal of any pet from a project if the pet owner is absent for longer than 2 days, if the pet's conduct or condition is determined to be a nuisance or threat to the health or safety of other occupants of the project or of other persons in the community where the project is located.

### **19.0 REPAYMENT AGREEMENTS**

When a resident owes the Housing Authority back charges and is unable to pay the balance by the due date, the resident may request that the Housing Authority allow them to enter into a Repayment Agreement. The Housing Authority has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twelve (12) months. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures.

Should a resident fail to report an increase of income in excess of 10% of adjusted income, the tenant will be required to reimburse the Housing Authority the amount of the



overpaid assistance. Repayment will be made in a monthly amount not to exceed 10% of monthly adjusted income. Failure to fully reimburse this overpaid assistance will result in lease termination.

## **20.0 TERMINATION**

### **20.1 TERMINATION BY TENANT**

The tenant may terminate the lease at any time upon submitting a 30-day written notice. If the tenant vacates prior to the end of the thirty (30) days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

### **20.2 TERMINATION BY THE HOUSING AUTHORITY**

The Housing Authority will terminate the lease for serious or repeated violations of material lease terms. Such violations include but are not limited to the following:

- A. Nonpayment of rent or other charges;
- B. A history of late rental payments;
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a safe and sanitary manner;
- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit (other than for Housing Authority approved resident businesses);
- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Any criminal activity on the property or drug-related criminal activity on or off the premises. This includes but is not limited to the manufacture of methamphetamine on the premises of the Housing Authority;
- K. Non-compliance with Non-Citizen Rule requirements;

- L. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of the Housing Authority; and
- M. Other good cause.
- N. For violations other than non-payment of rent, or those that present a clear and present danger to other residents, the following disciplinary procedure will be used:
  1. 1<sup>st</sup> Violation or Complaint – Verbal Warning
  2. 2<sup>nd</sup> Violation or Complaint – Written Warning
  3. 3<sup>rd</sup> Violation or Complaint – Formal Written Warning  
 \*\*States that if further complaints are received, or another violation is committed within 6 months of this notice, it will result in termination of the tenant's lease.
  4. 4<sup>th</sup> Violation or Complaint – Written 30-day termination notice.

The Housing Authority will take immediate action to evict any household that includes an individual who is subject to a lifetime of the registration requirement under a State sex offender registration program.

### **20.3 ABANDONMENT**

The Housing Authority will consider a unit to be abandoned when a resident has both fallen behind in rent **AND** has clearly indicated by words or actions an intention not to continue living in the unit.

When a unit has been abandoned, a Housing Authority representative may enter the unit and remove any abandoned property. It will be stored in a reasonably secure place. A notice will be mailed to the resident stating where the property is being stored and when it will be sold or disposed of, if unclaimed. If the Housing Authority does not have a new address for the resident, the notice will be mailed to the unit address so it can be forwarded by the post office.

If the total value of the property is estimated at less than \$500, the Housing Authority will mail a notice of the disposition to the resident.

If the estimated value of the property is more than \$500, the Housing Authority will mail a notice of disposition to a storage facility to the resident and then wait one year before sale or disposition. The tenant will be responsible for payment of storage fees incurred by

the Authority for the storage. Personal papers, family pictures, and keepsakes will be sold or disposed of at the same time as other property.

Any money raised by the sale of the property goes to cover money owed by the family to the Housing Authority such as back rent and the cost of storing and selling the goods. If there is any money left over and the family's forwarding address is known, the Housing Authority will mail it to the family. If the family's address is not known, the Housing Authority will keep it for the resident for one year. If it is not claimed within that time, it belongs to the Housing Authority.

Within 30 days after the abandonment or notice of a forwarding address or upon re-rental of the unit, the Housing Authority will either return the deposit or provide a statement of why the deposit is being kept.

#### **20.4 RETURN OF SECURITY DEPOSIT**

After a family moves out, the Housing Authority will return the security deposit within 30 days following the receipt of a forwarding address or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

Iowa state law requires the payment of interest on security deposits be refunded to the tenant for the period after they have lived in the unit for five years. The interest on the security deposit for the first five years is the property of the landlord. State law shall be complied with.

The Housing Authority will be considered in compliance with the above if the required payment, statement, or both are deposited in the U.S. mail with first class postage paid within 30 days following the receipt of a forwarding address.

### **21.0 PUBLIC HOUSING VERIFICATION PROCEDURES**

PUBLIC HOUSING  
VERIFICATION PROCEDURES  
[24 CFR Part 5, Subparts B, D, E and F;960.259]

#### **21.1 INTRODUCTION**

HUD regulations require Waterloo Housing Authority to verify the factors of eligibility and Total Tenant Payment/Tenant Rent. Applicants and Tenants must provide true and complete information to Waterloo Housing Authority whenever information is requested. Waterloo Housing Authority verification requirements are designed to maintain program

integrity. This Chapter explains Waterloo Housing Authority procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. Waterloo Housing Authority will obtain proper authorization from the family before requesting information from independent sources. Waterloo Housing Authority staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible as to why third party verification was not obtained as well as the manner in which the eligibility factors were verified.

## **21.2 METHODS OF VERIFICATION** (PIH Notice 2017-12)

Waterloo Housing Authority will verify information through five methods of verification according to the hierarchy listed below:

- A. Upfront Income Verification (UIV)
- B. Written Third-Party Verification
- C. Written Third-Party Verification Form
- D. Oral Third Party Verification
- E. Tenant Declaration

Waterloo Housing Authority will allow up to two (2) weeks for return of third-party verifications and up to one (1) additional week to obtain other types of verifications before going to the next method. Waterloo Housing Authority will document the file as to how the information was verified including an explanation for the method utilized if other than a written third party verification.

For applicants, verifications must be received 60 days prior to the offer of a dwelling unit. For Tenants, they will be valid for 90 consecutive days from date of receipt.

- A. Upfront Income Verification (UIV):** The verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals.
  - 1. HUD's EIV (Enterprise Income Verification System) will be used as a UIV technique.
  - 2. If possible, the Waterloo Housing Authority will utilize other non-HUD UIV tools, such as The Work Number and state government databases, to validate tenant-reported income.
- B. Written Third Party Verification:** If UIV is not available to verify information, an original or authentic document generated by a 3<sup>rd</sup> party source dated either within the 60-day period preceding the reexamination

or Housing Authority request date will be used. Such documentation may be in possession of the tenant (or applicant), and is commonly referred to as tenant-provided documents. It is HUD's position that such tenant-provided documents are written 3<sup>rd</sup> party verification since these documents originated from a 3<sup>rd</sup> party source. The Waterloo Housing Authority may, at its discretion, reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information.

1. Examples of acceptable tenant-provided documentation (generated by a 3<sup>rd</sup> party source) include, but are not limited to: pay stubs, payroll summary report, employer notice/letter of hire/termination, SSA benefit verification letter, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices. Current acceptable tenant-provided documents will be used for income and rent determinations.
  2. The Waterloo Housing Authority is required to obtain at a minimum, two (2) current and consecutive pay stubs for determining annual income from wages. For new income sources or when two pay stubs are not available, the Housing Authority will project income based on the information from a traditional written 3<sup>rd</sup> party verification form or the best available information.
- C. Written Third Party Verification Form:** (Known as traditional third party verification.) If UIV, or tenant-provided documents are not available, the Waterloo Housing Authority will use this standardized form to collect information from a 3<sup>rd</sup> party source, by sending it directly to the source by mail, fax, or email. If the completed form is not returned within 14 days, the Housing Authority will follow up with the source to obtain the information.
- D. Oral Third Party Verification:** Independent verification of information by contacting the individual income/expense source(s), as identified, via telephone or in-person visit. Housing Authority staff will document in the tenant file, the date and time of the telephone call (or visit), the name of the person contacted and the telephone number, along with the confirmed information. This verification technique will be used in the event that a written verification form is not returned, further information is needed, or due to time constraints for processing interim reexaminations.
- E. Tenant Declaration:** The tenant submits an affidavit or notarized statement of reported income and/or expenses to the Housing Authority.

This verification method will only be used as a last resort when the Housing Authority has not been successful in obtaining information via all other verification techniques. When the Waterloo Housing Authority relies on tenant declaration, staff will document in the tenant file why 3<sup>rd</sup> party verification was not available.

Enough information must be obtained through the verification process in order to correctly and accurately calculate family share and subsidy. Without proper verification, a Housing Authority cannot anticipate annual and adjusted income accurately.

### **21.3 RELEASE OF INFORMATION** [24 CFR 5.230]

Adult family members will be required to sign the form HUD 9886 Release of Information/Privacy Act form. In addition, all adult family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information/Privacy Act Notice. Each member requested to consent to the release of specific information will be provided with a copy of the appropriate forms for their review and signature.

Refusal to cooperate with the prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by Waterloo Housing Authority Or HUD.

### **21.4 ITEMS TO BE VERIFIED** [24 CFR Part 5 & 960.259]

All income not specifically excluded by the regulations.

Zero-income status of household.

Full-time student status including High School students who are 18 or over.

Current assets including assets disposed of for less than fair market value in the preceding two years.

Childcare expenses when it allows an adult family member to be employed, to actively seek employment or to further his/her education.

Medical expenses of all family members in households whose head or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an *adult* family member to be employed.

Disability for determination of preferences, allowances or deductions.

U.S. citizenship/eligible immigrant status

Social Security Numbers for all family members who have been issued a social security number.

"Preference" status, as applicable.

Marital status when needed for head or spouse definition.

Verification of Reduction in Benefits for Noncompliance:

Before granting a family's request for rent reduction because of a decrease in benefits, Waterloo Housing Authority will obtain written verification from the Department of Human Services stating that the family's benefits were not reduced because of fraud or non-compliance with an economic self-sufficiency requirement.

**21.5 VERIFICATION OF INCOME** [24 CFR Part 5 & 960.259]

This section defines the methods Waterloo Housing Authority will use to verify various types of income.

A. Employment Income

Verification forms request the employer to specify the:

Dates of employment

Amount and frequency of pay

Date of the last pay increase

Likelihood of change of employment status and effective date of any known salary increase during the next 12 months

Annual earnings

Estimated income from overtime, tips, bonus pay expected during next 12 months

Acceptable methods of verification in addition to UIV include:

Employment verification form completed by the employer.

Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings.

W-2 forms plus income tax return forms.

Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income, IRS Form 8121. In cases where there are questions about the validity of information provided by the family, the Waterloo Housing Authority will require the most recent federal income tax statements. Confirmation may be made on a case-by-case basis.

B. Social Security, Pensions, Supplementary Security Income (SSI), Disability Income

Acceptable methods of verification in addition to UIV include:

Benefit verification form completed by agency providing the benefits.

Award or benefit notification letters prepared and signed by the providing agency.

Computer report electronically obtained or in hard copy.

C. Unemployment Compensation

Acceptable methods of verification in addition to UIV include:

Verification form completed by the unemployment compensation agency.

Computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.  
Payment stubs.

D. Welfare Payments or General Assistance

Acceptable methods of verification in addition to UIV include:

Waterloo Housing Authority verification form completed by payment provider.

Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months

Computer-generated Notice of Action

Computer-generated list of recipients from the Department of Human Services

E. Alimony or Child Support Payments

Acceptable methods of verification in addition to UIV include:

Copy of a separation or settlement agreement or a divorce decree stating amounts and types of support and payment schedules

A notarized letter from the person paying the support

Copy of latest check and/or payment stubs from Court Trustee. Waterloo

Housing Authority must record the date, amount, and number of the check.

Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

If payments are irregular, the family must provide:

A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules.

A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.

A notarized affidavit from the family indicating the amount(s) received.

A welfare notice of action showing amounts received by the welfare agency for child support

A written statement from an attorney certifying that a collection or enforcement action has been filed

F. Net Income from a Business

In order to verify the net income from a business, Waterloo Housing Authority will review IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

IRS Form 1040, including Schedule C (Small Business), Schedule E (Rental Property Income), Schedule F (Farm Income). Note: If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense computed using straight-line depreciation rules.

Audited or un-audited financial statement(s) of the business.

Credit report or loan application.



Documents such as manifests, appointment books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available. Family's self-certification as to net income realized from the business during previous years.

G. Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business

If the applicant/participant is operating a day care business which may or may not be licensed, Waterloo Housing Authority will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it. The Waterloo Housing Authority may conduct interim reevaluations every 120 days and require the participant to provide a log with the information about customers and income.

If childcare services were terminated, a third-party verification will be sent to the parent whose child was cared for.

If the child care business provides day care services for the State of Missouri, a third party income verification will be sent to the Family Support Division.

H. Recurring Gifts

The family must furnish a self-certification, which contains the following information:

The person who provides the gifts

The value of the gifts

The regularity (dates) of the gifts

The purpose of the gifts

I. Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household. A zero income questionnaire must be completed, and documentation of how expenses are being paid may be requested at annual reexamination.

J. Full-time Student Status

Only the first \$480 of the earned income of full time students, other than head, co-head, or spouse, will be included towards family income. Financial aid, scholarships and grants received by full time students are not family income.

Verification of full time student status includes:

Written verification from the registrar's office or other school official.  
School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

## **22.0 OTHER ITEMS TO BE VERIFIED**

### **22.1 INCOME FROM ASSETS**

- A. Savings Account Interest Income and Dividends  
Acceptable methods of verification include:  
Account statements, passbooks, certificates of deposit, or Waterloo Housing Authority verification forms completed by the financial institution.  
Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.  
IRS Form 1099 from the financial institution provided that Waterloo Housing Authority must adjust the information to project earnings expected for the next 12 months.
- B. Interest Income from Mortgages or Similar Arrangements  
Acceptable methods of verification include:  
A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)  
Amortization schedule showing interest for the 12 months following the effective date of the certification or re-certification.
- C. Net Rental Income from Property Owned by Family  
~~Acceptable methods of verification include:  
IRS Form 1040 with Schedule E (Rental Income).  
Copies of latest rent receipts, leases, or other documentation of rent amounts.  
Documentation of allowable operating expenses of the property: tax statements, insurance invoices, and bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.  
Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.~~

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### **22.2 VERIFICATION OF ASSETS**

- A. Family Assets  
Waterloo Housing Authority will require the information necessary to determine the current cash value of the family's assets, (the net amount the family would receive if the asset were converted to cash).

Acceptable verification may include any of the following:

Verification forms, letters, or documents from a financial institution or broker.

Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

Quotes from a stockbroker ~~or realty agent~~ as to net amount family would receive if they liquidated securities.

Financial statements for business assets.

Copies of closing documents showing the selling price and the distribution of the sales proceeds.

Family's self-certification describing assets or cash held at the family's home or in safe deposit boxes.

B. Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification

For all Certifications and Re-certifications, Waterloo Housing Authority will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or re-certification.

If the family certifies that they have disposed of assets for less than fair market value, verification or certification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

### ***22.3 VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME***

A. Child Care Expenses

Written verification from the person who receives the payments is required. If the childcare provider is an individual, s/he must provide a statement of the amount they charge and receive from the family for their services. Verifications must specify the child care provider's name, address, telephone number, Social Security Number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Child care expenses are deducted only to the extent that they are not reimbursed and reflect a reasonable charge; and are paid for the care of children under the age of 13.

As stated elsewhere in this document, childcare is allowable for the following reasons:

1. Child-Care to Work

The maximum child-care allowed will be based on the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

2. Child-Care for School

The HA will compare the number of hours the family member is attending school relative to the number of child care hours to determine the number of child care hours that will be included in the rent calculation

3. Rate of Expense

The HA will survey the local day care providers in the area/community to determine a reasonableness standard. The determination will be made only on a reasonable hourly rate. The reasonable rate will be determined based upon the type of care chosen by the family, i.e., center-based or in-home care; State provided care or private care.

4. Actively Seek Employment

The HA will obtain evidence that the individual is fulfilling welfare-to-work requirements or the requirements for receiving unemployment compensation; or is otherwise actively seeking employment. Written verification from a local or state government agency that oversees work-related activities will be accepted. If third party verification is not possible, Waterloo Housing Authority will review documents provided by the family and/or a notarized statement from the family member attesting to his or her efforts to find employment.

5. Request for Hardship

A family may request a hardship exemption to continue the child care expense reduction for 90 days beyond any of the above reasons, due to extenuating circumstances. Approval will be on a case-by-case basis. A maximum of one 90-day extension to this hardship may be give if the circumstances continue beyond the initial 90 days.

B. Medical Expenses

Families, who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. One or more of the methods listed below will verify all expense claims:

Written verification by a doctor, hospital or clinic personnel, dentist, Pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular

payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.

Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.

Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

For attendant care:

Waterloo Housing Authority will require certification from a qualified professional having knowledge of the person's need for an attendant and who can verify the attendant is necessary as a medical expense.

Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.

Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.

Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. Waterloo Housing Authority may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.

Waterloo Housing Authority will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

C. Assistance to Persons with Disabilities [24 CFR 5.611(c)]

In All Cases:

Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.

Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care:

Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.

Certification of family and attendant and/or copies of canceled checks family used to make payments.

Auxiliary Apparatus:

Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.

In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

#### **22.4 VERIFYING NON-FINANCIAL FACTORS [24 CFR Part 5 and 960]**

A. Verification of Legal Identity and Familial Relationships

Waterloo Housing Authority will require applicants to furnish verification of legal identity for all family members. The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

Certificate of Birth, naturalization papers

Church issued baptismal certificate

Current, valid Driver's license

U.S. military discharge (DD 214)

U.S. passport

Voter's registration

Company/agency Identification Card

Government issued Identification Card

Verification of guardianship is:

Court-ordered assignment

Affidavit of parent

Verification from social services agency

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

Certificate of Birth

Adoption papers

Custody agreement

Health and Human Services ID

School records

If none of these documents can be provided, a third party who knows the person may, at Waterloo Housing Authority's discretion, provide certification to be used as verification.

B. Verification of Marital Status (when necessary to determine custody of children)

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of court-ordered maintenance or other records.

Verification of marriage status is a marriage certificate.

- C. Verification of Permanent Absence of Family Member  
If an adult member who was formerly a member of the household is reported permanently absent by the family, Waterloo Housing Authority will consider any of the following as verification:  
Divorce Decree  
Legal separation agreement  
Order of protection/restraining order obtained by one family member against another  
Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.  
Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.  
If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated. If no other proof can be provided, Waterloo Housing Authority will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.
- D. Verification of Change in Family Composition  
Waterloo Housing Authority may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.
- E. Verification of Disability  
Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

**22.5 VERIFICATION OF CITIZENSHIP/ELIGIBLE IMMIGRANT STATUS**  
[24 CFR 5.508, 5.510,5.512, 5.514]

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to declare their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status. Assistance cannot be delayed, denied, or terminated while

verification of status is pending except that assistance to applicants may be delayed while Waterloo Housing Authority informal review is pending.

- A. Citizens or Nationals of the United States  
All applicants and participants are required to sign a declaration under penalty of perjury. Waterloo Housing Authority will require citizens to provide documentation of citizenship. Acceptable documentation will include at least one of the following original documents:  
United States birth certificate  
United States passport  
Resident alien/registration card  
Social Security card  
Other appropriate documentation as determined by the Waterloo Housing Authority
- B. Eligible Immigrants who were Participants and 62 or over on June 19, 1995  
Eligible Immigrants who were Participants and 62 or over on June 19, 1995 are required to sign a declaration of eligible immigration status and provide proof of age.
- C. Non-citizens with eligible immigration status  
Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. Waterloo Housing Authority verifies the status through the INS SAVE system. If this primary verification fails to verify status, Waterloo Housing Authority must request within ten days that the INS conduct a manual search.
- D. Ineligible family members  
Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.
- E. Non-citizen students on student visas  
Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.
- F. Failure to Provide  
If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.



G. Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination at the time of initial application. Waterloo Housing Authority will not provide assistance to any family prior to the affirmative establishment and verification of the eligibility of the individual or at least one member of the family. Waterloo Housing Authority will verify the U.S. citizenship/eligible immigration status of all participants no later than the date of the family's first annual reexamination following the enactment of the Quality Housing and Work Responsibility Act of 1998.

For family members added after other members have been verified, the verification occurs at the first re-certification after the new member moves in. Once verification has been completed for any covered program, it need not be repeated.

H. Extensions of Time to Provide Documents

Waterloo Housing Authority will grant an extension of 30 days for families to submit evidence of eligible immigrant status.

I. Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

Resident Alien Card (I-551)

Alien Registration Receipt Card (I-151)

Arrival-Departure Record (I-94)

Temporary Resident Card (I-688)

Employment Authorization Card (I-688B)

Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

## **22.6 VERIFICATION OF SOCIAL SECURITY NUMBERS [24 CFR 5.216]**

Social security numbers must be provided as a condition of eligibility for all family members if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

A driver's license

Identification card issued by a Federal, State or local agency  
Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)  
An identification card issued by an employer or trade union  
An identification card issued by a medical insurance company  
Earnings statements or payroll stubs  
Bank Statements  
IRS Form 1099  
Benefit award letters from government agencies  
Retirement benefit letter  
Life insurance policies  
Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records  
Verification of benefits or Social Security Number from Social Security Administration

In extenuating circumstances only, a self-certification by an adult household member plus at least one third-party statement, utility or cell phone bill, benefit letter, etc. that contains the name of the individual.

### **23.0 VIOLENCE AGAINST WOMEN ACT**

#### **Violence Against Women Act (VAWA)**

Originally published 2009

Re-authorized 2013

Final Rule published December 2016)

**If a member of the participant household is a victim of domestic violence, dating violence, sexual assault or stalking, the victim shall not be penalized by the HA by terminating benefits for the victim. If a member of a tenant's household or any guest or other person under the tenant's control engages in criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking, the victim shall not be penalized by the HA with termination of benefits. Criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking shall not be considered a serious or repeated violation of the lease by the victim for purposes of termination of housing benefits.**

If a current Housing Choice Voucher participant has moved, or wishes to move out, of the assisted dwelling unit in order to protect the health or safety of the victim, the Waterloo Housing Authority will consider circumstances for an emergency transfer, pursuant to the Emergency Transfer Plan for the Housing Choice Voucher program.

The HA will request certification that the incident or incidents are bona fide incidents of abuse according to VAWA. The certification shall include the name of the perpetrator (if known, and can be safely disclosed). Documents of supporting evidence will be requested to assist the Housing Authority in making its decision.

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The individual must supply documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or

stalking, or the effects of the abuse, in which the professional attests under penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim has signed or attested to the documentation or the individual must produce a Federal, State or local police or court record of the incident(s). The victim shall provide documents requested by the HA within 14 days of the request.

**THE WATERLOO HOUSING AUTHORITY SHALL TERMINATE THE ASSISTANCE TO ANY INDIVIDUAL WHO IS A MEMBER OF THE VICTIM'S HOUSEHOLD WHO ENGAGES IN CRIMINAL ACTS OF VIOLENCE AGAINST OTHER FAMILY MEMBERS. WHA WILL HONOR COURT ORDERS ADDRESSING RIGHTS OF ACCESS TO OR CONTROL OF THE PROPERTY, INCLUDING CIVIL PROTECTION ORDERS ISSUED TO PROTECT THE VICTIM AND THAT ARE ISSUED TO ADDRESS THE DISTRIBUTION OR POSSESSION OF PROPERTY AMONG THE HOUSEHOLD MEMBERS IN CASES WHERE A FAMILY BREAKS UP. THE HOUSING AUTHORITY WILL CONSIDER IF AN APPLICANT HAD PREVIOUSLY BEEN DENIED DUE TO A FAMILY MEMBER ENGAGING IN DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING AND THE PERPETRATOR IS NO LONGER IN THE HOUSEHOLD, THE APPLICANT MAY BE CONSIDERED IF OTHERWISE ELIGIBLE.**

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The applicant will be required to disclose living arrangements made by the perpetrator of the best of their ability and to certify that the perpetrator will not be allowed to reside or stay in the household).

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#### **Purpose**

The purpose of this Policy is to reduce domestic violence, dating violence, sexual assault and stalking and to prevent homelessness by:

- a) protecting the safety of victims;
- b) creating long-term housing solutions for victims;
- c) building collaborations among victim service providers; and
- d) assisting the Housing Authority (HA) to respond appropriately to the violence while maintaining a safe environment for HA, employees, tenants, applicants and others.

The Policy will assist the HA in providing rights under the Violence Against Women Act to its applicants and Housing Choice Voucher participants.

#### **Mission Statement**

The HA's policy is to comply with the 2009 VAWA Pub. L. 109-162; Stat.2960 signed into law on January 5, 2006 and codified at 42 U.S.C. § 1437d (l) and 1437f (d), (o) & l and (u), the VAWA Re-Authorization of 2013, and the Final Rule published December 16, 2016. The HA shall not discriminate against an applicant or program participant, on the basis of the rights or privileges provided under the VAWA.

#### **Definitions**

The definitions in this Section apply only to this Policy.

3.1 Confidentiality: Means that the HA will not enter information provided to the HA under 4.2 and 4.3 into a shared database or provide this information to any related entity except as stated in 4.4.

3.2 Dating Violence: Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) the length of the relationship;

(ii) the type of relationship;

(iii) the frequency of interaction between the persons involved in the relationship. 42 U.S.C. § 1437d (u) (3) (A).

3.3 Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, committed by a person with whom the victim shares a child in common, committed by a person who is cohabitating with or has cohabitated with the victim as a spouse, committed by a person similarly situated to a spouse of the victim under the domestic or family violence laws or committed by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws.

3.4 Immediate Family Member: A spouse, parent, brother or sister, or child of a victim or an individual to whom the victim stands in loco parent; or any other person living in the household of the victim and related to the victim by blood and marriage. 42 U.S.C. § 1437d (u) (3) (D)

3.5 Long-term Housing: Is housing that is sustainable, accessible, affordable and safe for the foreseeable future which:

a) the person rents or owns;

b) is subsidized by a voucher or other program as long as the person meets the eligibility requirements of the program;

c) directly provided by the HA, is not time limited and the person meets the eligibility requirements of the program.

3.6 Perpetrator: A person who commits an act of domestic violence, dating domestic violence or stalking against a victim.

3.7 Sexual Assault: a sexual act in which a person is coerced or physically forced against their will, or non-consensual sexual touching of a person. Sexual assault is a form of sexual violence, and it includes rape, groping, child sexual abuse, or the torture of the person in a sexual manner.

3.7 Stalking: (a) to follow, pursue or repeatedly commit acts with the intent to kill, injure, harass or intimidate the victim; (b) to place under surveillance with the intent to kill, injure, harass or intimidate the victim; (c) in the course of, or as a result of such following, pursuit, surveillance, or repeatedly committed acts, to place the victim in reasonable fear of the death of, or serious bodily injury to the victim; or (d) to cause substantial emotional harm to the victim, a member of the immediate family of the victim or the spouse or intimate partner of the victim. 42 U.S.C. § 1437d (u)(3)(C).

3.8 Victim: Is a person who is the victim of domestic violence, dating violence, or stalking under this Policy and who has timely and completely completed the certification under 4.2 and 4.3 or as requested by the HA.

#### **4.0 Certification and Confidentiality**

##### **4.1 Failure to Provide Certification under 4.2 and 4.3**

The person shall provide complete and accurate certifications to the WHA within 14 business days after the party requests in writing that the person completes the certifications. If the person does not provide a complete and accurate certification within the 14 business days, the HA, the owner or manager may take action to deny or terminate participation or tenancy under: 42 U. S. C. § 1437 l (5) & (6); 42 U. S. C. §1437 (d) (c) (3); 42 U. S. C. § 1437f (c)(9); 42 U. S. C. § 1437f (d)(1)(B)(ii) & (iii); 42 U. S. C. § 1437f (o)(7)(C) &(D); or 42 U. S. C. § 1437f (o)(20) or for other good cause.

##### **4.2 HUD Approved Certification**

For each incident that a person is claiming is abuse, the person shall certify to the Waterloo Housing Authority, the victim status by completing the HUD approved certification form

(HUD-5382). The person shall certify the date, time and description of the incidents, that the incidents are bona fide incidents of actual or threatened abuses and meet the requirements of VAWA and this Policy. The person shall provide information to identify the perpetrator including but not limited to the name and, if known, all alias names, date of birth, address, contact information such as postal, e-mail or internet address, telephone or facsimile number or other information, if known and safe to do so.

##### **4.3 Other Certification**

A person who is claiming victim status shall provide to the WHA:

a) documentation signed by the victim and an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. § 1746) to the professional's belief that the incident(s) in question are bona fide incidents of abuse; or

b) a federal, state, tribal, territorial, local police or court record.

##### **4.4 Confidentiality**

The WHA shall keep all information provided to under this Section confidential. The HA shall not enter the information into a shared database or provide to any related entity except to the extent that:

(a) the victim requests or consents to the disclosure in writing;

(b) the disclosure is required for:

(i) the disclosure is required by applicable law.

##### **4.5 Compliance Not Sufficient to Constitute Evidence of Unreasonable Act**

The HA compliance with Sections 4.1, 4.2 and 4.3 shall alone not be sufficient to show evidence of an unreasonable act or omission by them.

#### **5.0 Appropriate Basis for Denial of Admission or Assistance**

5.1 The HA shall not deny participation or admission to the Housing Choice Voucher program on the basis of a person's victim status, if the person otherwise qualifies for admission of assistance.

5.2 An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be a serious or repeated violation of the lease by the

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victim and shall not be good cause for denying to a victim admission to a program, or occupancy rights, or evicting a tenant.

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

5.4 Notwithstanding Sections 5.1, 5.2 and 5.3 the HA, may bifurcate a lease to evict, remove or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others without evicting, removing, terminating assistance to or otherwise penalizing the victim of the violence who is also a tenant or lawful occupant. 42 U.S.C. §1437d(1)(6)(B).

5.5 Nothing in Sections 5.1, 5.2 and 5.3 shall limit the authority of the HA, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members when the family breaks up.

5.6 Nothing in Sections 5.1, 5.2 and 5.3 limits the HA authority to evict or terminate assistance to any tenant for any violation of lease not premised on the act or acts of violence against the tenant or a member of the tenant's household. However the HA may not hold a victim to a more demanding standard.

5.7 Nothing in Sections 5.1, 5.2 and 5.3 limits the HA's authority to evict or terminate assistance, or deny admission to a program if the HA can show an actual and imminent threat to other tenants, neighbors, guests, employees, persons providing service to the property or others if the tenant family is not evicted or terminated from assistance or denied admission.

5.8 Nothing in Sections 5.1, 5.2 or 5.3 limits the HA's authority to deny admission, terminate assistance or evict a person who engages in criminal acts including but not limited to acts of physical or sexual violence, or stalking against family members or others.

#### **6.0 Actions Against a Perpetrator**

The HA may evict or deny admission to a program or trespass a perpetrator from its property under this Policy. The victim shall take action to control or prevent the domestic violence, dating violence, sexual assault or stalking. The action may include but is not limited to:

- a) obtaining and enforcing a restraining or no contact order or order for protection against the perpetrator;
- b) obtaining and enforcing a trespass against the perpetrator;
- c) enforcing the HA or law enforcement's trespass of the perpetrator;
- d) preventing the delivery of the perpetrator's mail to the victim's unit;
- e) providing identifying information listed in 4.2; and
- f) other reasonable measures.

#### **7.0 Notice to Applicants and Tenants.**

The HA shall provide notice to applicants and tenants of their occupancy rights under VAWA at the time of admission to the program, in conjunction with any notification of termination of assistance, and once to all current tenants following the approval of this policy.

#### **8.0 Reporting Requirements**

The HA shall include in its Agency Plan, a statement of goals, objectives, policies or programs that will serve the needs of victims when required. THE HA may also include a description of activities, services or programs provided or offered either directly or in partnership with other service providers to victims, to help victims obtain or maintain housing or to prevent the abuse or to enhance the safety of victims.

#### **9.0 Conflict and Scope**

This Policy does not enlarge the HA's duty under any law, regulation or ordinance. If this Policy conflicts with the applicable law, regulation or ordinance, the law, regulation or ordinance shall control. If this Policy conflicts with another HA policy, this Policy will control.

#### **10.0 Amendment**

The Waterloo Housing Authority Board may amend this policy when it is reasonably necessary to effectuate the Policy's intent, purpose or interpretation. The proposed amendment along with the rationale for the amendment shall be submitted by the Executive Director for consideration by the Board. Where reasonably necessary, the Board may approve the amendment. The amendment shall be effective and incorporated on the date that the Board approves the amendment.

#### **GOALS:**

The Housing Authority has teamed with the local community to help support children and adults from violence. If a child is involved, the local office of child protective services will help assist and place the child in a safe environment. If an adult is involved, the City Police Department or County Sheriff's department will assist the adult in getting to the safe harbor. The local Health Department also will assist in placing families out of harms way with a contact person who will assist families with counseling services. All referrals will be made on a case-by-case basis.

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(VAWA)

— Originally published 2009

— Re-authorized 2013

— Final Rule published December 2016

**If a member of the participant household is a victim of domestic violence, dating violence, sexual assault or stalking, the victim shall not be penalized by the HA by terminating benefits for the victim.** If a member of a tenant's household or any guest or other person under the tenant's control engages in criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking, the victim shall not be penalized by the HA with termination of benefits. Criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking shall not be considered a serious or repeated violation of the lease by the victim for purposes of termination of housing benefits.

If a current public housing resident wishes to move out of the assisted dwelling unit in order to protect the health or safety of the victim, the Waterloo Housing Authority will consider circumstances for an emergency transfer, pursuant to the Emergency Transfer Plan for the Public Housing Program.

The HA will request certification that the incident or incidents are bona fide incidents of abuse according to VAWA. The certification shall include the name of the perpetrator (if known, and can be safely disclosed). Documents of supporting evidence will be requested to assist the Housing Authority in making its decision.

The individual must supply documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim has signed or attested to the documentation or the individual must produce a Federal, State or local police or court record of the incident(s). The victim shall provide documents requested by the HA within 14 days of the request.



~~The Waterloo Housing Authority shall terminate the assistance to any individual who is a member of the victim's household who engages in criminal acts of violence against other family members. Who will honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and that are issued to address the distribution or possession of property among the household members in cases where a family breaks up. The housing authority will consider if an applicant had previously been denied due to a family member engaging in domestic violence, dating violence, or stalking and the perpetrator is no longer in the household, the applicant may be considered if otherwise eligible.~~

The applicant will be required to disclose living arrangements made by the perpetrator of the best of their ability and to certify that the perpetrator will not be allowed to reside or stay in the household).

#### A. Purpose

- The purpose of this Policy is to reduce domestic violence, dating violence, sexual assault and stalking and to prevent homelessness by:
  - a) protecting the safety of victims;
  - b) creating long term housing solutions for victims;
  - c) building collaborations among victim service providers; and
  - d) assisting the Housing Authority (HA) to respond appropriately to the violence while maintaining a safe environment for HA, employees, tenants, applicants and others.
- The Policy will assist the HA in providing rights under the Violence Against Women Act to its applicants and Housing Choice Voucher participants.

#### B. Mission Statement

The HA's policy is to comply with the 2009 VAWA Pub. L. 109-162; Stat.2960 signed into law on January 5, 2006 and codified at 42 U.S.C. § 1437d (l) and 1437f (d), (o) & l and (u), the VAWA Re-Authorization of 2013, and the Final Rule published December 16, 2016. The HA shall not discriminate against an applicant or program participant, on the basis of the rights or privileges provided under the VAWA.

#### C. Definitions

— The definitions in this Section apply only to this Policy.

- **1. Confidentiality:** Means that the HA will not enter information provided to the HA under 4.2 and 4.3 into a shared database or provide this information to any related entity except as stated in 4.4.
- **2. Dating Violence:** Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the

~~existence of such a relationship shall be determined based on a consideration of the following factors:~~

- ~~(a) the length of the relationship;~~
- ~~(b) the type of relationship;~~
- ~~(c) the frequency of interaction between the persons involved in the relationship. 42 U.S.C. § 1437d (u) (3) (A).~~

~~3. Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, committed by a person with whom the victim shares a child in common, committed by a person who is cohabitating with or has cohabitated with the victim as a spouse, committed by a person similarly situated to a spouse of the victim under the domestic or family violence laws or committed by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws.~~

~~4. Immediate Family Member: A spouse, parent, brother or sister, or child of a victim or an individual to whom the victim stands in loco parentis; or any other person living in the household of the victim and related to the victim by blood and marriage. 42 U.S.C. § 1437d (u) (3) (D)~~

~~5. Long term Housing: Is housing that is sustainable, accessible, affordable and safe for the foreseeable future which:~~

- ~~(a) the person rents or owns;~~
- ~~(b) is subsidized by a voucher or other program as long as the person meets the eligibility requirements of the program;~~
- ~~(c) directly provided by the HIA, is not time limited and the person meets the eligibility requirements of the program.~~

~~6. Perpetrator: A person who commits an act of domestic violence, dating domestic violence or stalking against a victim.~~

~~7. Sexual Assault: a sexual act in which a person is coerced or physically forced against their will, or non-consensual sexual touching of a person. Sexual assault is a form of sexual violence, and it includes rape, groping, child sexual abuse, or the torture of the person in a sexual manner.~~

~~8. Stalking: (a) to follow, pursue or repeatedly commit acts with the intent to kill, injure, harass or intimidate the victim; (b) to place under surveillance with the intent to kill, injure, harass or intimidate the victim; (c) in the course of, or as a result of such following, pursuit, surveillance, or repeatedly committed acts, to place the victim in reasonable fear of the death of, or serious bodily injury to the victim; or (d) to cause substantial emotional harm to the victim, a member of the immediate family of the victim or the spouse or intimate partner of the victim. 42 U.S.C. § 1437d (u)(3)(C).~~

~~9. Victim: Is a person who is the victim of domestic violence, dating violence, or stalking under this Policy and who has timely and completely completed the certification under 4.2 and 4.3 or as requested by the HA.~~

#### **D. Certification and Confidentiality**

##### ~~1. Failure to Provide Certification under 4.2 and 4.3~~

~~The person shall provide complete and accurate certifications to the WHA within 14 business days after the party requests in writing that the person completes the certifications. If the person does not provide a complete and accurate certification within the 14 business days, the HA, the owner or manager may take action to deny or terminate participation or tenancy under: 42 U. S. C. § 1437 l (5) & (6); 42 U. S. C. § 1437 (d) (e) (3); 42 U. S. C. § 1437f (e)(9); 42 U. S. C. § 1437f (d)(1)(B)(ii) & (iii); 42 U. S. C. § 1437f (e)(7)(C) &(D); or 42 U. S. C. § 1437f (e)(20) or for other good cause.~~

##### ~~2. HUD Approved Certification~~

~~For each incident that a person is claiming is abuse, the person shall certify to the Waterloo Housing Authority, the victim status by completing the HUD approved certification form (HUD-5382). The person shall certify the date, time and description of the incidents, that the incidents are bona fide incidents of actual or threatened abuses and meet the requirements of VAWA and this Policy. The person shall provide information to identify the perpetrator including but not limited to the name and, if known, all alias names, date of birth, address, contact information such as postal, e mail or internet address, telephone or facsimile number or other information, if known and safe to do so.~~

##### ~~3. Other Certification~~

~~A person who is claiming victim status shall provide to the WHA:~~

- ~~(a) documentation signed by the victim and an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. § 1746) to the professional's belief that the incident(s) in question are bona fide incidents of abuse;~~
- ~~or~~
- ~~(b) a federal, state, tribal, territorial, local police or court record.~~

##### ~~4. Confidentiality~~

~~The WHA shall keep all information provided to under this Section confidential. The HA shall not enter the information into a shared database or provide to any related entity except to the extent that:~~

- ~~(a) the victim requests or consents to the disclosure in writing;~~
- ~~(b) the disclosure is required for:~~
  - ~~(i) eviction from public housing under 42 U.S.C. 1437 l (5 & (6) (See Section 5 in this policy);~~
  - ~~(ii) the disclosure is required by applicable law.~~

~~5. Compliance Not Sufficient to Constitute Evidence of Unreasonable Act  
The HA compliance with Sections 4.1, 4.2 and 4.3 shall alone not be sufficient to show evidence of an unreasonable act or omission by them.~~

**E. Appropriate Basis for Denial of Admission, Assistance or Tenancy**

~~1. The HA shall not deny participation or admission to the Public Housing Program program on the basis of a person's victim status, if the person otherwise qualifies for admission of assistance.~~

~~2. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be a serious or repeated violation of the lease by the victim and shall not be good cause for denying to a victim admission to a program, or occupancy rights, or evicting a tenant.~~

~~3. Criminal activity directly related to domestic violence, dating violence, sexual assault or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim of that domestic violence, dating violence, sexual assault or stalking.~~

~~4. Notwithstanding Sections 5.1, 5.2 and 5.3 the HA, may bifurcate a lease to evict, remove or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others without evicting, removing, terminating assistance to or otherwise penalizing the victim of the violence who is also a tenant or lawful occupant. 42 U.S.C. §1437d(1)(6)(B).~~

~~5. Nothing in Sections 5.1, 5.2 and 5.3 shall limit the authority of the HA, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members when the family breaks up.~~

~~6. Nothing in Sections 5.1, 5.2 and 5.3 limits the HA authority to evict or terminate assistance to any tenant for any violation of lease not premised on the act or acts of violence against the tenant or a member of the tenant's household. However the HA may not hold a victim to a more demanding standard.~~

~~7. Nothing in Sections 5.1, 5.2 and 5.3 limits the HA's authority to evict or terminate assistance, or deny admission to a program if the HA can show an actual and imminent threat to other tenants, neighbors, guests, employees, persons providing service to the property or others if the tenant family is not evicted or terminated from assistance or denied admission.~~

~~8. Nothing in Sections 5.1, 5.2 or 5.3 limits the HA's authority to deny admission, terminate assistance or evict a person who engages in criminal acts including but not limited to acts of physical or sexual violence, or stalking against family members or others.~~

### **G. Actions Against a Perpetrator**

~~The HA may evict or deny admission to a program or trespass a perpetrator from its property under this Policy. The victim shall take action to control or prevent the domestic violence, dating violence, sexual assault or stalking. The action may include but is not limited to:~~

- ~~1. obtaining and enforcing a restraining or no contact order or order for protection against the perpetrator;~~
- ~~2. obtaining and enforcing a trespass against the perpetrator;~~
- ~~3. enforcing the HA or law enforcement's trespass of the perpetrator;~~
- ~~4. preventing the delivery of the perpetrator's mail to the victim's unit;~~
- ~~5. providing identifying information listed in 4.2; and~~
- ~~6. other reasonable measures.~~

### **H. Notice to Applicants and Tenants**

~~The HA shall provide notice to applicants and tenants of their occupancy rights under VAWA at the time of admission to the program, in conjunction with any notification of termination of assistance, and once to all current tenants following the approval of this policy.~~

### **I. Reporting Requirements**

~~The HA shall include in its Agency Plan, a statement of goals, objectives, policies or programs that will serve the needs of victims when required. THE HA may also include a description of activities, services or programs provided or offered either directly or in partnership with other service providers to victims, to help victims obtain or maintain housing or to prevent the abuse or to enhance the safety of victims.~~

### **J. Conflict and Scope**

~~This Policy does not enlarge the HA's duty under any law, regulation or ordinance. If this Policy conflicts with the applicable law, regulation or ordinance, the law, regulation or ordinance shall control. If this Policy conflicts with another HA policy, this Policy will control.~~

### **K. Amendment**

~~The Waterloo Housing Authority Board may amend this policy when it is reasonably necessary to effectuate the Policy's intent, purpose or interpretation. The proposed amendment along with the rationale for the amendment shall be submitted by the Executive Director for consideration by the Board. Where reasonably necessary, the Board may approve the amendment. The~~

~~amendment shall be effective and incorporated on the date that the Board approves the amendment.~~

**GOALS:**

~~The Housing Authority has teamed with the local community to help support children and adults from violence. If a child is involved, the local office of child protective services will help assist and place the child in a safe environment. If an adult is involved, the City Police Department or County Sheriff's department will assist the adult in getting to the safe harbor. The local Health Department also will assist in placing families out of harm's way with a contact person who will assist families with counseling services. All referrals will be made on a case-by-case basis.~~

**24.0 GLOSSARY**

50058 Form: The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process and, at the option of the housing authority, for interim reexaminations.

1937 Housing Act: The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (24 CFR 5.100)

Adjusted Annual Income: The amount of household income, after deductions for specified allowances, on which tenant rent is based. (24 CFR 5.611)

Adult: A household member who is 18 years or older or who is head of the household, or spouse, or co-head.

Allowances: Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, and medical expenses for elderly families, disability expenses, and childcare expenses for children under 13 years of age. Other allowances can be given at the discretion of the housing authority.

Annual Contributions Contract (ACC): The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program. (24 CFR 5.403)

Annual Income: All amounts, monetary or not, that:

Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family; or

Are anticipated to be received for a source outside the family during the 12-month period following admission or annual reexamination effective date; and

Are not specifically excluded from annual income.

Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609)

Applicant (applicant family): A person or family that has applied for admission to a program but is not yet a participant in the program. (24 CFR 5.403)

As-Paid States: States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the four as-paid states are New Hampshire, New York, Oregon, and Vermont.

Assets: The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see “net family assets.”)

Asset Income: Income received from assets held by family members. If net assets are below \$50,000, actual income from assets will be counted in annual income. If assets total more than \$50,000, actual income from the assets is calculated plus imputed income for those assets where it cannot be calculated. The total of actual and imputed income is then counted in annual income. (See “imputed asset income” below.)

Ceiling Rent: Maximum rent allowed for some units in public housing projects.

Certification: The examination of a household’s income, expenses, and family composition to determine the family’s eligibility for program participation and to calculate the family’s share of rent.

Child: For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age. (24 CFR 5.504(b))

Child Care Expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable

charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603 (d))

Citizen: A citizen or national of the United States. (24 CFR 5.504(b))

Consent Form: Any consent form approved by HUD to be signed by assistance applicants and participant for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participant to determine eligibility or level of benefits. (24 CFR 5.214)

Decent, Safe, and Sanitary: Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards.

Department: The Department of Housing and Urban Development (24 CFR 5.100)

Dependent: A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a disability or is a full-time student. (24 CFR 5.603(d))

Dependent Allowance: An amount, equal to \$480 (adjusted annually for inflation) multiplied by the number of dependants, that is deducted from the household's annual income in determining adjusted annual income.

Disability Assistance Expenses: Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. (24 CFR 5.603(d))

Disability Assistance Expense Allowance: In determining adjusted annual income, the amount of disability assistance expenses deducted from annual income for families with a disabled household member.

Disabled Family: A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b))

Disabled Person: See "person with disabilities."

Displaced Family: A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling



has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (24 CFR 5.403(b))

**Displaced Person:** A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

**Drug-Related Criminal Activity:** Drug trafficking or the illegal use, possession for personal use, of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

**Elderly Family:** A family whose head, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides. (924 CFR 5.403)

**Elderly Family Allowance:** For elderly families, an allowance of \$500 (adjusted annually for inflation) is deducted from the household's annual income in determining adjusted annual income.

**Elderly Person:** A person who is at least 62 years of age. (1937 Housing Act.)

**Extremely low-income families:** Those families whose incomes do not exceed 30% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

**Fair Housing Act:** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.). (24 CFR 5.100)

Family includes by is not limited to:

A family with or without children;

An elderly family;

A near-elderly family;

A disabled family

The remaining member of a tenant family; and

A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. (24 CFR 5.403)

**Family Members:** All members of the household other than live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the lease.

**Family Self-Sufficiency Program (FSS Program):** The [program established by a housing authority to promote self-sufficiency among participating families, including the coordination of supportive services. (24 CFR 984.103(b))

**Flat Rent:** A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. The flat rent is established by the housing authority set at the lesser of the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

**Formula Method:** A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the formula method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

**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. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 5.603(d))

**Head of Household:** The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

**Household Members:** All members of the household including members of the family, live-in aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease.

**Housing Assistance Plan:** A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

**Imputed Income:** For households with net family assets of more than \$50,000, the amount calculated by multiplying net family assets whose income cannot be calculated by a HUD-specified percentage. The total of imputed income and actual income is then used as income from assets in determining annual income.

**In-Kind Payments:** Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g., groceries provided on a weekly basis, baby sitting provided on a regular basis).

Interim (examination): A reexamination of a family income, expenses, and household composition conducted between the regular annual recertifications when a change in a household's circumstances warrants such a reexamination.

Live-In Aide: A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who:

Is determined to be essential to the care and well-being of the persons;

Is not obligated for the support of the persons; and

Would not be living in the unit except to provide the necessary supportive services. (24 CFR 5.403(b))

Low-Income Families: Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary may establish income ceilings higher or lower than 80% of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes. (1937 Act)

Medical Expenses: Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums that are anticipated during the period for which annual income is computed and that are not covered by insurance. (24 CFR 5.603 (d)). These expenses include, but are not limited to, prescription and non-prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for service animals, transportation for medical purposes.

Mixed Family: A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.603(b))

Monthly Adjusted Income: One twelfth of adjusted income. (24 CFR 5.504(d))

Monthly Income: One twelfth of annual income. (24 CFR 5.603(d))

National: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession. (24 CFR 5.504(b))

Near-Elderly Family- A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below 62 living with one or more live-in aides. (24 CFR 5.403(b))

Net Family Assets:

Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.

In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including an disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application of the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

Non-Citizen: A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

Occupancy standards: The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

Person with Disabilities: A person who:

Has a disability as defined in Section 223 of the Social Security act, which states:

“Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or

In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

Is determined, pursuant to regulations issued by the secretary, to have a physical, mental, or emotional impairment that:

Is expected to be of long-continued and indefinite duration;

Substantially impedes his or her ability to live independently; and  
Is of such a nature that such ability could be improved by more suitable housing conditions, or

Has a developmental disability as defined in Section 102(7) of the developmental Disabilities Assistance and Bill of Rights Act, which states:

“Severe chronic disability that:

Is attributable to a mental or physical impairment or combination of mental and physical impairments;

Is manifested before the person attains age 22;

Is likely to continue indefinitely;

Results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and

Reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.”

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. (1937 Act)

No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

Proration of Assistance: The reduction in a family’s housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR 5.520)

Public Housing Agency: (PHA): Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. (24 CFR 5.100)

Recertification: The annual reexamination of a family’s income, expenses, and composition to determine the family’s rent.

Remaining Member of a Tenant Family: A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b.)

**Self-Declaration:** A type of verification statement by the tenant as to the amount and source of income, expenses, or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

**Shelter Allowance:** That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

**Single Person:** Someone living alone or intending to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a tenant family. (Public Housing: Handbook 7465.1)

**State Wage Information Collection Agency (SWICA):** The State agency receiving quarterly wage reports from employers in the State or an alternative system that has been determined by the Secretary of labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR 5.214)

**Temporary Assistance to Needy Families (TANF):** The program that replaced the assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

**Tenant:** The person or family renting or occupying an assisted dwelling unit. (24 CFR 5.504(b))

**Tenant Rent:** The amount payable monthly by the family as rent to the housing authority. Where all utilities (except telephone) and other essential housing services are supplied by the housing authority or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are supplied by the housing authority 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 (d))

**Third-Party (verification):** Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

**Total Tenant Payment (TTP):**

Total tenant payment for families whose initial lease is effective on or after August 1, 1982;

Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 act which is the higher of:

30% of the family's monthly adjusted income;

10% of the family's monthly income; or

If the family is receiving payments for welfare assistance for a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, the portion of such payments which is so designated.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) shall be the amount resulting from one application of the percentage.

Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.

Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

Utility Allowances: If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made by a housing authority of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. (24CFR 5.603)

Very Low-Income Families: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments, for smaller and larger families, except that the secretary may establish income ceilings higher or lower than 50% of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)

Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. (24 CFR 5.603(d))

Welfare Rent: In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

## 25.0 ACRONYMS

ACC	Annual Contributions Contract
CFR	Code of Federal Regulations
FSS	Family Self-Sufficiency (program)
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
<b>HOTMA</b>	<b>Housing Opportunity through Modernization Act</b>
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PHA	Public Housing Agency



QHWRA      Quality Housing and Work Responsibility Act of 1998  
SSA          Social Security Administration  
TTP          Total Tenant Payment  
VAWA        Violence Against Women & Justice Reauthorization Act of 2005