

*GARY HOUSING
AUTHORITY*

*Admissions and Continued
Occupancy Policy
(ACOP)*

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CHAPTER 1

SECTION I: THE GHA

1A. OVERVIEW

This part describes the GHA's creation and authorization, the general structure of the organization, and the relationship between the GHA Board and staff.

1B. ORGANIZATION AND STRUCTURE OF THE PHA

Public housing is funded by the federal government and administered by the **Gary Housing Authority (GHA)** for the jurisdiction of **City of Gary/ County of Lake**.

GHA is governed by a board of officials that are called "commissioners."

Commissioners are appointed in accordance with state housing law and generally serve in the same capacity as the directors of a corporation. The board of commissioners establishes policies under which the GHA conducts business and ensures that those policies are followed by GHA staff. The board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability and success.

Formal actions of the GHA are taken through written resolutions, adopted by the board and entered into the official records of the GHA.

The principal staff member of the GHA is the executive director (ED), who is selected and hired by the board. The ED oversees the day-to-day operations of the GHA and is directly responsible for carrying out the policies established by the commissioners. The ED's duties include hiring, training, and supervising the GHA's staff, as well as budgeting and financial planning for the agency. Additionally, the ED is charged with ensuring compliance with federal and state laws, and program mandates.

1C. GHA'S MISSION & VISION

Mission Statement

To serve as a catalyst for community redevelopment by providing affordable and market rate housing choices and economic opportunities.

Vision Statement

To be recognized as the premier property management and development organization in Northwest Indiana.

1D. THE GHA'S COMMITMENT TO ETHICS AND SERVICE

As a public service agency, the GHA is committed to providing excellent service to all public housing applicants, residents, and the public. In order to provide superior service, the GHA resolves to:

- Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.
- Provide decent, safe, and sanitary housing in good repair – in compliance with program uniform physical condition standards – for very low- and low-income families.
- Achieve a healthy mix of incomes in its public housing developments by attracting and retaining higher income families and by working toward De concentration of poverty goals.
- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human services needs.
- Promote fair housing and the opportunity for very low- and low-income families of all races, ethnicities, national origins, religions, ethnic backgrounds, and with all types of disabilities, to participate in the public housing program and its services.
- Create positive public awareness and expand the level of family and community support in accomplishing the GHA’s mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
- Administer an efficient, high-performing agency through continuous improvement of the GHA’s support systems and commitment to our employees and their development.

The GHA will make every effort to keep residents informed of program rules and regulations, and to advise participants of how the program rules affect them.

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SECTION II: THE PUBLIC HOUSING PROGRAM

IIA. OVERVIEW AND HISTORY OF THE PROGRAM

The United States Housing Act of 1937 (the “Act”) is responsible for the birth of federal housing program initiatives, known as public housing. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing for low-income residents. There have been many changes to the program since its inception in 1937.

The Housing Act of 1965 established the availability of federal assistance, administered through local public agencies, to provide rehabilitation grants for home repairs and rehabilitation. This act also created the federal Department of Housing and Urban Development (HUD).

The Housing Act of 1969 created an operating subsidy for the public housing program for the first time. Until that time, public housing was a self-sustaining program.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act or Housing Act of 1998 – was signed into law. Its purpose was to provide more private sector management guidelines to the public housing program and provide residents with greater choices. It also allowed PHAs more remedies to replace or revitalize severely distressed public housing developments. Highlights of the Reform Act include: the establishment of flat rents; the requirement for PHAs to develop five-year and annual plans; income targeting, a requirement that 40% of all new admissions in public housing during any given fiscal year be reserved for extremely low-income families; and resident self-sufficiency incentives.

IIB. PUBLIC HOUSING PROGRAM BASICS

HUD writes and publishes regulations in order to implement public housing laws enacted by Congress. HUD contracts with the GHA to administer programs in accordance with HUD regulations and provides an operating subsidy to the GHA. The GHA must create written policies that are consistent with HUD regulations. Among these policies is the GHA’s Admissions and Continued Occupancy Policy (ACOP). The ACOP must be approved by the GHA’s board of commissioners.

The job of the GHA pursuant to HUD regulations is to provide decent, safe, and sanitary housing, in good repair, to low-income families at an affordable rent. The GHA screens applicants for public housing and, if they are determined to be eligible for the program, the GHA makes an offer of a housing unit. If the applicant accepts the offer, the GHA and the applicant will enter into a written lease agreement. At this point, the applicant becomes a tenant in the public housing program.

In the context of the public housing program, a tenant is defined as the adult person(s) (other than a live-in aide who (1) executed the lease with the GHA as lessee of the dwelling unit, or, if no such person now resides in the unit, (2) who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit. [24 CFR 966.53].

Since the GHA owns the public housing development, the GHA is the landlord. The GHA must comply with all of the legal and management responsibilities of a landlord in addition to administering the program in accordance with HUD regulations and GHA policy.

IIC. PUBLIC HOUSING PARTNERSHIPS

To administer the public housing program, the GHA must enter into an Annual Contributions Contract (ACC) with HUD. The GHA also enters into a contractual relationship with the tenant through the public housing lease. These contracts define and describe the roles and responsibilities of each party.

In addition to the ACC, the GHA and family must also comply with federal regulations and other HUD publications and directives. For the program to work and be successful, all parties involved – HUD, the GHA, and the tenant – play an important role.

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CHAPTER 2

SECTION I: NONDISCRIMINATION

2A. OVERVIEW

Federal laws require GHAs to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. The GHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Orders 11063 and 13988
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the *Federal Register* February 3, 2012 and further clarified in Notice PIH 2014-20
- The Violence against Women Act of 2013 (VAWA)
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted

When more than one civil rights law applies to a situation, the laws will be read and applied together.

2B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes and other groups of people. State and local requirements, as well as GHA policies, can prohibit discrimination against additional classes of people.

The GHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (called “protected classes”).

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

The GHA will not discriminate on the basis of marital status, gender identity, or sexual orientation [FR Notice 02/03/12; Executive Order 13988].

The GHA will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the public housing program
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment
- Subject anyone to sexual harassment
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Steer an applicant or tenant toward or away from a particular area based on any of these factors
- Deny anyone access to the same level of services
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program
- Discriminate in the provision of residential real estate transactions
- Discriminate against someone because they are related to or associated with a member of a protected class
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

Providing Information to Families

The GHA must take steps to ensure that families are fully aware of all applicable civil rights laws. As part of the public housing orientation process, the GHA will provide information to public housing applicant families about civil rights requirements.

Discrimination Complaints

Applicants or tenant families who believe that they have been subject to unlawful discrimination may notify the GHA either orally or in writing.

Within 10 business days of receiving the complaint, the GHA will provide a written notice to those alleged to have violated the rule. The GHA will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

The GHA will attempt to remedy discrimination complaints made against the GHA and will investigate all allegations of discrimination. Within 10 business days following the conclusion of the GHA's investigation, the GHA will provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation of why corrective action is not warranted. The GHA will keep a record of all complaints, investigations, notices, and corrective actions.

SECTION II: POLICIES RELATED TO PERSONS WITH DISABILITIES

IIA. OVERVIEW

The GHA must ensure that persons with disabilities have full access to the GHA's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the public housing program [24 CFR 8].

The GHA must provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the tenant can meet lease requirements or other requirements of tenancy [24 CFR 966.7(b)].

The GHA will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the GHA, by including the following language:

“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the housing authority.”

A specific point of contact will be provided as the contact person for requests for accommodation for persons with disabilities.

IIB. DEFINITION OF REASONABLE ACCOMMODATION

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the GHA or result in a “fundamental alteration” in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

Types of Reasonable Accommodations

When it is reasonable (see definition above and Section 2-II.E), the GHA shall accommodate the needs of a person with disabilities. Examples include but are not limited to:

- Permitting applications and reexaminations to be completed by mail
- Providing “large-print” forms
- Conducting home visits
- Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability
- Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability
- Installing a ramp into a dwelling or building
- Installing grab bars in a bathroom
- Installing visual fire alarms for hearing impaired persons
- Allowing a GHA-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the support of the person

with disabilities and would not be otherwise living in the unit.

- Providing a designated handicapped-accessible parking space
- Allowing an assistance animal
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with GHA staff
- Displaying posters and other housing information in locations throughout the GHA's office in such a manner as to be easily readable from a wheelchair

II.C. REQUEST FOR AN ACCOMMODATION

The GHA require all reasonable accommodation request in writing using a reasonable accommodation request form. Families should contact their management office to obtain a Reasonable Accommodation Request Form.

II.D. VERIFICATION OF DISABILITY

Before providing an accommodation, the GHA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the GHA's programs and services.

If a person's disability is obvious or otherwise known to the GHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the GHA, the GHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, the GHA will follow the verification policies provided in Chapter 7. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].
- The GHA must request only information that is necessary to evaluate the disability-related need for the accommodation. The PHA may not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.
- In the event that the GHA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, the GHA will dispose of it. In

place of the information, the GHA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

III. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26]

The GHA must approve a request for an accommodation if the following three conditions are met.

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the GHA, or fundamentally alter the nature of the GHA's operations.

After a request for an accommodation is presented, the GHA will respond, in writing.

If the GHA denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal the GHA's decision through an informal hearing (if applicable) or the grievance process.

If the GHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the GHA's operations), the GHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden.

If the GHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the GHA will notify the family, in writing. The notice will inform the family of the right to appeal the GHA's decision through an informal hearing (if applicable) or the grievance process.

III. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with GHA staff, one-on-one assistance will be provided upon request.

III. PHYSICAL ACCESSIBILITY

The GHA must comply with a variety of regulations pertaining to physical accessibility, including the following.

- Notice PIH 2010-26

- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

III. DENIAL OR TERMINATION OF ASSISTANCE

A GHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 966.7].

When applicants with disabilities are denied assistance, the notice of denial must inform them of their right to request an informal hearing [24 CFR 960.208(a)].

When a family's lease is terminated, the notice of termination must inform the family of their right to request a hearing in accordance with the GHA's grievance process [24 CFR 966.4(1)(3)(ii)].

When reviewing reasonable accommodation requests, the GHA must consider whether reasonable accommodation will allow the family to overcome the problem that led to the GHA's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, the GHA must make the accommodation [24 CFR 966.7].

In addition, the GHA must provide reasonable accommodation for persons with disabilities to participate in the hearing process [24 CFR 966.56(h)].

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SECTION III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

III.A. OVERVIEW

The GHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

LEP persons are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this Admissions and Continued Occupancy Policy, LEP persons are public housing applicants and resident families, and parents and family members of applicants and resident families.

III.B. ORAL INTERPRETATION

The GHA will utilize a language line for telephone interpreter services.

When exercising the option to conduct remote hearings, however, the GHA will coordinate with a remote interpretation service which, when available, uses video conferencing technology rather than voice-only interpretation.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the GHA. The GHA, at its discretion, may choose to use the language services even when LEP persons desire to use an interpreter of their choosing. The interpreter may be a family member or friend. If the interpreter chosen by the family is a minor, the GHA will not rely as on the minor to serve as the interpreter.

III.C. WRITTEN TRANSLATION

In order to comply with written-translation obligations, the GHA will take the following steps:

The GHA will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the GHA may not translate vital written materials, but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

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CHAPTER 3

SECTION I: ELIGIBILITY FOR ADMISSION

3A. ELIGIBILITY REQUIREMENTS

- A. The Gary Housing Authority will admit only eligible applicants.
- B. An applicant is eligible by meeting all the following criteria:
 1. Is a family or a single person, as defined in this policy (24 CFR § 5.403);
 2. Heads a household in which at least one member is either a citizen or an eligible immigrant (24 CFR § 200, and §5.500 through 5.528);
 3. Has an Annual Income at the time of admission that does not exceed the income limits for admission as established annually by the U. S. Department of Housing and Urban Development [(24 CFR § 5.405(a)].
 4. Provides a documented Social Security number for all family members or sign a certification under penalties of perjury for each family member that does not have an SSN. (24 CFR § Part 5.216);
 5. Meet the provisions as defined under the screening criteria in this policy.

3B. INELIGIBILITY FOR ADMISSION

Persons deemed not eligible for housing assistance and would not be placed on the waiting list if the applicant or members of the applicant household have a documented history of any of the following circumstances are entitled to a Grievance Hearing:

1. Applicants who owe funds to the GHA or any other housing authority for any program that GHA or another housing authority operates will be denied. (24 CFR § 960.203)
2. Applicant or household member who has ever been convicted of a crime that requires them to be registered under any state sex offender registration program. (24 CFR § 960. 204)
3. Any member of an applicant household has been evicted from public housing or a HCV assisted unit because of criminal or drug-related criminal activity within three years of the application date. Drug-related criminal activity is defined as “the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance” (42 USC 1437d).
4. The Authority determines that there is reasonable cause to believe that such member’s illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol may interfere with the health, safety, or right to peaceful enjoyment of GHA property by residents and employees.
5. Individuals convicted of manufacturing or producing methamphetamine (speed). See Section 428 of the FY 1999 HUD Appropriations Act that amends section 16 of the USHA to add a new subsection (f).
6. An applicant or household member has ever been convicted of arson or child molestation. ((24 CFR § 960.203 (c) 3).
7. An applicant or household member who has committed crimes of violence to persons or property include, but not be limited to, homicide or murder, destruction of

property or vandalism, burglary; armed robbery; theft; trafficking, manufacture, use or possession of an illegal drug or controlled substance; threats or harassment; assault with a deadly weapon; domestic violence; sexual violence; dating violence; or stalking; weapons offenses; criminal sexual assault; home invasion; stalking; kidnapping; terrorism; and manufacture, possession, transporting or receiving explosives. (24 CFR § 960.203(3))

8. Any applicant or household member evicted from any housing for drug-related criminal activity is barred for three years from the date of eviction.

9. **Denied for Life:** Has a lifetime registration under a State sex offender registration program.

3C. CONSIDERATION OF REHABILITATION

PHAs are encouraged to find a balance between allowing ex-offenders to return to HUD subsidized housing and reunite with their families and maintaining the safety of all residents in the programs. Research shows that ex-offenders who do not find stable housing in the community are more than likely to re-offend than those who do. The majority of people released from prison intend to return to their families, many of whom live in public or other subsidized housing.

HUD regulations only require PHAs to establish lifetime bans on admission to the public housing and housing choice voucher programs for:

- A. Individuals who have manufactured or produced methamphetamine while on the property of federally assisted housing; and
- B. Sex offenders subject to a lifetime registration requirement under a state sex offender registration program.
- C. Child Sex offenders who live in Public Housing or Housing Choice Voucher programs cannot be housed within 1000 feet of school property, not including property of an institution providing post-secondary education, a youth program center or a public park or establish residence within one (1) mile of the residence of the victim of the offender. (IC 35-42-4-11)

When making determinations concerning applicant eligibility, GHA may consider whether the applicant household member in question can demonstrate that:

- 1. They have successfully completed a supervised drug or alcohol rehabilitation program and are no longer engaging in illegal use of a controlled substance or abuse of alcohol; or
- 2. They have been otherwise rehabilitated successfully and are no longer engaging in illegal use of a controlled substance or abuse of alcohol; or
- 3. They are participating in a supervised drug or alcohol rehabilitation program and are no longer engaging in illegal use of a controlled substance or abuse of alcohol; or
- 4. For persons who previously have been evicted from public housing for drug-related criminal activity, that the circumstances leading to the eviction no longer exist (42 USC 1437d).

CHAPTER 4

SECTION I: PROCESSING OF APPLICATIONS

4A. OVERVIEW

GHA accepts and processes all applications in accordance with applicable HUD Regulations.

4B. APPLICATION PROCESS

Applications will be available online for all developments.

A two-step application process will be utilized as follows:

Under the two-step application process, the GHA initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list.

Families may apply via the GHA's website (garyhousing.org) via Yardi Rent Café (portal.garyhousing.org).

Applications must be completed online through the GHA's website (garyhousing.org) via Yardi Rent Café (portal.garyhousing.org). Applications must be filled out completely at the time of application period to be accepted by the GHA for processing. If an application is incomplete, the GHA will notify the family that the application was incomplete and will be deleted.

4C. ACCESSIBILITY OF THE APPLICATION PROCESS

The GHA must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the standard GHA application process.

Disabled Populations [24 CFR 8]

The GHA will provide reasonable accommodation as needed for persons with disabilities to make the application process fully accessible. The GHA will provide alternate approaches that provides equal access to the program.

Limited English Proficiency

GHAs will take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency [24 CFR 1].

4D. PLACEMENT ON THE WAITING LIST

The GHA must review each completed application received and make a preliminary assessment of the family's eligibility. Applicants for whom the waiting list is open must be placed on the waiting list unless the GHA determines the family to be ineligible. Where the family is determined to be ineligible, the GHA must notify the family in writing [24 CFR 960.208(a)].

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

4E. INELIGIBLE FOR PLACEMENT ON THE WAITING LIST

If the GHA determines from the information provided that a family is ineligible, the family will not be placed on the waiting list. When a family is determined to be ineligible, the GHA will send written notification of the ineligibility determination. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal hearing and explain the process for doing so.

4F. ELIGIBLE FOR PLACEMENT ON THE WAITING LIST

Applicants will be placed on the waiting list according to GHA preference(s) and the date and time their complete application is received by the GHA.

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

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

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SECTION II: MANAGING THE WAITING LIST

IIA. OVERVIEW

The GHA's public housing waiting list must be organized and managed in such a manner to allow the GHA to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

IIB. ORGANIZATION OF THE WAITING LIST

The waiting list will contain the following information for each applicant listed:

- Name and social security number of head of household
- Unit size required (number of family members)
- Amount and source of annual income
- Accessibility requirement, if any
- Date and time of application or application number
- Household type (family, elderly, disabled)
- Admission preference, if any
- Race and ethnicity of the head of household

The GHA will maintain two community-wide waiting list (Senior High-rise and Family/Scattered Sites) for its developments. Within the list, the GHA will designate subparts to easily identify who should be offered the next available unit (i.e. mixed populations, general occupancy, unit size, and accessible units).

The GHA will not adopt site-based waiting lists.

The GHA will not merge the public housing waiting list with the waiting list for any other program the GHA operates.

IIC. OPENING AND CLOSING THE WAITING LIST

Closing the Waiting List

The GHA may restrict application intake, suspend application intake, and close waiting lists in whole or in part at its discretion. GHA may elect to close a waiting list completely; close a list during certain times of the year; or restrict intake by preference, by bedroom size, or type of dwelling unit.

Decisions about closing the waiting list will be based on the number of applications available for a particular size or type of unit, the number of applicants who qualify for a preference, and the ability of GHA to house an applicant in an appropriate unit within a twelve-month period. GHA will publicly announce any decision to close a waiting list, restrict application intake, or suspend application in take by posting flyers at the housing sites and central offices and also posting in local media outlets and on the GHA website.

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

Reopening the Waiting List

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

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

GHA website, GHA Facebook Page, Local media

IID. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]

The GHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the GHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

III. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

While the family is on the waiting list, the family must inform the GHA, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. It is the applicant's responsibility to update GHA with any change to their circumstances. The changes must be submitted online.

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

IIIF. UPDATING THE WAITING LIST

Purging the Waiting List

The waiting list will be updated as needed to ensure that all applicant information is current and timely.

To update the waiting list, the GHA will send an update request via mail or email to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that the GHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response must be in writing and may be delivered in person, by mail, by email, by fax, or online. Responses should be postmarked or received by the GHA no later than 15 business days from the date of the GHA letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.

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

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.

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

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

Removal from the Waiting List

The GHA will remove an applicant from the waiting list upon request by the applicant family. In such cases no informal hearing is required.

If the GHA determines that the family is not eligible for admission at any time while the family is on the waiting list the family will be removed from the waiting list.

If a family is removed from the waiting list because the GHA has determined the family is not eligible for admission, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal hearing regarding the GHA's decision [24 CFR 960.208(a)].

III. FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears to be within sixty (60) days of being offered a unit, the family will be invited to an interview and the verification process will begin. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. GHA must notify the family in writing of this determination and give the family the opportunity for an informal interview.

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CHAPTER 5

SECTION I: PREFERENCE SYSTEM

5A. OVERVIEW

All applicants shall be provided the opportunity to claim a local preference at the time of initial application or at any time while on the waiting list. Preferences shall be applied based on a “lumping” method, meaning that all preferences have equal weight. Applicants will receive the same priority for placement on the waiting list regardless of which or how many preferences are claimed.

5B. LOCAL PREFERENCES FOR NEW ADMISSIONS FOR ALL COMMUNITIES

Local preferences are defined as follows:

1. **Emergency**

Emergency Applicants are applicants who are:

- A. Emergency Applicants who are Victims of Federally Declared Disasters,
 - B. Domestic Victims;
 - C. Family Preservation;
 - D. An applicant that a governing body with jurisdiction over such matters, or a federal, state or local court deem as an Emergency Applicant.
- a. Emergency Applicants who are Victims of Federally Declared Disasters: The GHA will make unit offers to **verified** victims of federally declared disaster families that do qualify as emergency applicant.
 - b. The Violence Against Women Act (VAWA) is a federal law that, in part, provides housing protections for people applying for or living in units subsidized by the federal government and who have experienced domestic violence, dating violence, sexual assault, or stalking, to help keep them safe and reduce their likelihood of experiencing homelessness.
VAWA is available to both men and women.
 - c. Emergency placement requests from the Indiana Department of Child Protective Services.

These applicants will be offered units on an as needed basis before applicants from the waitlist. All applicants, including emergency applicants, must pass all screening requirements prior to unit offer and admission.

2. **Residency preference**

Families who live or work in the jurisdiction of the Housing Authority of the City of Gary, Indiana. The Residency Preference will be implemented in accordance with applicable discrimination and equal opportunity requirements listed at 1.1.2. Use of the residency preference may not have the “purpose or effect” of delaying or otherwise denying admission to a project or unit based on the race, color, ethnic-origin,, gender, religion, disability or age of any member of an applicant family.

3. **Mixed income preference**

Families with incomes needed to achieve DE concentration of poverty and income – mixing goals.

4. **Working preference (24 CFR 5,415)**

Families with at least one adult who has been employed for a minimum of 90 days at the time of application in a permanent position of not less than 20 hours per week. If applicant's employer reduces the work hours to less than 20 hours per week, then it is the applicant's responsibility to notify the property manager. It would then be the option of the applicant to engage in other work activity such as Community Service with the developments, as defined under 24 CFR 5.603.

These preferences are extended equally to an applicant whose head or spouse is age 62 or older or are receiving social security disability, supplemental security income disability benefits, or any other payments based on an individual's inability to work. Applicants who do not meet this requirement at the time of initial application but later qualify may claim this preference at any time upon completion of 90 days of employment while on the waiting list.

This working preference includes adult family members who are graduates of or participants in educational and training programs designed to prepare the individual for the job market. Applicants who do not meet this requirement at the time of initial application but later qualify may claim this preference at any time when enrolling in a formal recognized job training program while on the waiting list. The working family preference is not based on the amount of earned income.

5. **Veterans' preference**

within the state law definition and veterans or surviving spouses of veterans.

6. **Relocation**

required relocation for purposes such as closing a building; implementing redevelopment or building rehabilitation activities; achieving vacancy consolidation, etc.

7. **Preference for non-public housing over-income families.**

Families paying the alternative non-public housing rent and are on a NPHOI lease who become an income-eligible low-income family and are eligible for re-admission to the public housing program 24 CFR 5.603(b). This preference may not be applied to current public housing families or OI families who have vacated the public housing project.

5C. NEAR ELDERLY PREFERENCE FOR ALL COMMUNITIES

If the waiting list contains no eligible elderly applicants, or none of the elderly applicants is interested in moving into available units, and GHA has conducted outreach to attract elderly families, “near elderly” upon the approval of the Executive Director or designee, families will be admitted to those developments designated as elderly. “Near elderly” applicants are defined as those applicants whose head, co-head or sole member is at least 50 years old but under 62 years of age.

5D. DE CONCENTRATION

DE concentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]

It is the policy of the Gary Housing Authority to provide for De concentration 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.

GHA will affirmatively market our housing to all eligible income groups. Lower income families will not be steered toward lower income developments and higher income families will not be steered toward higher income developments.

PURPOSE: To ensure that families are housed in a manner that will prevent a concentration of poverty families, higher income families, as well as racial and national origin in any of GHA public housing developments.

Steps for Implementation [24 CFR 903.2(c)(1)]

To implement the statutory requirement to De concentrate poverty and provide for income mixing in covered developments, the GHA will comply with the following steps:

Step 1. The GHA will determine the average income of all families in all covered developments on an annual basis.

Step 2. The GHA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

Step 3. The GHA will then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low-income family (federal poverty level or 30 percent of median income, whichever number is higher).

Step 4. The GHA with covered developments having average incomes outside the EIR will then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, the GHA will include in its admission policy its specific policy to provide for DE concentration of poverty and income mixing.

DE concentration Incentives

GHA may offer one or more incentives to encourage applicant families whose income classification would help to meet the De concentration 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 nondiscriminatory manner.

GHA may skip a family on the waiting list to reach another family in an effort to further the goals of DE concentration

GHA may provide other strategies permitted by statute and determined by the GHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and GHA strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under the GHA's DE concentration policy. The GHA will not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the it's DE concentration policy [24 CFR 903.2(c)(4)]

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CHAPTER 6

SECTION I: TENANT SELECTION AND ASSIGNMENT PLAN

6A. ORDER OF SELECTION [24 CFR 960.206(E)]

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

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

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

Factors such as DE concentration or income mixing, and income targeting will also be considered in accordance with HUD requirements and GHA policy.

6B. NOTIFICATION OF SELECTION

The GHA will notify the family in writing when it is selected from the waiting list.

The notice will inform the family of the following:

- Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview

- Who is required to attend the interview

- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation

- Documents that must be provided at the interview to document eligibility for a preference, if applicable

- Other documents and information that should be brought to the interview

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

6C. THE APPLICATION INTERVIEW

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household must attend and the spouse/cohead will be strongly encouraged to attend the interview. Verification of information pertaining to adult members of the

household not present at the interview will not begin until signed release forms are returned to the GHA.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity. If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

Pending disclosure and documentation of social security numbers, the GHA will allow the family to retain its place on the waiting list for 5 business days. If not all household members have disclosed their SSNs at the next time a unit becomes available, the GHA will offer a unit to the next eligible applicant family on the waiting list.

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

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

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial.

6D. PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING

- A. *Selection*: When an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking this is not appropriate basis for denial of program assistance or for admission for a qualified applicant.
- B. *Lease Terms Regarding Termination*: If an incident or incidents of actual or threatened domestic violence, dating violence, or stalking occurs, this will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence. This will not be good cause for terminating the assistance, tenancy or occupancy rights of the victim of such violence.
- C. *Termination of Assistance/Eviction*: Criminal activity directly relating to domestic violence, dating violence, or stalking engaged in by a member of the tenant's household or any guest or other person under the tenant's control shall not be cause for termination of the tenancy or occupancy rights, if the tenant or an immediate member of the tenant's

family is the victim or threatened victim of that domestic violence, dating violence, or stalking.

- D. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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 of the jurisdiction.
- E. The victims are protected as provided in Violence Against Women and Department of Justice Reauthorization Act of 2005, as amended by the U.S. Housing Act of 1937.
- F. *Notice of VAWA protections*: GHA must provide notice to public housing tenants of their rights under VAWA, including the right to confidentiality and the exceptions.

6E. OFFERS OF HOUSING

- A. When an applicant's name reaches the top of any list, they will be made an offer of housing. Offers are communicated by phone, mail, email or the method of communication designated by the applicant when reasonable accommodation is needed for a disability.
- B. Offers made over the phone will be confirmed by letter to the applicant. If the Authority is unable to contact an applicant by phone, a notification letter will be sent to the applicant. Applicants who do not respond to this notice within five (5) business days of the date of the notice will be considered "non-responsive" and withdrawn from all waiting lists.
- C. If more than one unit of the appropriate size and type is available, the first unit ready for occupancy will be offered to the applicant.
- D. If an applicant declines the first offer of housing (without "good cause") their name will be removed from the list where the offer was made. Applicants may not choose another site as a replacement for the location of the refusal.
- E. If an applicant is willing to accept the unit offered but is unable to move at the time of the offer or if acceptance of the offer of a suitable vacancy will result in undue hardship, applicant will keep their place on the waiting list. The applicant must be able to document that the hardship claimed is "good cause" for refusing an offer of housing, and "good cause" must be verified to GHA's satisfaction.

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Examples of good cause reasons for the refusal of an offer of housing, include, but are not limited to the following. GHA recognizes that other causes may not be listed here below but taken into consideration:

1. Inaccessibility to source of employment, education, or job training that would require an adult household member to quit a job, drop out of an educational institution, or job training program. Or inaccessibility to children's day care or educational program that would take a child out of day care or an educational program;
2. The family demonstrates to GHA's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency or a threat assessment that verifies danger from criminal activity. Reasons offered must be specific to the family. Refusals due to location alone are not good cause;
3. The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move;
4. An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing [24 CFR § 945.303 (d)]; or

F. Examples of good cause related to an applicant's willingness to accept an offer but inability to move at the time of the offer include:

1. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member;
2. The family head, spouse or sole member is serving on an impaneled jury.

G. If an applicant declines the second offer of housing (without "good cause") their name will be removed from all waiting lists.

H. GHA will maintain a record of units offered, including location, date, and circumstances of each offer, and each acceptance or rejection, including the reason for the rejection.

I. Applicants who are not accepted for admission to Public Housing shall be entitled to request a review provided that such review is requested in writing within 14 days from the date of notification by GHA of the decision to deny admission.

6F. UNIT ASSIGNMENT

Units available for occupancy will be assigned in the following order:

- A. Emergency Applicants – Applicants from the emergency list will be offered the first appropriate available unit.
- B. Relocated Residents – Residents relocated pursuant to a HOPE VI or other HUD approved relocation plan that have a right to return to a newly developed unit and other wise meet all eligibility requirements under the right to return agreement will be offered units prior to any other applicants.

- C. Emergency Transfers – Transfers of existing residents within the same site, requiring emergency transfers as defined further in this policy, will be offered available units prior to all other transfers or applicants.
- D. Mandatory Transfers – Transfers of existing residents within the same site, requiring mandatory transfers due to changes in family composition will be offered available units prior to applicants or other existing residents.
- E. New Admissions - Applicants from the waiting list will be offered available units. only when vacant units are available.

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CHAPTER 7

SECTION I: UNIT TYPE AN SIZE STANDARDS

7A. OVERVIEW

In selecting an applicant for a particular unit, GHA will match the characteristics of the applicant family with the type of unit available. Applicant households will be matched to units according to family size and general occupancy standards with discretion permitted to accommodate family circumstances and family choice. GHA's unit size standards have been designed to assist as many families as possible without overcrowding the units and to make every effort to minimize vacancies.

7B. BEDROOM SIZE AND UNIT ASSIGNMENT

GHA has established guidelines for determining the bedroom size assigned to applicant households based on the following criteria:

1. Generally, two persons shall be assigned to each bedroom,
2. Head and Co-Head shall share a bedroom;
3. Children of the same sex shall share a bedroom regardless of age;
4. Children of opposite sex, with the exception of infants and toddlers under age 5, shall not share a bedroom.
5. Children, with the exception of unborn children and infants under two years of age, shall not share a bedroom with parents;
6. A single pregnant woman with no other household members and a single parent with one child and no other household members will be assigned a two-bedroom unit.
7. Live-in aides (as defined by federal regulations) shall not be required to but may share a bedroom with their family members. *Reference Chapter 12 section G (E).*

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TENANT SELECTION AND ASSIGNMENT PLAN

The following table shall serve as the guide in assigning applicants to the waiting list and determining unit size for changes in family composition for existing residents.

Minimum-Number-of-Persons-Per Unit Assignment Standard

Number of Bedrooms	Max Persons/Unit	Min Persons/Unit
0BR	2	1
1BR	2	1
2BR	4	2
3BR	6	3
4BR	8	4
5BR	10	5

The following criteria will apply to allow for modifications of the unit assignment standards:

1. The following standards will not be modified, unless it is a case of reasonable accommodations for a person with disabilities.
 - a. Two children of the same sex, regardless of age, will be required to occupy the same bedroom.
 - b. Children who are temporarily away from the home because of placement in foster care, kinship care or away at school will be considered in bedroom size.
 - c. A single person who is not an elderly, disabled, or displaced person, or the remaining member of a resident's family, will not be provided a housing unit with two or more bedrooms [24 CFR 5.405(c)].
 - d. A Live-in Aide - a person who resides with an elderly person(s) near elderly person (s) or person(s) with disabilities and who]
 - 1) is determined by the GHA to be essential to the care and wellbeing of the person (s)
 - 2) is not obligated to support the family member
 - 3) would not be living in the unit except to provide the necessary supportive services. A live in Aide is not listed on the Lease and cannot become a remaining family member for continued occupancy purposes.
 - e. A remaining family member may occupy a unit with two or more bedrooms if the unit in which they reside is larger than a one-bedroom unit. However, upon re-certification, the remaining family member is subject to the unit size standards and will be housed according to the appropriate bedroom size.
2. The following modifications may be allowed at the request of the family. A family may ask for any of the modification listed below for purposes of more appropriately matching a unit to their circumstances (especially when doing so will expedite housing). Any requests by the family must be in writing and will be documented in their applicant/housing file. GHA staff will assist with the

written request as needed.

- a. Persons of different generations (parent, child, and grandparent) or opposite sex (other than husband and wife) may occupy the same bedroom.
- b. Two children of the opposite sex, regardless of age, may share a bedroom
- c. A single head of household parent may choose to share a bedroom with his/her children.

Under these unit standards, applicant households may be eligible for more than one bedroom size. In such instances, the family may wait for both bedroom sizes. For example: A mother with an infant chooses a one bedroom unit over a two bedroom unit to be housed quicker. At any time while on the waiting list, an applicant may remove their request to modify occupancy standards to be housed in a smaller unit. This action will not be considered a refusal of housing. GHA will make every available effort to comply with City Code and Ordinances whenever possible.

7C. ACCESSIBLE UNITS [24 CFR 8.27]

Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.

When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, the GHA will offer the unit to a non-disabled applicant.

When offering an accessible unit to a non-disabled applicant, the GHA will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled family. This requirement will be a provision of the lease agreement.

7D. DESIGNATED HOUSING

Designated Units

- A. Designated units will be first offered to applicants whose household characteristics “match” those of the vacant unit available.
- B. By matching unit and family characteristics, families lower on the waiting list may receive an offer of housing ahead of families higher on the list with an earlier application date.
- C. If there are no “matching” families on the waiting list, the unit will be offered to the family at the top of the waiting list for the appropriate bedroom size unless admission is restricted to only the designated population.
- D. Listed below are four types of designated units. When such matching is required or permitted by law, GHA will give preference to the families described below.

1. Units designated for elderly families (implementing regulations at 24 CFR §

- 945.201, 945.105, 945.203, and 945.303) only elderly families will be admitted to such units or buildings covered by an approved Allocation Plan.
2. Units designated for disabled families (implementing regulations at 24 CFR § 945.105, 945.201, 945.203, 945.205, and 945.303) disabled families will receive a preference for admission to units that are covered by an approved Allocation Plan.
 3. Mixed Income units – units designated for households with certain income requirements under other federal regulations such as the Low-Income Housing Tax Credit units, Bond Financed units, HOME units. Only families meeting the income requirements for these units will be admitted.

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CHAPTER 8

SECTION I: EVALUATING FINAL ELIGIBILITY

8A. APPLICANT INTERVIEWS AND VERIFICATION DOCUMENTS

1. GHA will schedule applicant interviews as families approach the top of the waiting list. In this interview, the following items will be verified to determine qualification for admission into public housing:
 - A. Family composition and type (Elderly/Disabled/Non-elderly)
 - B. Annual Income
 - C. Assets and Asset Income
 - D. Allowance Information
 - E. Admissions Preferences
 - F. Social Security Numbers of all Family Members
 - G. Compliance with admissions screening criteria
 - H. Citizenship or eligible immigration status
 - I. Criminal background and
 - J. History of payment of rent and utilities
2. Consent Forms - Applicants must cooperate fully in obtaining or providing the necessary verifications.
3. All adult applicants must sign form HUD -9886, Authorization for Release of Information. The purpose of this form is to facilitate automated data collection and computer matching from specific sources. This form covers only release of information on earned income and unemployment income to the GHA and IRS/SSA information to HUD.
4. Adult family members will be asked to sign releases or other forms as needed to collect information to determine family's eligibility and level of assistance.
5. If any family member who is required to sign a consent form fails to do so, the GHA will deny admission to applicants and terminate assistance of existing residents.
6. GHA is authorized by HUD to use six methods to verify tenant employment and income information. These methods are Up front Verification, that utilizes the HUD's EIV system, Up Front Verification on non-HUD systems, Third-Party Written Verification, Tenant-Provided Third-Party Documents, Oral Third Party Verification, and the Tenant Declaration will be used as a last resort. The following verification techniques are listed from the highest to the lowest.
7. GHA will verify applicant claims by: Upfront Income Verification utilizing the HUD's (EIV) system. This verification technique is mandatory.
8. When up-front verification utilizing the HUD's (EIV) system is not available, the GHA will utilize the Upfront Income verification non-HUD system. This verification

technique is optional. When the Upfront Income verification non-HUD is not available, the GHA will utilize the Written Third-Party Verification provided by the tenant. (Example: pay stubs, payroll summary reports, bank statements, TANF, etc.)

9. When the Written Third-Party Verification is not available, the GHA will utilize the Written Third-Party Verification form. This form is mandatory if written third party verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation.
10. When Third Party Verification form is not available, the GHA will utilize the Oral Third-Party Verification. This verification technique is mandatory when the written third-party verification is not available.
11. The Oral Third-Party Verification becomes mandatory if the written third-party verification is not available.
12. The Tenant Declaration will be used as the last resort only when unable to obtain any type of third-party verification.

8B. APPLICANT SCREENING CRITERIA

A. GHA will determine the acceptability of applicants based on the following screening criteria established in accordance with HUD's regulations (24 CFR Part 960). GHA will preclude admission of applicants whose habits and practices may be expected to have a detrimental effect on other residents or the development's environment. Applicants must demonstrate the ability to comply with essential provisions of the lease as summarized below. Applicants will be denied admission if unable to demonstrate ability to meet these requirements.

B. All applicants must demonstrate through an assessment of current and past behavior the ability:

1. To pay rent and other charges as required by GHA in a timely manner;
2. To care for and avoid damaging the unit and common areas;
3. To use facilities and equipment in a reasonable way;
4. To create no health, or safety hazards, and to report maintenance needs;
5. Not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
6. Not to engage in any activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff;
7. To comply with necessary and reasonable rules and program requirements of HUD and GHA;
8. To successfully complete a self-sufficiency program in accordance with the Housing Choice Voucher's Family Self Sufficiency Program.
9. To be gainfully employed, in job training and/or in search of employment provided that the applicant is not elderly or disabled.

C. Applicants will be denied admission if there is a documented record of any of the following during the three year period preceding application:

Criminal activity involving crimes of physical violence to persons or property;

Criminal acts which would adversely affect the health, safety or welfare of other tenants including any and all drug related activity;

Previous termination from the Housing Choice Voucher Program for violation of family obligations under the certificate or voucher;

Previous eviction from Public Housing for violation of the lease agreement;

Documented history of any criteria established previously in this policy.

Applicants will be denied admission if GHA discovers that the applicant has intentionally misrepresented or failed to report any facts which are necessary to determine eligibility and/or suitability for admission to public housing.

8C. AUTHORIZATION

- A. The applicant's signature on the HUD "release of information and privacy act form" authorizes GHA to make necessary inquiries into the applicant's behavior or background as it relates to lease compliance. This includes obtaining arrest information in order to determine the likelihood of lease compliance.
- B. The GHA will perform criminal background checks through local law enforcement or an authorized agency for all adult household members. The GHA will use the Dru Sjodin National Sex Offender database to screen applicants for admission.
- C. Information requested for applicant screening shall be reasonably related to assessing the conduct of the applicant and other family members listed on the application. Any costs incurred to complete the application process and screening must be paid by GHA.
- D. Screening factors used in the application process include but are not limited to criminal background checks (including arrest history) credit check, payment history for utility charges, prior landlord history, and a home visit. Failure to meet the requirements of these "checks" will result in applicant rejection.

8D. NOTIFICATION

- A. Applicants determined eligible and suitable for admission will be notified by mail. This notice will include the approximate date of occupancy.
- B. Applicants determined unqualified for admission will be notified. These applicants will receive a Notice of Rejection from GHA, stating the basis for such determination. GHA shall provide such applicants with an opportunity for informal review of the determination and to present mitigating circumstances. The informal review for applicants should not be confused with the resident grievance process. Applicants are not entitled to use of the resident grievance process [24 CFR § 960.207(a)].
- C. In addition to mitigating circumstances, applicants who are known to have a disability and have been determined eligible but who fail to meet the screening criteria, will be offered the opportunity to have their cases examined to determine whether reasonable accommodations will make it possible for them to be housed in accordance with the Screening Procedures.
- D. Residents relocated under the HOPE VI Program who are not qualified for re-occupancy in a new HOPE VI community may invoke the Public Housing Grievance process.

CHAPTER 9

SECTION I: VERIFICATION PROCEDURES

9A. OVERVIEW

General [24 CFR Part 5, Subparts B, D, E and F; 982.158; 24CFR Part 5.617]

All factors affecting eligibility for the Public Housing Program and calculation of total tenant payment, tenant rent, and housing assistance will be verified by GHA. GHA 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 obtainable.

Applicants and program participants must provide true and complete information upon the request of the GHA. Verification requirements are designed to maintain program integrity. Applicants and participants (including each member of the household) are required to disclose his/her assigned Social Security Numbers (SSNs), Social Security (SS) and Supplemental Security Income (SSI) Benefits, at time of application for rental assistance programs and during mandatory reexamination of household income, as a condition of initial or continuing eligibility for participation in any HUD rental assistance program.

24 CFR 5.216 This provision modifies regulations as it applies to Program Applicants
The change creates a 90-day period during which an applicant family may become a program participant, even if the family lacks the documentation necessary to verify the Social Security Number (SSN) of a family member under the age 6 years. An extension of one additional 90-day period must be granted if the GHA determines that, in discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside of the control of the applicant. If applicant family does not produce the required documentation within the authorized time period, the GHA or processing entity must impose appropriate penalties, in accordance with 24 CFR 5.218

In terms of offering a grace period or an extension, if merited a GHA will implement this provision just as it currently implements the provision for program participants. Specifically, an applicant family with a child under the age of 6 years may become a participant family, even if the SSN for the child is not verified at the time of admission. If the SSN has still not been verified at the end of the initial 90-day period, then the GHA must determine whether a 90-day extension is merited. If it is not merited, then the GHA must follow the provisions of 24 CFR 5.218. If a 90-day is merited, then the GHA must either verify the SSN for the child by the end of the 90-day extension period or follow the provisions of 24 CFR 5.218.

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9B. ACCEPTABLE EVIDENCE OF THE SSN DOCUMENTATION

- A. An original SSN card issued by SSA
- B. An original SSA-issued document, which contains the name and SSN of the individual;
or
- C. An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

9C. UNACCEPTABLE EVIDENCE OF THE SSN DOCUMENTATION

- A. The document is not an original document; or
- B. The original document has been altered, mutilated, or not legible; or
- C. The document appears to be a forged document (i.e. does not appear to be authentic).

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SECTION II: METHODS OF VERIFICATION AND TIME ALLOWED [24 CFR 982.516]

All required information will be verified using six methods of verification: Up Front Income Verification (UIV/EIV), Up Front Income Verification non-HUD (UIV/EIV), Third Party Written Verification, Tenant-Provided Third-Party Documents, Oral Third-Party Verification and Tenant Declaration. Third Party Verification of Income and allowances must be obtained, or the file must be documented why third-party verification was not available. GHA staff will explain the types of information that the GHA will verify during interviews, and the methods of verification the GHA will use, including upfront income verification (UIV) and computer matching.

Up Front Income Verification - This method requires 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 large number of individuals.

GHA Policy – Income information will first be verified using HUD’s Electronic Verification (EIV) system in conjunction with family –provided documents dated within the last 60 days of GHA’s interview date. EIV printouts will be used by staff as a resource for indicating sources of income of current residents. Residents will be required to provide the 4 most current pay stubs for employers listed on the EIV printouts and GHA will anticipate income based on the pay stubs provided. Current pay stubs are defined as being within the most recent 60 days.

GHA will use the EIV printout for calculating income from the SSA; unless the tenant disputes the amount listed on the EIV printout. In those cases, the resident will be required to obtain and submit a current award letter from the SSA.

If the resident disputes a source of income that is reported on the EIV printout; the resident will be informed as to how to report identity theft in order to not have income from this source (s) counted. If the resident previously worked at a source listed on the EIV printout but now states they no longer work there, GHA staff will send a termination of employment verification form to the employer.

The types of income that may be verified using upfront income verification (UIV/EIV) are:

- A. Gross Wages and Salaries (including overtime pay, commission, fees, tips, bonuses, and other compensation for personal services.)
- B. Unemployment Compensation
- C. Welfare Benefits
- D. Social Security Benefits (including Federal and State benefits, Black Lung benefits, dual benefits.)
 1. Social Security (SS)
 2. Supplemental Security Income (SSI)

Other income types (i.e., child support, pensions, etc.) should be verified using upfront income verification techniques if the resources are available. The Gary Housing Authority will use additional EIV/UIV resources as they become available. This will be done before, during and or/recertification's of household income as appropriate. It is important to note that EIV data will only be used to verify a participant's eligibility for participation in a rental assistance program and to determine the level of assistance the participant is entitled to receive and only by properly trained persons whose duties require access to this information. Any other use, unless approved by the HUD Headquarters EIV Security System Administrator, is specifically prohibited and will not occur.

No adverse action can be taken against a participant until the Gary Housing Authority has independently verified the EIV information and the participant has been granted an opportunity to contest any adverse findings through the established grievance procedure. The consequences of adverse findings may include Gary Housing Authority requiring the immediate payment of any over-subsidy, the entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy.

Available Upfront Income Verification Techniques that will be used by GHA are:

- A. HUD's Enterprise Income Verification (EIV)
 - B. Computer matching agreements with a federal, state, or local government agency, or a private agency.
 - C. Submit direct requests for income verifications to a federal, state, or local government agencies or a private agency.
 - D. The Authority will accept verifications in the form of computerized printouts delivered by the family from the following agencies:
 - E. Social Security Administration
 - F. Veterans Administration
 - G. Temporary Assistance to Needy Families (TANF) award letter
 - H. Unemployment Compensation
 - I. City or Courts
 - J. All such documents will be photocopied and retained in the applicant file
 - K. The Authority will accept the following documents from the family provided that the document is such that tampering would be easily noted:
 - L. Consecutive and original wage stubs
 - M. Bank statements
 - N. Pension benefit statement letter
 - O. The Authority will accept faxed documents, photocopies, and emails unless the original documents have been requested.
- **Third-Party Written** – This method requires a written document to be sent to the source of the verification and a written response to be received via facsimile or mail service. It may also be a report generated automatically by another government agency, i.e., Department of Welfare, Veterans Administration, etc.

- Third party written verification may also be used to supplement Enterprise Income Verification. They will be utilized when there is a discrepancy of \$200 a month or more and the participant disputes the EIV results.
- Third party verification of SS and SSI benefits shall be obtained by getting a copy of an official social Security Administration letter of benefits from the person receiving the benefits and verification from HUD's online systems. If either of these forms of verification is not obtainable, then the file shall be documented as to why third-party verification was not used.
- The Gary Housing Authority will allow 20 calendar days for the return of third party written verifications prior to continuing to the next type of verification.

Third-Party Oral – This method requires an authorization form signed by the applicant or participant to be sent to the source of the verification and a GHA staff member verifies by telephone the required information and records such information on the required verification forms. When this method is used staff members will be required to document in writing with whom they spoke, the date of the conversation and facts obtained. The Gary Housing Authority will allow 10 calendar days for the return of third party written verifications to supplement the third-party oral verification prior to continuing on to the next type of verification

Review of Documents – When EIV, written and oral third-party verifications are not available within the 30 days allowed in paragraphs 2 and 3 above, the Housing Authority will use the information received by the family, provided that the documents provide complete information. Photocopies of the documents, excluding government checks, provided by the family will be maintained in the file. In cases in which documents are viewed and cannot be photocopied, staff reviewing the documents will complete a written statement as to the contents of the document (s).

Self-Certification and Self Declaration - When EIV, written and oral third-party verifications are not available within the 30 calendar days allowed in paragraphs 2 and 3 above, and hand-carried verification cannot be obtained, the Housing Authority will accept a notarized statement detailing the information needed, signed by the head, spouse, co-head, or other family member within five (5) calendar days.

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.

When any verification method other than Enterprise Income Verification is utilized, the Gary Housing Authority will document the reason for the choices of the verification methodology in the applicant/ resident's file.

Verifications may not be more than 90 days old at the time of issuance of lease signing to a program applicant or a program participant. Therefore, a re-certification must be completed

prior to lease signing for any program move in which the last re-certification was completed more than 90 days prior to lease signing.

IIA. RELEASE OF INFORMATION [24 CFR 5.230]

All adult family members will be required to sign the HUD 9886 Release of Information/Privacy Act form. In addition, family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886. Family refusal to cooperate with the HUD prescribed verification system or refusal to sign any consent forms will result in denial of admission or termination of assistance based on violation of the family obligation to supply any information and to sign consent forms.

IIB. ITEMS TO BE VERIFIED [24 CFR 982.516]

The following information must be verified to determine initial program eligibility, to calculate total tenant payment, tenant rent and housing assistance and at each annual re-certification of income.

- All income not specifically excluded by the regulations.
- 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 preceding two years.
- Childcare expense where it allows an adult family member to be employed or to further his/her education.
- Total 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 allowances or deductions.
- U.S. citizenship/eligible immigrant status
- Social Security Numbers for all family members.
- Familial/Marital status when needed for head or co-head definition.
- Verification of Reduction in Benefits for Noncompliance

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IIC. VERIFICATION OF INCOME, ASSETS AND ALLOWANCES [24 CFR 982.516]

Verification will be conducted using the following procedures:

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; year to date earnings; estimated income from overtime, tips, bonus pay expected during next 12 months.

- Acceptable methods of verification include, in this order: 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 must 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.
- In cases where there are questions about the validity of information provided by the family, GHA will require the most recent federal income tax statements.

Social Security, Pensions, Supplementary Security Income (SSI), Disability Income – Acceptable methods of verification include, in this order: 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.

Unemployment Compensation – Acceptable methods of verification include, in this order: 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.

Welfare Payments or General Assistance – Acceptable methods of verification include, in this order: 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 Welfare Department.

Alimony or Child Support Payments – Acceptable methods of verification include, in this order: copy of a separation or settlement agreement or a divorce decree stating amount and type 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. PHA must record the date, amount, and number of the check.

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

Net Income from a Business – In order to verify the net income from a business, GHA will view 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); 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 unaudited financial statement(s) of the business; credit report or loan application; Documents such as manifests, appointment books, cash 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.

Recurring Contributions – The family must furnish a notarized statement 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 and the

Zero Income Status – Families claiming to have no income will be required to execute verification forms on a quarterly basis to determine that various forms of income such as unemployment benefits, TANF, SSI, are not being received by the household. GHA will also request information from the Department of Labor. A credit report will also be used if information is received that indicates the family has an unreported income source.

- Applicants reporting zero income must complete a “survival” form. In addition, applicants will be asked about the status of any application or benefits through temporary assistance programs (“zero income” applicants who are admitted must submit “survival” forms on a quarterly basis).

Full-time Student Status – In Public Housing only the first \$480 of the earned income of full-time students, other than head, co-head, or spouse, will be counted towards family income. Financial aid, scholarships and grants received by full time students are not counted towards 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. There was no change in the amended 24 CFR 5.609 (b) (9)

- **Full-time Student Status** – A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended). (See 24 CFR 5.603)

Determination and Verification of Eligibility

- A. The student must be of legal age or an emancipated minor under the state law.

Gary Housing Authority must obtain proof of age such as a valid driver's license, identification card issued by a federal, state, or local agency, identification issued by a

medical insurance company, birth certificate, or other form of identification, as determined by Gary Housing Authority.

- B. The student must be income eligible for admission to public housing/HCV programs (24 CFR 960.201 and 982.201).

Gary Housing Authority must verify all sources of reported family income, in accordance with 24 CFR 960.259 and 982.516.

- C. Each college student within a household must provide a *written/signed certification* that the student does or does not anticipate receiving financial support from the student's parent(s) or guardian(s) and the amount of support.

Gary Housing Authority must verify, via independent third-party verification, all amounts anticipated to be received outside of the family during the 12-month period following admission and the effective date of the annual reexamination.

- D. The college student must have established a household separate from his/her parents or legal guardians for at least one year prior to applying to public housing, voucher, or certificate programs.

Gary Housing Authority must obtain evidence of separate households by reviewing/verifying the address information that predates the student's application by a minimum of *one year*.

- E. The college student *must not be claimed* as a dependent by parents(s) or legal guardian(s) on their Internal Revenue Services (IRS) tax return.

Gary Housing Authority will obtain evidence by requesting a copy of the college student's Form 1040EZ, 1040A, or 1040 tax returns for the prior year. Check the box that asks whether the student's parent (or someone else) can claim him/her on their tax return (See box "5" for Form 1040EZ and box "6a" for Forms 1040A and 1040). The PHA may also, if practicable, review the college student's parents' or guardians' tax returns. The college student must supply any information that Gary Housing Authority or HUD determines is necessary in administration of public housing, voucher, or certificate programs (24 CFR 960.259 and 982.551)

Savings Account Interest Income and Dividends – Acceptable methods of verification include, in this order: account statements, passbooks, certificates of deposit, or PHA verification forms completed by the financial institution and 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 the PHA must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements – Acceptable methods of verification include, in this order: 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.

Net Rental Income from Property Owned by Family – Acceptable methods of verification include, in this order: 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, 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.

Family Assets – GHA will require 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 stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate; real estate tax statements if the approximate current market value can be deduced from assessment; financial statements for business assets; copies of closing documents showing the selling price and the distribution of the sales proceeds; appraisals of personal property held as an investment.

Family declaration of assets under \$5000 – 24 CFR 960.259, 982.516

The GHA must obtain third-party verification of all family assets upon admitting a family to the HCV or public housing program and then again at least 3 years thereafter. During the intervening annual re-examinations, GHA has the discretion under this provision to accept a family’s declaration that it has total net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration. If a family submits such a declaration, then the GHA does not need to request supporting documentation to verify the assets, or the amount of income expected to be received from those assets. The family’s declaration of total assets must show each asset and the amount of income expected from that asset. The total amount of income expected from all assets must be less than or equal to \$5,000. The total amount of the expected income from assets will be the family’s “final asset income” and must be entered in field 6j of Form HUD-50058.

The GHA may obtain a family declaration of assets under \$5,000 at the family’s next interim or annual re-examination following adoption of the provision in the GHA ACOP.

GHA is required to have all family members 18 years of age and older sign the family’s declaration of total assets. (24 CFR 5.230) A family that knowingly submits false information is subject to a civil penalty, plus damages, under the False Claims Act (31 U.S.C. 3729)

Whenever a family member is added, GHA must obtain third-party verification of the family member assets. At the next annual re-examination of income following the addition of that family member, the GHA must obtain third party verification of all family assets if the addition of the family's assets puts the family above the \$5,000 asset threshold. If the addition of the family member's assets does not put the family above the \$5,000 asset threshold, then the GHA is not required to obtain third-party verification of all family assets at the next annual re-examination of income following the addition of the family member, however, third-party verification of all assets is required at least every 3 years.

If GHA has adopted self-certification of assets provision in Notice PIH 2013-03 and wishes now to adopt the provision described in this Notice, then the GHA must obtain third-party verifications of all assets of any family at the family's next income redetermination if that family has provided self-certification of assets for the two previous income redeterminations.

Assets Disposed of for Less than Fair Market Value (FMV) - For all certifications and re-certifications, GHA 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 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.

Child Care Expenses – Written notarized verification from the person who receives the payments is required. Verifications must specify the childcare provider's name, address, telephone 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. GHA will also request verification as to whether the certifying individual is a licensed childcare provider and advise the provider that such income may be reported to other sources including the IRS.

Medical Expenses – All expense claims will be verified by one or more of the methods: 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.

Assistance to Persons with Disabilities [24 CFR 5.611©] – 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 is needed.

IID. VERIFYING NON-FINANCIAL FACTORS [24 CFR 5.617(b)(2)]

In order to prevent program abuse, GHA will require applicants to furnish verification of legal identity for all family members. The following documents 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; U.S. military discharge (DD 214); or U.S. passport.

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following: certificate of birth; adoption papers; or custody agreements. A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security benefits is acceptable.

If an official record of birth or evidence of social security retirement benefits cannot be provided, GHA will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded). Age must be verified only once during continuously assisted occupancy.

Familial Relationships

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification. 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 legal records. Verification of marriage status is a marriage certificate.

Verification of Permanent Absence of Family Member

If the family reports an adult member who was formerly a member of the household permanently absent, the following information must be presented as verification prior to removing any household member from the assisted household: legal evidence of divorce action; evidence of legal separation; order of protection/restraining order obtained by one family member against another; lease or rental agreement showing the individual listed as the member of another household; a document from a Court or correctional facility stating how long they will be incarcerated.

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.

III. VERIFICATION OF SOCIAL SECURITY NUMBERS [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members. 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 following documents 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: 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; IRS Form 1099; benefit award letters from government agencies

Addition of new household members – New household members will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported. Adult new household members are based on background check evaluations also.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant has 30 days provide documentation to the GHA. The applicant/ will have an additional thirty (30) days to provide proof of the Social Security Number if it is deemed the applicant's failure to comply was beyond his/her control. If they fail to provide this documentation, the family's assistance will be terminated. In the case of participant 90 days period child under age of 6, the PHA may grant an extension for an additional 90 days if merited. If, at the end of this time, the participant has not provided documentation, the family's assistance will be terminated. If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

Any family member(s) who provided GHA an invalid, false, unofficial, or unassigned social security number will be denied placement and/or action will be taken to terminate the lease for current participants for providing false and misleading information.

If EIV verifications indicate that an individual's social security number does not match the information received by the Social Security Administration, the family member(s) will be provided 30 calendar days to provide documentation from the Social Security Administration or from the Internal Revenue Service that they do have a valid assigned social security number.

If the family member(s) is unable to provide this documentation GHA will deny placement and/or action will be taken to terminate the lease for current participants for providing false and misleading information.

GHA will deny applicants and/or terminate participants of a household where an individual is found to be using an invalid, bogus, unofficial, or unassigned social security number to obtain work or to obtain benefits of the Public Housing program.

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CHAPTER 10

SECTION I: LEASING AND OCCUPANCY OF DWELLING UNITS

10A. GENERAL LEASING POLICY

Units will be leased without regard to the race, religion, sex, age, national origin, disability or familial status of applicants, except as specifically provided herein.

- A. All GHA units will be occupied pursuant to a signed *Residential Dwelling Lease Agreement* that complies with HUD's regulations (24 CFR Part 966).
- B. The lease shall be signed by the head and co-head of household and by an authorized GHA representative, prior to actual admission [24 CFR § 966.4 (p)].
- C. Changes in family composition, income, or status between the time of the final eligibility determination and the leasing of the unit will be processed prior to executing the dwelling lease.
- D. If a resident transfers from one GHA unit to another, a new lease will be executed for the dwelling into which the family moves [24 CFR § 966.4 (c)(3)].
- E. If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:
 1. A new lease contract will be executed;
 2. A Notice of Rent Adjustment will be executed; or
 3. An appropriate rider will be prepared and made a part of the existing lease, or appropriate insertions will be made within the lease. All copies of such riders or insertions are to be dated and signed by the resident and an authorized GHA representative [24 CFR § 966.4 (o)].
 4. All charges due under any lease with GHA will transfer to any new lease that is subsequently executed with the same household.

10B. PRE-OCCUPANCY AND LEASING REQUIREMENTS

- A. A pre-occupancy conference shall be conducted prior to leasing the unit to the prospective resident. This conference will acquaint the family with the provisions of the lease, explain all occupancy requirements, obtain or arrange payment for the security deposit and the first months' rent, orient the family to the environment and establish a good rapport with the family.
- B. GHA is responsible for assuring that the family understands the lease provisions prior to signature and occupancy of the unit. Special arrangements will be made as identified previously in this policy for persons with disabilities, persons with limited comprehension and/or persons needing other than plain language paperwork.
- C. A move-in inspection shall be conducted jointly with the family. A checklist will be utilized to indicate the exact condition of the unit at the time of move in and to assure that the unit is in full compliance with the Uniform Physical Condition Standards.

(UPCS) The move-in inspection will be signed by the family and an authorized GHA representative.

- D. If the applicant accepts the unit, the manager shall verify the move in date, execute a lease, **and remove them from all GHA waiting lists**. If the applicant refuses the unit, a signed reason for refusal must be obtained from the applicant.

10C. LEASE ORIENTATION

After unit acceptance but prior to occupancy, a GHA representative will conduct a lease orientation with the family. The head of household or spouse is required to attend.

Orientation Agenda

Topics to be discussed and explained to all families include:

- A. Applicable deposits and all other charges
- B. Review and explanation of lease provisions
- C. Unit maintenance requests and work orders
- D. The GHA's interim reporting requirements
- E. Review and explanation of occupancy forms
- F. Community service requirements
- G. Family choice of rent
- H. VAWA protections
- I. Smoke-free policies

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

- A. A copy of the lease
- B. A copy of the GHA's grievance procedure
- C. A copy of the house rules
- D. A copy of the GHA's schedule of maintenance charges
- E. A copy of "Is Fraud Worth It?" (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse
- F. A copy of "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2017-12
- G. A copy of the form HUD-5380, VAWA Notice of Occupancy Rights
- H. A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- I. A copy of the GHA's smoke free policy

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10D. OCCUPANCY REQUIREMENTS

- A. Only those persons listed on the most recent lease or certification form shall be permitted to occupy a dwelling unit [24 CFR §§ 960.209 (b) and 966.4 9 (a) (2)]. Except for births to or adoptions by family members, any family seeking to add a new member must request approval in writing prior to the new member occupying the unit [24 CFR § 966.4 (f)(3) & (c)(2)]. GHA will not unreasonably withhold such approval.

Documentation required to add a minor (17 year or younger) that is not by birth or adoption:

- 1) Birth Certificates
- 2) Social Security Cards
- 3) Custody documentation for minors who are not head of household's children to include:
 - (1) a court order establishing custody; or
 - (2) legal or court ordered guardianship
 - (3) court award adoption
 - (4) foster care, relative placement, kinship care, etc. (Child Protective Services or Placement Agency)
 - (5) pending adoption documents

- B. Following the receipt of a family's request for approval to add a new person to the lease, GHA will conduct a pre-admission screening of the proposed new member. The results of screening shall be used to determine whether the GHA will approve the admission of the new member.
- C. In accordance with state law, certain criminal or arrest information for household members under the age of 18 years is not available. This does not preclude GHA from using such information when a household member under the age of 18 years is being prosecuted as an adult under the law. This provision is subject to change should the State or locality modify its laws concerning the availability of police or court records for juvenile offenders.
- D. Situations when an additional family member is added to the household include but are not limited to the following:
1. Resident requests to add the new co-head to the lease;
 2. Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child or children; or
 3. An adult assumes responsibility as the head of house for a family whose remaining family member(s) is under 18 (and is not an emancipated minor(s)).
- E. This Lease will NOT be revised to permit a change of family composition resulting from a request to allow adult children to move back into the unit unless it is determined that the move is essential for the mental or physical health of Tenant AND it does not disqualify the family for the current unit size. Approval of any adult addition is pending approval of prescreening requirements.
- F. Residents who fail to notify GHA of additions to the household or who permit persons

to join the household without undergoing screening are in violation of the lease. Such persons will be considered unauthorized occupants by GHA and the entire household will be subject to eviction [24 CFR § 966.4 (f)(3)].

10E. GUESTS (24 CFR 5.100)

- G. A guest is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has expressed authority to do so consent on behalf of the tenant. A resident family must notify GHA when overnight guests will be staying in the unit for more than 3 days. A guest can remain in the unit no longer than 14 consecutive days or a total of 30 cumulative calendar days during any 12-month period.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 20 consecutive days).

An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, who are not included as family members because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above.

Residents are not permitted to allow a Guest who is on the GHA Bar Out list to occupy or visit the unit for any period of time. Violation of this requirement is grounds for termination of the lease.

Guest who represent the unit address as their primary address for receipt of benefits or other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease.

- H. Residents are not permitted to allow boarders and lodgers to occupy a dwelling unit. Violation of this provision is grounds for termination of the lease [24 CFR § 966.4 (f) (2)].
- I. Residents shall not allow a former resident of GHA who has been evicted for any violations of the lease, to occupy or visit the unit for any period of time. Violation of this requirement is grounds for termination of the lease.
- J. Family members who move from the dwelling unit shall be removed from the lease [24 CFR § 966.4 (f) (3)]. The resident has the responsibility to report the move-out within 30 calendar days of its occurrence. Individuals may be readmitted to the unit subject to eligibility and suitability requirements.
- K. Family members placed under house arrest, must be reported to the GHA within 72 hours of its occurrence. Continued occupancy will be determined by the seriousness of the offense. Failure to report said arrest is grounds for lease termination.
- L. Any addition to the unit shall not cause overcrowding. Medical hardship or other extenuating circumstances shall be considered by GHA in making determinations under this paragraph.

SECTION II: INSPECTIONS

IIA. OVERVIEW

HUD regulations require the GHA to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, the GHA may require additional inspections, in accordance with GHA Policy.

IIB. TYPES OF INSPECTIONS

Move-In Inspections [24 CFR 966.4(i)]

The lease must require the GHA and the family to inspect the dwelling unit prior to occupancy in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by the GHA and the tenant, must be provided to the tenant and retained in the resident file. Head or co-head must attend the initial inspection and sign the inspection form for the unit.

Move-Out Inspections [24 CFR 966.4(i)]

Head or co-head must give GHA a written Notice of Intent to Vacate at least 30 days prior to moving out in order for GHA to schedule the move out inspection.

The GHA must inspect the unit at the time the resident vacates the unit and must allow the resident to participate in the inspection if he or she wishes unless the tenant vacates without notice to the GHA.

When applicable, the GHA will provide the tenant with a statement of charges to be made for maintenance and damage beyond normal wear and tear, within 10 business days of conducting the move-out inspection.

Annual Inspections [24 CFR 5.705]

The GHA will inspect all occupied units at least annually using HUD's Uniform Physical Condition Standards (UPCS).

Quality Control Inspections

Supervisory quality control inspections will be conducted in accordance with the GHA's maintenance plan.

Special Inspections

GHA staff may conduct a special inspection for any of the following reasons:

Housekeeping

Unit condition

Suspected lease violation

Preventive maintenance

Routine maintenance

There is reasonable cause to believe an emergency exists

Other Inspections

Building exteriors, grounds, common areas and systems will be inspected according to the GHA's maintenance plan.

II.C. NOTICE AND SCHEDULING OF INSPECTIONS

Notice of Entry

Non-emergency Entries [24 CFR 966.4(j)(1)]

The GHA will notify the resident in writing at least 48 hours prior to any non-emergency inspection.

For regular annual inspections, the family will receive at least 1 weeks written notice of the inspection to allow the family to prepare the unit for the inspection.

Entry for repairs requested by the family will not require prior notice. Resident-requested repairs presume permission for the GHA to enter the unit.

Emergency Entries [24 CFR 966.4(j)(2)]

Scheduling of Inspections

Inspections will be conducted during business hours. If a family needs to reschedule an inspection, they must notify the GHA at least 24 hours prior to the scheduled inspection. The GHA will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection. The GHA may request verification of such cause.

Attendance at Inspections

Except at move-in inspections, the resident is not required to be present for the inspection. The resident may attend the inspection if he or she wishes.

If no one is at home, the inspector will enter the unit, conduct the inspection and leave a written notice with date, time, and purpose of the entry.

IID. INSPECTION RESULTS

Emergency Repairs [24 CFR 966.4(h)]

When conditions in the unit are hazardous to life, health, or safety, the GHA will make repairs or otherwise abate the situation within 24 hours.

Defects hazardous to life, health or safety include, but are not limited to, the following:

- Any condition that jeopardizes the security of the unit

- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling

- Natural or LP gas or fuel oil leaks

- Any electrical problem or condition that could result in shock or fire

- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit

Utilities not in service, including no running hot water
Conditions that present the imminent possibility of injury
Obstacles that prevent safe entrance or exit from the unit
Absence of a functioning toilet in the unit
Inoperable/missing smoke detectors

Non-emergency Repairs

The GHA will correct non-life-threatening health and safety defects within 15 business days of the inspection date. If the GHA is unable to make repairs within that period due to circumstances beyond the GHA's control (e.g. required parts or services are not available, weather conditions, etc.) the GHA will notify the family of an estimated date of completion.

The family must allow the GHA access to the unit to make repairs.

III. RESIDENT-CAUSED DAMAGES

Damages to the unit beyond wear and tear will be billed to the tenant in accordance with the Maintenance and Damage Charges.

Repeated or excessive damages to the unit beyond normal wear and tear will be considered a serious or repeated violation of the lease.

IIIF. HOUSEKEEPING

Residents whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease, in these instances, the GHA will provide proper notice of a lease violation.

A reinspection will be conducted within 15 days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a reinspection is considered a violation of the lease and may result in termination of tenancy.

Notices of lease violation will also be issued to residents who purposely disengage the unit's smoke/carbon monoxide detector or tamper with any sprinkler head or fire prevention apparatus. A lease charge of \$50 will be given for each smoke/carbon monoxide detector, sprinkler head or fire prevention apparatus that has been tampered with. Only one warning will be given. A second incidence will result in lease termination.

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CHAPTER 11

SECTION I: CALCULATION OF RENT

11A. RENT CHOICE

Once each year, at the anniversary date of the lease agreement, each household shall have the opportunity to choose between two methods for determining the amount of tenant rent to be paid each month by the household. The family may choose to pay a flat rent as describe further in this chapter, or the family may choose to pay an income-based rent. Income based rent shall be determined as follows:

11B. TOTAL TENANT PAYMENT

- A. Total tenant payment (TTP) is the amount the tenant pays towards rent and utilities that are not included in the rent.
- B. The calculation of total tenant payment (TTP) shall be the greater of:
 - 1. 30% of monthly adjusted income,
 - 2. 10% of monthly income, or,
 - 3. GHA's minimum rent.
- C. Total tenant payment shall never exceed the established flat rent.

11C. TENANT RENT

- A. Tenant rent is calculated by subtracting a utility allowance for tenant paid utilities from the total tenant payment.
- B. If the utility allowance is greater than the total tenant payment, the tenant rent will be zero and a utility reimbursement payment (URP) will be established.

11D. MINIMUM RENT

Minimum rent shall be determined as follows and on a quarterly basis:

- A. Total tenant payment shall be the greatest of 30% of monthly adjusted income, 10% of monthly income or \$50.00 for all resident households whose annual adjusted income is greater than zero.
- B. The minimum rent shall be \$50.00 for all households whose annual adjusted income is below or equal to zero.
- C. A "hardship request" shall be available to residents who claim they are unable to pay the established minimum rent. Hardship criteria shall include the following situations:
 - 1. The household has lost eligibility to or is awaiting an eligibility determination for a federal, state or local assistance program (excluding loss of eligibility due to non-compliance with the self-sufficiency requirement and;
 - 2. The family would be evicted as a result of the imposition of the minimum rent;
 - 3. The income of the family has decreased because of changed circumstances, including

- loss of employment;
 - 4. A death in the family has occurred;
 - 5. Other circumstances determined by GHA.
- D. A household will be exempt from paying minimum rent upon satisfactory documentation that the hardship described above is of a long-term basis. If exempted such exemption will be effective retroactively to the date of the request of the hardship.
- E. If the “hardship” is temporary (less than 90 days) then the household will not be exempt from the minimum rent requirement and shall be responsible for full payment of minimum rent. However, a non-payment of rent eviction procedure will not be initiated during the period of “temporary” hardship. (within 90 days from the date of the request for hardship)

11E. FLAT RENTS

- A. Flat rents shall be established for all communities as follows:
- GHA’s flat rents are based on the market rent charged for comparable units in the private unassisted rental market. It is equal the estimated rent for which the PHA could promptly lease the public housing unit after preparation for occupancy.
 - GHA shall use a reasonable method to determine the flat rent for a unit. To determine the flat rent GHA shall consider: the location, quality, size, unit type and age of the unit and any amenities, housing services, maintenance and utilities provided by GHA.
- B. At the time of the regularly scheduled annual re-examination of income (lease renewal date), each household will be provided in writing with the option of paying an income-based rent or a flat rent in accordance with the flat rent schedule for the community in which they reside.
- C. When the tenant rent for a household residing in a mixed income community equals the market rate rent, then that household shall be converted to a market rate resident and the next available unit shall be rented as a public housing unit. Such conversion shall be effective at the next regularly scheduled annual re-examination of income.
- D. If a family elects to pay a flat rent, then the next regularly scheduled re-examination of income shall occur three years from the date of such election and not interim reporting requirements shall apply. However, a family elected to pay a flat rent may at any time request a conversion back to an income-based rent. Upon such request, GHA will conduct an interim re-examination of income and calculate TTP and tenant rent in accordance with the provisions outlined in this policy.
- E. If a family elects to pay an income-based rent, then all reporting requirements stated in this policy shall apply.

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SECTION II: STREAMLINED ANNUALS FOR FIXED SOURCES INCOME [24 CFR 960.257, 982.516]

GHA may adopt a streamlined income determination for any family member with a fixed income. Note the family member may have non-fixed sources of income, which remain subject to third party verification. Upon request of the family, the GHA must perform third party verification on all income sources. GHA must continue to conduct third-party verification of deductions

The term fixed income includes:

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

The determination will be made by applying verified cost of living adjustment (COLA) or current rate of interest to the previous verified or adjusted income amount.

The COLA or current interest rate applicable to each source of fixed income must be obtained either from a public source or tenant-provided, third-party generated documentation. In the absence of such verification for any source of fixed income, third party verification of income amounts must be obtained.

IIA. PUBLIC HOUSING RENTS FOR MIXED FAMILIES 24 CFR 5.520(d)

1. Determine the TTP in accordance with 24 CFR5.628. (Annual incomes include income of all family members, including any family member who has not established eligible immigration status.)
2. Family maximum rent is equal to applicable flat rent for the unit size to be occupied by the family
3. Subtract the TTP from the family maximum rent. The result is the maximum subsidy for which the family could qualify if all members are eligible (“family maximum subsidy”).
4. Divide the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status (“eligible family members”). The subsidy per a family member is the “member maximum subsidy”.
5. Multiply the member maximum subsidy by the number of family members who have citizenship or eligible immigration status (“eligible family member”). The product of this calculation is the “eligible subsidy”.
6. The mixed family TTP is the maximum rent minus the amount of eligible subsidy.
Subtract any applicable utility allowance from the mixed TTP. The result of this

calculation is the mixed family tenant rent.

When the mixed family's TTP is greater than maximum rent, the GHA must use the TTP as mixed family TTP. Note: A warning message will appear when the family's TTP is entered into field 10a of PIC. This warning message is a workaround for purposes of implementing this provision.

IIB. UTILITY ALLOWANCES [24CFR 965, SUBPART E]

Utility allowances will be applied for all tenant paid utilities based on a schedule of average consumption for an energy efficient household. GHA adopts the utility allowance schedule put forward by the state housing agency, Indiana Housing and Community Development Authority (IHCDA), specifically for our county (Lake) for each individual scattered site developments, homeownership, and mixed income properties where a utility allowance applies.

- A. GHA must review its schedule of utility allowances each year. [24 CFR 965.507]
Between annual reviews, GHA must revise the utility allowance schedule if there is a rate change that by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which such allowances were based. Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective [PH Occ GB, p.171].
- B. The tenant rent calculations must reflect any changes in GHA's utility allowance schedule [24 CFR 960.253(c)(3)] Unless GHA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first action relating to an annual recertification, interim recertification or other change of unit that is effective after the allowance is adopted.
- C. The Utility allowance for a family shall be lower of: (1) The utility allowance amount for the family size; or (2) the utility allowance amount for the unit size of the unit rented by the family. However, upon the request of a family that includes a person with disabilities, the GHA must approve a utility allowance higher than the applicable amount if such a higher utility allowance is needed as a reasonable accommodation in accordance with HUD's regulations in [24 CFR part 8] to make the program accessible to and usable by the family member with a disability.

IIC. UTILITY NOTICE REQUIREMENTS [24 CFR 965.502]

GHA must give notice to all residents of proposed allowances and scheduled surcharges, and revisions thereof. The notice must be given in the manner provided in the lease and must:

- Be provided at least 60 days before the proposed effective date of the allowances, scheduled surcharges, or revisions.
- Provide the data published by ICHDA to determine GHA utility allowance schedule.

IID. UTILITY REIMBURSEMENT PAYMENT

Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits the GHA to pay the reimbursement to the family or directly to the utility provider.

- A. At GHA's discretion, utility allowance reimbursements will be made directly to the utility provider of their choosing.
- B. Utility reimbursement payments will be made monthly.
- C. If the household has elected to pay a flat rent, utility allowances and utility reimbursement payment do not apply.
- D. The GHA may make all utility reimbursement payments to qualifying families monthly or may make quarterly payments when the monthly reimbursement amount is \$15.00 or less. GHA may make reimbursements payments retroactively or, if GHA adopts this provision, and chooses to make reimbursement payments retroactively, we must permit a family to request hardship exemption, in accordance with 24 CFR 5.630(b) (2). If a family receives a hardship exemption, then the GHA may either reimburse the family monthly or it may make prospective payments to the family, on quarterly basis. 24 CFR 960.253, 982.514
- E. Quarterly payments must be made at least once per calendar quarter. Prospective payments must be made prior to the start of each quarter; retroactive payments must be made before the end of each quarter. 24 CFR 960.253, 982.514
- F. If the family leaves the program with an outstanding credit from the GHA for a utility reimbursement, the GHA shall reconcile the credit with the family prior to the expiration of the lease.

III. RESIDENT-PAID UTILITIES

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

- A. Paying the utility bill is the resident's obligation under the Authority's lease.
- B. Applicants and/or residents must provide a written confirmation from the utility provider that the utilities have been turned on. If a resident or applicant is unable to get utilities connected, the resident or applicant will not be permitted to move into a unit with resident paid utilities.
- C. When a resident applies for utility service in his/her own name, the resident must sign a third-party notification agreement so that GHA will be notified if the resident fails to pay the utility bill that would result in a disconnection of utility service.
- D. Resident must maintain utilities at all times, failure to do so will result in termination of lease.

III. SECURITY DEPOSITS

The family will pay a security deposit at the same time of lease signing. The security deposit will be as follows:

- A. \$100.00 for elderly development sites and elderly/near elderly high rises.
- B. \$125.00 for Scattered Sites/Public Housing Developments

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

III. INFORMATION PROVIDED TO HOUSEHOLDS

The following information shall be provided to families to permit them to make an informed choice as to whether they want to pay an income-based rent or a flat rent:

- A. The dollar amounts of tenant rent under each rent option.
- B. GHA's policies on converting from income-based rent to flat based rent.
- C. Should the household elect to pay a flat rent, utility allowances and utility reimbursement payments do not apply.

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CHAPTER 12

SECTION I: ANNUAL AND INTERIM EXAMINATIONS

12A. INCOME BASED RENT REQUIREMENTS

Families electing to pay income-based rent must be reexamined at least annually to re-compute total tenant payment and tenant rent. All households will be reexamined each year upon the anniversary of the Residential Lease Contract

Residents will be notified in advance regarding the date of the reexamination. At that time, GHA will advise households of any documents needed for the reexamination. Residents will be scheduled for an in-person interview or a remote interview, or use Yardi Rent Café software.

The head of household, the spouse and each additional adult living in the household must sign the HUD form 9886, Authorization for Release of Information/Privacy Act Notice, at the time of initial admission, annual reexamination and/or interim reexamination.

12B. FLAT RENT REQUIREMENTS

Families electing to pay flat rents will be reexamined for family composition only, at least annually. A reexamination of family income shall be completed at least once every two years.

The FY 2015 Appropriations Act further amended the public housing requirements for flat rents. Specifically, the statute was amended to require that flat rents must be set at no less than the lower 80 percent of:

- 1) The applicable market rental established under section 8(c) of this Act.
- Or
- 2) At the discretion of the Secretary, such other applicable fair market rental established by the Secretary that the Secretary determines more accurately reflects local market conditions and is based on applicable market area that is geographically smaller than the applicable market area used for purposes of applicable fair market rental under section 8(c).

The GHA may apply for a waiver allowing a flat rental amount for a property that is lower than the amount outlined in the options above. The Secretary may grant such an exception if HUD determines that the fair market rent for the applicable market does not reflect the market value of the property and the proposed lower flat rental is based on a market analysis of the applicable market.

GHA must compare public housing units to unassisted units in the area using the following factors:

Location, quality, size, unit type, age of the unit, and amenities, housing services, maintenance, and utilities the GHA will provide under Lease.

GHA may request an exception flat rent by sending an e-mail to flatrentexceptionrequests@HUD.GOV with the following information attached:

The address, including unit number(s) of the unit or property for which GHA is Seeking an exception flat rent;
The market analysis; and
The proposed flat rent schedule

GHA must receive written HUD approval to utilize an exception flat rent prior to implementing the exception flat rent. GHA that utilizes exception flat rents must conduct new market analysis and obtain HUD approval annually.

If HUD denies an exception flat rent request, HUD will provide a detailed written response regarding the reasons for denial. If after reviewing HUD's written denial, a GHA believes that HUD's decision was in error, a GHA may appeal the decision in writing to their local HUD field office no later than 30 days after receiving notification of denial.

The FY 2015 Appropriations Act maintained the protection that any rent increase of more than 35 percent due to the flat rent changes must be phased in as necessary.

Flat Rent Increase Phase-In Requirements- FY 2014 Appropriation Act, Notice 2014-12

In order to determine how to phase-in increases in rental payments, GHA must:

- 1) On a case-by-case basis, at the family's next annual rent option, compare the updated Flat rent amount applicable to the unit to the rent was being paid by the family immediately prior to the annual rent option;
 - a) If the new flat rent amount would not increase a family's rental payment by more than 35 percent, the family may choose to pay either the updated flat rent amount or previously calculated income-based rent;
 - b) If the GHA determines that the updated flat rent amount would increase a household's rental payment by more than 35 percent, the family may choose to pay the phased-in flat rent amount resulting from the flat rent impact analysis or the previously calculated income-based rent.

Conducting Annual Rent Options

HUD regulations at 24 CFR 960.253(a) requires GHA to annually give families option to choose between paying flat rent or income-based rent and stipulates that GHA may not give families the option more than once per year, except in the case that the family has chosen the flat rent and experiences a financial hardship. If family has chosen flat rent. GHA conducts re-examination of family income at least once every three years not annually.

At initial occupancy GHA must, or in any year where a current program participating family is paying the income-based rent:

- 1) Conduct a full examination of family income and composition at the first annual rent Option(year 1)
- 2) Inform the family of the flat rent amount and the rent amount determined by the examination of family income and composition;
- 3) Inform the family of the GHA's policies on switching rent types due to financial hardship; and
- 4) Apply the family's rent decision at the next lease renewal.

At the second and third annual rent options, for families that choose to switch from income-based rent to pay the flat rent.

For a family that has paid the flat rent for the previous two years. The GHA must complete a full re-examination of family income and composition in order to update the income-based rent amount. Families must know they are not locked in for 2-year period. Instead, the GHA must revise the flat rent amount from year to year based on changes to the FMR. Families currently paying the flat rent amount must be offered the choice between the updated flat rent amount, and the previously calculated income-based rent.

12C. RE-EXAMINATION REQUIREMENTS

- A. At the time of re-examination, the head and any co-head, and any family member over the age 18 that lives in the household are required to sign forms required by HUD and/or GHA.
- B. Employment, income, allowances, Social Security numbers, and such other data as is deemed necessary, will be verified and all verified findings will be documented and filed in the resident's folder (24 CFR § 960.206).
- C. Verified information will be analyzed and a determination made with respect to:
 1. Family Composition
 2. Unit size required for the family;
 3. Rent the family will pay; and
 4. Need to transfer the family to a smaller or larger unit, or a unit with accessible features.
- D. Income shall be computed in accordance with the definitions and procedures set forth in the federal regulations. (24 CFR & 5.609).
- E. Families failing to respond after 2 appointments notices for a reexamination will be sent a notice of lease violation. Failure to respond to the notice of lease violation will result in termination of the lease [24 CFR § 886.124(c)].

Action Following Reexamination

- A. If there is any change in rent, a Notice of change to Lease (Lease Amendment) will be issued which will serve as an amendment to the Residential Dwelling Lease. [24 CFR §

966.4 (c)].

- B. If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described in this policy and moved to an appropriate unit when one becomes available [24 CFR § 966.4 (c)(3)].
- C. If the family causes an unreasonable delay in the reexamination process, the following policy will be applied:
 - 1. If the family's rent decreases, the decrease will be implemented the first day of the month following the month in which the change was reported and all required documents were submitted, completion of the reexamination process.
 - 2. If the family's rent increases, the increase will be implemented retroactive to the family's reexamination effective date.
- D. If GHA causes an unreasonable delay in the reexamination processing, any change in rent will be implemented retroactively to the effective date of the reexamination.

12D. INTERIM REEXAMINATIONS OF INCOME

- A. Families electing to pay income-based rent must comply with the following requirements between regularly scheduled reexaminations of family composition and income:
 - 1. Between annual reexamination, residents must report increases in income (as defined in 24 CFR §5.609) to the housing manager within 10 calendar days of the occurrence. The rent increase will take effect on the first month following A 30 day notice to the family. If the family fails to report a change within the required time, the increase will be retroactive, to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies.
 - 2. Residents must promptly (within 10 calendar days) furnish to GHA any letter or other notice from HUD concerning the amount or verification of family income. [(24 CFR § 5.240 (b)].
 - 3. Failure of the resident to report in a timely manner will result in a rent increase and the increase will be retroactive to the first of the month following the month in which the increase in income was effective.
 - 4. Any reported decrease in income will result in a recalculation of tenant rent, and if applicable, tenant rent will be decreased effective the first of the month following the month in which the decrease was reported.
 - 5. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of the circumstances of their employment including start and ending dates. GHA will use current circumstances to anticipate income. GHA will calculate projected annual income by annualizing current income. Income that may not last for a full 12 months (e.g., unemployment compensation, teachers) will be calculated assuming current circumstances will last a full 12 months. If changes occur later in the year an interim recertification will be conducted to determine any change the family's rent.
 - 6. GHA may process an interim adjustment, if at an annual or interim re-certification a resident misrepresents the facts upon which the rent is based.
 - 7. Complete justification and verification of the circumstances applicable to rent

adjustments must be documented by the resident and approved by GHA (24 CFR § 960.206).

B. Interim reexaminations for families paying flat rent will be conducted based on the following:

1. The family may at any time request and be permitted to convert from paying a flat rent to an income-based rent if the family is unable to pay the flat rent due to a financial hardship, defined as follows:
 - The family has experienced a decrease in income because of changed circumstances, including the loss or reduction of employment, death in the family or a reduction in other assistance.
 - The family has experienced an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education or similar items.

C. Streamlined Annual Re-examination 24 CFR960.257, 982.516

This is available for program participants only and may be implemented at the family's next annual re-examination following adoption of this provision in GHA's ACOP. This provision is not available for program applicants; in the initial year in which a streamlined income determination is made, the COLA must be applied to a source of income that has been verified previously.

In the initial year of employing a streamlined income determination the GHA must determine whether a source of income is fixed. The GHA may do this by comparing the amount of income from the source to the amount generated during the prior year. If the amount is the same or if it has changed only as a result of a COLA or due to interest generated on the principal amount that remained otherwise constant, then the source is fixed. The GHA may also make such a determination by requiring a family to identify as to which source(s) of income are fixed. The GHA must document in the tenant file how it made the determination that a source of income is fixed.

For the second income determination involving a family member whose income was adjusted previously using a streamlined income determination, the adjustment would be made to the previously determined income amount. For any family member whose income is determined pursuant to a streamlined income determination, third party verification of all income amounts for all family members must be performed at least every three years. This means that, for the third income determination involving a family member whose income had been adjusted twice using streamlined income determination, the GHA would need to obtain third-party verification for all income amounts. This also means that if a family member with a fixed-income source is added to the family during year two, then GHA must obtain third-party verifications of all income amounts for that family member at the next re-examination if the GHA wishes to have all family members with fixed incomes on the same schedules with respect to streamlined annual re- examinations.

12E. NOTICE OF CHANGE TO LEASE & CONTRACT (LEASE AMENDMENT)

Residents will be sent a Notice of change to Lease 30 days prior to any adjustment in rent. This notice will list the current rent, the new rent, and the effective date of the rent adjustment. Rent may be adjusted as a result of an annual re-certification, an interim re-certification, or when a change in policies affects the rent calculation. The effective date of the rent change will correspond to the action taken as described under annual and interim reexamination policies described above.

12F. FAILURE TO REPORT ACCURATE INFORMATION

If GHA discovers that a resident has misrepresented or failed to report to Management the facts upon which his/her rent is based so that the rent being paid is less than what should have been charged, then the increase in rent will be made retroactive to the first of the month following the month in which the misrepresentation occurred. Failure to report accurate information is also grounds for initiating eviction proceedings in accordance with GHA's dwelling lease [24 CFR § 966.4 (c)(2)].

Family Caused Errors – An incorrect rent determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, or expenses but also would include instances in which the family knowingly allows the Authority to use incorrect information provided by a third party.

Family reimbursement to Authority -

In the case of family-caused error or program abuse the family will be required to repay any amounts of rent underpaid. Authority may, but is not required to, offer the family a repayment agreement. If the family fails to repay the amount owed the Authority will terminate the family's lease in accordance with the policies.

Reimbursement to the Family – The authority will not reimburse the family for any overpayment clearly caused by the family.

GHA caused errors- The responsibilities and expectations of GHA staff with respect to normal program administration. This section specifically addresses actions of a GHA staff member that are considered errors or program abuse related to the public housing program. Additional standards of conduct may be provided in GHA personnel policy.

GHA –caused incorrect rental determinations include (1) failing to correctly apply public housing rules regarding family composition, income, assets, and expenses and (2) error in calculation.

Repayment to GHA– The family is not required to repay any underpayment of rent if the error or program abuse is caused by GHA staff.

Reimbursement to family – GHA will reimburse a family for any overpayment of rent regardless

of whether the overpayment was the result of staff-caused error or staff program abuse.

Penalties for Program Abuse -

In the case of program abuse caused by a family the authority may, at its discretion, impose any of the following.

GHA may require the family to repay any amounts owed to the program.

GHA may require as conditions of receiving to continuing assistance, that a culpable family member not reside in the unit.

GHA may deny admission or terminate the family's lease following the policies set forth.

GHA may refer the family for state and federal criminal prosecution.

12G. CHANGES IN FAMILY CHARACTERISTICS

All changes in family composition and household characteristics must be reported at the time that they occur. The following policies shall govern changes in family composition.

- A. Any additional adult member to be added to the household must meet GHA's suitability criteria and is subject to all screening procedures prior to admission to the household and amendment of the dwelling lease.
- B. Children who are "temporarily" absent from the household due to placement in foster care will continue to be considered as part of the family composition as long as there is a likelihood that they will return to the household within a twelve-month period.
- C. A person with disabilities who "recovers" after initial admission may remain as a remaining member of a tenant family but will no longer qualify for authorized deductions and may be required to relocate to another unit if they are in an accessible unit and no longer require the accommodations in that unit.
- D. If a single pregnant woman was admitted and does not retain guardianship of the prospective child after its birth, she may remain as a remaining member of a tenant family but may be required to transfer to a smaller unit based on the unit size standards.
- E. If a resident requires the services of a live-in aide as defined under the federal regulations, (24CFR 5.403), family members of the live-in aide will be permitted to occupy the unit so long as it does not overcrowd the unit. There is no requirement that requires a live-in aide to have his/her own bedroom or room. Live-in Aides must be counted for the purpose of determining appropriate unit size. However, if a unit with a separate BR for the aide is not available, the aide should not be denied occupancy as long as permitting such occupancy does not overcrowd the unit under state or local law. A larger unit will only be offered if permitting the live-in aide would cause the unit to be overcrowded according to GHA occupancy standards. An additional bedroom for family members of the live-in aide will not be permitted.
- F. Families may have foster children live in the unit as long as it does not result in overcrowding. Foster children will be counted as household members for the purposes of determining unit size standards but are not eligible for allowances and deductions (with the exception of childcare).
- G. In cases of joint or shared custody, children will be considered part of the household if the head of household and/or spouse have at least 50% custody of the child. The same child cannot be claimed by more than one applicant or resident household. When a child is included as part of the family, all income and allowances related to that child are utilized in calculation of rent.

- H. Remaining members of a Public Housing family will be permitted to continue occupancy in the dwelling unit after the lease holder has vacated under the following conditions:
1. The head and co-head of household involuntarily vacated the unit or voluntarily vacated the unit, and,
 2. A remaining family member has resided in the unit and been listed as a household member on the head of household lease agreement for a minimum of two years, and,
 3. The remaining family members meet all eligibility and suitability requirements set forth by GHA, and,
 4. The remaining family members are legally able to assume responsibility for minors and can execute the lease under state laws, OR,
 5. A new head of household who can legally assume responsibility for minors can execute the lease under state laws and meets all eligibility and suitability requirements set forth by GHA.
 6. A determination of the designated new head of household will be made within 30 days from the date of notification to GHA by the family that the previously designated head of household has vacated the unit.
- I. Remaining family members will not be permitted to continue occupancy in the dwelling unit after the head and co-head have vacated the unit, if the unit was vacated on a voluntary basis, and no remaining family member has resided in the unit and been listed on the head of household lease agreement for a minimum of two years. In these circumstances, the unit will be considered as having been abandoned by the leaseholder and all appropriate action under the residential dwelling lease will be pursued.

12H. REMAINING FAMILY MEMBERS AND PRIOR DEBT

- A. If remaining family members continue to occupy the dwelling unit as described above, any outstanding debt owed to GHA by the former head of household will be addressed as follows:
1. If the debt cannot be collected from the former head of household (*e.g.* death, incarceration, hospitalization), as a party to the lease, remaining adult family members 18 years of age or older will be responsible for arrearages incurred by the former head of household.
 2. GHA will not hold remaining family members responsible for any portion of the arrearage incurred prior to the remaining member attaining age 18.
 3. Remaining family members under age 18 shall not be held responsible for the rent arrearages incurred by the former head of household.
 4. Except as required above, a new head of household added to the Lease will not be charged for any arrearage incurred by the former head of household.
 5. If the Lease held by the new head of household is an extension of occupancy under a prior lease(s) with GHA, any amounts due under the prior lease(s) may be charged and collected as if the amounts were incurred under the current lease (debt follows the head of the household).
 6. A determination will be made by GHA within 30 days from the date of notification by the family of a change in the designated head of household.

All applicants and program participants are to acknowledge and sign the Debts Owed to PHA's & Termination Notice: (HUD-52675)

- A. The following information is collected about each member of your household: full name, date of birth and Social Security Number.
- B. The following adverse information is collected once your participation in the housing program has ended, whether you voluntarily or in-voluntarily move out of an assisted unit:
- Amount of any balance you owe the PHA up to \$500,000.
 - Explanation for balance owed due to unreported income.
 - Retroactive rent due to unreported income.
 - Damages, utility charges, etc; and
 - Whether or not you have entered into a repayment agreement for amount that you owe the GHA.
 - Whether or not you have defaulted on a repayment agreement; and
 - Whether or not the PHA has obtained a judgment against you; and
 - Whether or not you have filed bankruptcy; and
 - The negative reason(s) for your end of participation or any negative status (i.e. abandoned unit, fraud, lease violations, criminal activity, etc.) as of the end of participation date.

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CHAPTER 13

SECTION I: ANNUAL AND ADJUSTED INCOME

13A. ANNUAL INCOME [24 CFR § 5.609]

Annual income is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member age 18 years or older including all net income from assets for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of income that is temporary, non-recurring, or sporadic as defined below or is specifically excluded from income by another federal statute. Annual income includes but is not limited to:

- A. The full gross amount before any payroll deductions of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- B. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered as income when used to reimburse the family for cash or assets invested in the business.
- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.

Net Family Assets in excess of \$5,000: Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate as determined by HUD;

- D. The full gross amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts. Except delayed or deferred periodic payment of social security or supplemental security income benefits.
- E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay.
- F. All welfare assistance payments received by or on behalf of any family member.
- G. Periodic and determinable allowances, such as alimony and child support payments, and regular cash contributions or gifts received from persons not residing in the dwelling; and
- H. All regular pay, special pay (not including pay for exposure to hostile fire), and allowances of a family member in the Armed Forces
- I. Regular contributions and gifts
- J. Relocation payments

13B. ITEMS EXCLUDED IN ANNUAL INCOME [24 CFR §5. 609]

Annual Income does not include, and it is not limited to the following, or any future changes in the regulation(s):

- A. Income from the employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
- C. Lump sum or delayed additions to family assets, such as inheritances, insurance payments, (including payments under health, and accident insurance, and worker's compensation) capital gains, and settlement for personal property losses; (but see paragraphs A.4 and A.5 above if the payments are or will be periodic in nature);
- D. Amounts received by the family that are specifically for, or in reimbursement of the cost of medical expenses for any family member;
- E. Income of a live-in aide, provided the person meets the definition of a live-in aide
- F. The full amount of student financial assistance paid directly to the student or the educational institution;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
- I. Amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) to allow participation in a specific program;
- J. A resident services stipend. A resident services stipend is a modest amount (not to exceed \$200/month per person) received by a GHA resident for performing a service for GHA, on a part-time basis, that enhances the quality of life in public housing.
- K. Temporary, non-recurring, or sporadic income (including gifts);

- L. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
- M. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household and spouse);
- N. Adoption assistance payments in excess of \$480 per adopted child.
- O. Preferred periodic payments of supplemental security income and social security benefits;
- P. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
- Q. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937.

13C. DISALLOWANCE OF INCREASE IN ANNUAL INCOME

Wages for employment of family members may be excluded from annual income under the following conditions:

- A. A family's annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment.
- B. A family's annual income increases as the result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program.
- C. A family's annual income increases as a result of new employment or increased earnings of a family member during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families, provided that the total amount over a six-month period is at least \$500.00
- D. During a cumulative twelve-month period beginning on the date that a family member is first employed or the family first experiences an increase in annual income attributable to employment, the full amount of the difference between the new employment income and any previous income of that family member shall be excluded from annual income for calculation of rent.
- E. During the second cumulative twelve-month period after the date that a family member is first employed or the family first experiences an increase in annual income attributable to employment, one half (50%) of the difference between the new employment income and any previous income of that family member shall be excluded from annual income for calculation of rent.

- F. The disallowance of increases in income under this section, are limited to a maximum lifetime period of 24 months. However, during this lifetime period, full exclusion is limited to 12 months and the 50% exclusion is limited to another 12 months as described above. 24 CFR § § 5.617, 960.255
- G. Previously unemployed includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.
- H. In an effort to keep the senior residents safe and engaged in their community, Gary Housing Authority has developed a concierge program. A concierge is an employee of a multi-tenant building, who greets and assists guests and residents as they enter and exit the building. A benefit of participating in the program includes a monthly rental credit, not to exceed \$300 per month, for any resident that is in good standing and an active participant of the program. This credit will be applied to the residents' account to help offset any increase in the participant's monthly rental amount. All other income that the participant receives will be included and used to determine monthly income calculations.

13D. TRAINING INCOME

Federal regulations contain special provisions related to the treatment of income received from training programs when determining annual income, as follows:

- A. The earnings and benefits to any family member resulting from participation in a program providing employment training and supportive services in accordance with the Family Support Act; or any comparable federal, state or local law are excluded from annual income during the exclusion period.
- B. The exclusion period means the period during which the family member participates in a program described, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program.
- C. Earnings and benefits mean the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
- D. If the family member is terminated from employment with good cause, the exclusion period shall end.
- E. A comparable federal, state or local law means a program providing employment training and supportive services that is authorized by a federal, state, or local law, funded by the federal, state or local government; is operated or administered by a public agency; and has as its objective to assist participants in acquiring employment skills.

- F. Incremental earnings and benefits resulting to any family member from participation in a state or local employment training program (including training programs not affiliated with local government) are excluded from annual income only for the period of time during participation in the employment training program.
- G. Incremental amounts excluded under these provisions must be received under employment training programs with clearly defined goals and objectives.

13E. REDUCTION IN WELFARE BENEFITS

If a family receiving welfare benefits has a reduction in such benefits as the result of the following actions or failure to act on the part of the family, then the amount of the welfare benefits shall be imputed and included in annual income:

- Fraud by a family member in connection with the welfare program,
- Sanctions by the welfare agency against the family for noncompliance with a requirement to participate in an economic self-sufficiency program.

Welfare reduction does not include reduction or termination as the result of expiration of a lifetime limit on payments of benefits, inability of a family member to obtain employment or because a family member has not complied with other welfare agency requirements.

Imputed welfare income is the amount the family would have received if they had not received a reduction in welfare benefits for the reasons identified above. The amount of the imputed welfare benefit is offset by any additional income a family receives that commences after the welfare sanctions were imposed. The imputed welfare income is reduced to zero when the additional income equals the amount of the total welfare benefits.

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13F. ANTICIPATING ANNUAL INCOME [24 CFR § 5.609]

Annual income shall be anticipated utilizing current circumstances, unless verification forms indicate an imminent change in income. GHA will average all known sources of income that vary to determine annual income.

13G. ADJUSTED INCOME [24 CFR § 5.611]

Adjusted Income (the income upon which rent is based) means Annual Income less the following deductions and exemptions.

A. For All Families

1. **Child Care Expenses** — A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which Annual Income is computed. This **ONLY** applies when such care is necessary to enable a family member to be gainfully employed or to further his/her education. Amounts deducted cannot be reimbursed expenses and shall not exceed:
 - The amount of income earned by the family member enabled to work; or
 - An amount determined to be reasonable (for the hours of class attendance and adequate time for commuting to the educational facility) when the expense is incurred to permit education.
2. **Dependent Deduction** — An exemption of \$480 for each member of the family residing in the household (other than the head of household, or spouse, Live-in Aide, or foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, or a full-time student.
3. **Disability Expenses** — a deduction of amounts not reimbursed paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.
 - Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for the visually disabled, and equipment added to cars and vans to permit their use by disabled family member.
 - For non-elderly families and elderly families without medical expenses: the amount of the deduction equals the cost of all expenses not reimbursed for disabled care and equipment less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.

- For elderly families with medical expenses: the amount of the deduction equals the cost of all expenses not reimbursed for disabled care and equipment less three percent of Annual Income (provided the amount so calculated does not exceed the employment income earned) PLUS medical expenses as defined below.

B. For elderly and disabled families only

1. Medical Expense Deduction: A deduction not reimbursed for Medical Expenses, including insurance premiums, anticipated for the period for which Annual Income is computed. Medical expenses include but are not limited to: services of physicians and other health care professionals, services of health care facilities, insurance premiums (including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by GHA for the purpose of determining a deduction from income the expenses claimed must be verifiable.
 - For elderly families without disability expenses: The amount of the deduction shall equal total medical expenses less three percent of annual income.
 - For elderly families with both disability and medical expenses: the amount of the deduction is calculated as described in paragraph 1.c) above.
2. Elderly/Disabled Household Exemption: An exemption of \$400 per household, see Definitions in the next section.

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CHAPTER 14

SECTION I: TRANSFER POLICY

14A. OVERVIEW

The Gary Housing Authority will implement this policy to transfer a household from the household's current unit to another unit of suitable size and type located in a building other than the building where the family currently resides. This transfer policy does not apply to persons requiring reasonable accommodations because of a disability. GHA will make reasonable accommodations for persons with disabilities as described in this chapter section F.

14B. EMERGENCY TRANSFERS

Emergency transfers are transfers that are implemented when unit or building conditions pose an immediate threat to resident life, health, or safety as determined by GHA or a governing body with jurisdiction over such matters, or a federal, state or local court. The following procedures will govern emergency transfers.

- A. Emergency transfers shall not be limited to transfer within the same public housing community and may require transfer to another public housing and/or mixed income site. The Executive Director or designee will review and make decisions on all emergency transfers.
- B. GHA is not required to give minimum notice of an emergency transfer but will make every effort to provide as much notice as permitted under the circumstances.
- C. GHA cannot guarantee a desired location for emergency transfers, but an attempt will be made to meet the resident's location preference when possible.
- D. Refusal to comply with an emergency transfer may be grounds for lease termination.
- E. Upon request by the resident, emergency transfers may be used to alleviate verified medical problems of a life-threatening nature or when household members need protection from attack by a criminal element in a particular property or neighborhood based on a threat assessment by a law enforcement agency (example: witness protection program, domestic violence).
- F. Upon request by the Executive Director or a governing body with jurisdiction over such matters, or a federal, state or local court. The GHA may accept Emergency Housing from another Public Housing and will be based on the availability and appropriate bedroom size without regard to location.

14C. MANDATORY TRANSFERS

Mandatory transfers are transfers required by GHA for purposes such as closing a building; implementing redevelopment or building rehabilitation activities; achieving vacancy consolidation; and, adjusting for over-housed living conditions. The Executive Director or designee will review and make decisions on all mandatory transfers. [24 CFR 8.30].

- A. Mandatory transfers shall only occur within the same community in which the resident resides. No transfers shall occur to other public housing or mixed income communities other than for emergency reasons outlined above.
- B. To the extent possible and subject to any rights of return, GHA will make every effort to allow residents in good standing to select the development to which to transfer when implementing mandatory transfers for redevelopment or rehabilitation of units.
- C. The conditions for good standing are: no repayment agreement or unpaid balance at any time in the past year; good credit history with utility companies (when applicable); no criminal activity or history of disturbances that resulted in lease violations as indicated by notices of lease violation in the resident's file; and a good housekeeping record, as indicated by housekeeping inspection reports in the resident's file.
- D. GHA will provide written notice a minimum of 60 days in advance of the transfer date for mandatory transfers. For transfers subject to the Uniform Relocation Act (URA), GHA will provide notice in accordance with URA standards.
- E. Refusal of a mandatory transfer can be grounds for lease termination.

14D. RESIDENT REQUESTED TRANSFERS

Resident requested transfers are transfers, for the convenience of the residents, transfers which adjust for overcrowding or transfers to permit a family that requires a unit with accessible features to occupy such a unit and are available to residents in good standing who have resided in a development for at least one year.

Resident requested transfers shall only be permitted within the same community in which the resident resides. Resident requested transfers will not be permitted for residents who desire to live in another GHA development or another type of development. Residents must apply as a new admission to transfer to another public housing or mixed income community.

Resident requested Split- Family transfers as an administrative necessity, a modernization or rehabilitation project, or as a reasonable accommodation as verified for a family with a disabled member, where such transfer is optimal means of complying with the accommodation. Families that split into two or more new households may be transferred to two or more different units or a portion of the old household may be transferred to a single unit depending on family circumstances and unit availability. Options for split-family transfers will be considered in order to minimize the impact on vacant units. Such transfers will be made in a manner that best mirrors the GHA mission. Each head of household (for both the old and new household) must meet GHA eligibility and suitability criteria prior to approval of the split-family transfer.

14E. TRANSFER WAITING LIST

Emergency and mandatory transfers will have priority over new admissions and will be processed prior to selecting a new applicant from the waiting list.

Resident requested transfers will be placed on the appropriate waiting list, according to date and time of transfer request and will be processed in conjunction with new applicants from the waiting list.

Emergency and mandatory transfers will be based on the availability and appropriate bedroom size without regard to location.

When transferring families into GHA buildings other than the building where the family currently resides, GHA will take into consideration issues of personal safety. If such safety issues exist, and to the extent possible, GHA will provide the family an alternative unit.

GHA will bear the cost of all emergency transfers. GHA will also bear the cost of mandatory transfers related to closing a building, redevelopment or building rehabilitation or achieving vacancy consolidation.

14F. TRANSFERS TO MAKE AN ACCESSIBLE UNIT AVAILABLE

When a non-accessible unit becomes available, the GHA will transfer a family living in an accessible unit that does not require the accessible features, to an available unit that is not accessible. The GHA may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit. [24 CFR 8.27(b)]

If a resident refuses to accept a transfer unit offered, without good cause, lease termination procedures will be implemented if the transfer is an emergency or mandatory transfer as described above. If the transfer is a resident requested transfer, and the resident refuses a unit offered, the resident will not be permitted to request a subsequent transfer for a period of one year from the date of refusal of the unit offered.

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CHAPTER 15

SECTION I: LEASE TERMINATION BY TENANT

15A. TENANT CHOOSES TO TERMINATE THE LEASE [24 CFR 966.4(k)(1)(ii) and 24 CFR 966.4(l)(1)]

If a family desires to move and terminate their tenancy with the GHA, they must give at least 30 calendar days advance written notice to the GHA of their intent to vacate. When a family must give less than 30 days notice due to circumstances beyond their control the GHA, at its discretion, may waive the 30-day requirement.

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

SECTION II: TERMINATION BY PHA – MANDATORY

IIA. FAILURE TO PROVIDE CONSENT [24 CFR 960.259(a) and (b)]

The PHA must terminate the lease if any family member fails to sign and submit any consent form s/he is required to sign for any reexamination.

IIB. FAILURE TO DOCUMENT CITIZENSHIP [24 CFR 5.514(c) and (d) and 24 CFR 960.259(a)]

The GHA must terminate the lease if

- 1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status;
- 2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members; or
- 3) a family member, as determined by the GHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (3), such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated.

IIC. FAILURE TO DISCLOSE AND DOCUMENT SOCIAL SECURITY NUMBERS [24 CFR 5.218(c), 24 CFR 960.259(a)(3), Notice PIH 2018-24]

The GHA must terminate assistance if a participant family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number.

The GHA will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the participant's control such as delayed processing of the SSN application by the SSA, natural

disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline.

IID. FAILURE TO ACCEPT THE GHA'S OFFER OF A LEASE REVISION [24 CFR 966.4(l)(2)(ii)(E)]

The GHA must terminate the lease if the family fails to accept the GHA's offer of a lease revision to an existing lease, provided the GHA has done the following:

- The revision is on a form adopted by the GHA in accordance with 24 CFR 966.3 pertaining to requirements for notice to tenants and resident organizations and their opportunity to present comments.
- The GHA has made written notice of the offer of the revision at least 60 calendar days before the lease revision is scheduled to take effect.
- The GHA has specified in the offer a reasonable time limit within that period for acceptance by the family.

III. METHAMPHETAMINE CONVICTION [24 CFR 966.4(l)(5)(i)(A)]

The GHA must immediately terminate the lease if the GHA determines that any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of any federally assisted housing.

IIIF. LIFETIME REGISTERED SEX OFFENDERS [Notice PIH 2012-28]

Should the GHA discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, the GHA must immediately terminate assistance for the household member.

In this situation, the GHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the GHA must terminate assistance for the household.

IIIG. NONCOMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)(2)(ii) and (c)]

The GHA is prohibited from renewing the lease at the end of the 12-month lease term when the family fails to comply with the community service requirements.

IIII. DEATH OF A SOLE FAMILY MEMBER [Notice PIH 2012-4]

The GHA must immediately terminate the lease following the death of the sole family member.

SECTION III: TERMINATION BY PHA – OTHER AUTHORIZED REASONS

IIIA. OVERVIEW

The GHA establishes provisions in the lease for termination pertaining to certain criminal activity, alcohol abuse, and certain household obligations stated in the regulations. The GHA has the discretion to consider circumstances surrounding the violation or, in applicable situations, whether the offending household member has entered or completed rehabilitation, and the GHA may, as an alternative to termination, require the exclusion of the culpable household member.

The GHA also has the option to terminate the tenancies of certain over-income families.

The GHA may consider alternatives to termination and must establish policies describing the criteria the GHA will use when deciding what action to take, the types of evidence that will be acceptable, and the steps the GHA must take when terminating a family's lease.

IIIB. MANDATORY LEASE PROVISIONS [24 CFR 966.4(1)(5)]

Drug Crime On or Off the Premises [24 CFR 966.4(1)(5)(i)(B)]

- A. The GHA will terminate the lease for drug-related criminal activity engaged in on or off the premises by any tenant, member of the tenant's household or guest, and any such activity engaged in on the premises by any other person under the tenant's control.

Illegal Use of a Drug [24 CFR 966.4(1)(5)(i)(B)]

- B. The GHA will terminate the lease when the GHA determines that a household member is illegally using a drug or the GHA determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

A pattern of illegal drug use means more than one incident of any use of illegal drugs during the previous three months.

Threat to Other Residents [24 CFR 966.4(1)(5)(ii)(A)]

- C. The GHA will terminate the lease when a covered person engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including GHA management staff residing on the premises) or by persons residing in the immediate vicinity of the premises.

Immediate vicinity means within a three-block radius of the premises.

Alcohol Abuse [24 CFR 966.4(1)(5)(vi)(A)]

- D. The GHA will terminate the lease if the GHA determines that a household member has engaged in abuse or a pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

A pattern of such alcohol abuse means more than one incident of any such abuse of alcohol during the previous three months.

In all the above-mentioned cases the GHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the drug-related criminal activity.

A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity.

In making its decision to terminate the lease, the GHA will consider alternatives as described in Section IIID and other factors as described in Sections IIIE and IIIF. Upon consideration of such alternatives and factors, the GHA may, on a case- by-case basis, choose not to terminate the lease.

Furnishing False or Misleading Information Concerning Illegal Drug Use or Alcohol Abuse or Rehabilitation [24 CFR 966.4(l)(5)(vi)(B)]

E. The GHA will terminate the lease if the GHA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

The GHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs or the abuse of alcohol, and any records or other documentation (or lack of records or documentation) supporting claims of rehabilitation of illegal drug users or alcohol abusers.

In making its decision to terminate the lease, the GHA will consider alternatives as described in Section IIID and other factors as described in Sections IIIE and IIIF. Upon consideration of such alternatives and factors, the GHA may, on a case- by-case basis, choose not to terminate the lease.

Other Serious or Repeated Violations of Material Terms of the Lease – Mandatory Lease Provisions [24 CFR 966.4(l)(2)(i) and 24 CFR 966.4(f)]

The GHA will terminate the lease for the following violations of tenant obligations under the lease:

- F. Failure to make payments due under the lease, including nonpayment of rent.
Repeated late payment of rent or other charges. Four late payments within a 12-month period shall constitute a repeated late payment.
- G. Failure to fulfill the following household obligations:
 - 1) Not to assign the lease or to sublease the dwelling unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

- 2) Not to provide accommodations for boarders or lodgers
- 3) To use the dwelling unit solely as a private dwelling for the tenant and the tenant's household as identified in the lease, and not to use or permit its use for any other purpose
- 4) To abide by necessary and reasonable regulations promulgated by the GHA for the benefit and well-being of the housing project and the tenants which shall be posted in the project office and incorporated by reference in the lease
- 5) To comply with all obligations imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety
- 6) To keep the dwelling unit and such other areas as may be assigned to the tenant for the tenant's exclusive use in a clean and safe condition
- 7) To dispose of all ashes, garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner
- 8) To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances including elevators
- 9) To refrain from, and to cause the household and guests to refrain from destroying, defacing, damaging, or removing any part of the dwelling unit or project
- 10) To pay reasonable charges (other than for normal wear and tear) for the repair of damages to the dwelling unit, or to the project (including damages to project buildings, facilities or common areas) caused by the tenant, a member of the household or a guest
- 11) To act, and cause household members or guests to act, in a manner which will not disturb other residents' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition

In making its decision to terminate the lease, the GHA will consider alternatives as described in Section IIID and other factors as described in Sections IIIE and IIIF. Upon consideration of such alternatives and factors, the GHA may, on a case- by-case basis, choose not to terminate the lease.

IIIC. OTHER AUTHORIZED REASONS FOR TERMINATION [24 CFR 966.4(l)(2) and (5)(ii)(B)]

Other Good Cause [24 CFR 966.4(l)(2)(ii)(B) and (C)]

The PHA will terminate the lease for the following reasons.

1. Fugitive Felon or Parole Violator. If a tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or violating a condition of probation or parole imposed under federal or state law.
2. Persons subject to sex offender registration requirement. If any member of the household has, during their current public housing tenancy, become subject to a registration requirement under a state sex offender registration program.
3. Discovery of facts after admission to the program that would have made the tenant ineligible
4. Discovery of materially false statements or fraud by the tenant in connection with an application for assistance or with a reexamination of income
5. Failure to furnish such information and certifications regarding family composition and income as may be necessary for the GHA to make determinations with respect to rent,

- eligibility, and the appropriateness of the dwelling unit size
6. Failure to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by the GHA that such a dwelling unit is available
 7. Failure to permit access to the unit by the GHA after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists
 8. Failure to promptly inform the GHA of the birth, adoption, or court-awarded custody of a child. In such a case, promptly means within 10 business days of the event.
 9. Failure to abide by the provisions of the GHA pet policy
 10. If the family has breached the terms of a repayment agreement entered into with the GHA
 11. If a family member has violated federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.
 12. If a household member has engaged in or threatened violent or abusive behavior toward GHA personnel.
 13. Abusive or violent behavior towards GHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
 14. Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to terminate the lease, the GHA will consider alternatives as described in Section IIID and other factors described in Sections IIIE and IIIF. Upon consideration of such alternatives and factors, the GHA may, on a case- by-case basis, choose not to terminate the lease.

Family Absence from Unit [24 CFR 982.551(i)]

The family must supply any information or certification requested by the GHA to verify that the family is living in the unit, or relating to family absence from the unit, including any GHA-requested information or certification on the purposes of family absences. The family must cooperate with the GHA for this purpose.

The family must promptly notify the GHA when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. In such a case promptly means within 10 business days of the start of the extended absence.

If a family is absent from the public housing unit for more than 180 consecutive days, and the family does not adequately verify that they are living in the unit, the GHA will terminate the lease for other good cause.

Abandonment of the unit. If the family appears to have vacated the unit without giving proper notice, the GHA will follow state and local landlord-tenant law pertaining to abandonment before taking possession of the unit. If necessary, the GHA will secure the unit immediately to prevent vandalism and other criminal activity.

Over-Income Families

Once a family exceeds the over-income limit for 24 consecutive months, the public housing agency must either: 24 CFR 960.507(a) & 24 CFR 960.507(a)

i. Charge such family as monthly rent for the unit occupied by such family an amount equal to the greater of—

(1) the applicable fair market rent (FMR) for a dwelling unit in the same market area of the same size; or

(2) the amount of the monthly subsidy which shall include any amounts from the Operating Fund and Capital Fund under section 9 used for the unit.

OR

ii. Terminate the tenancy of such family in public housing not later than 6 months after the final notice per 24 CFR 960.507(c)(3) confirming that the family has been over income for 24 consecutive months.

Over-income family (OI family) is defined in 24 CFR 960.102 as a family whose income exceeds the OI limit. This term includes families during the grace period or that are in the period before termination and are still public housing program participants.

Over-income limit (OI limit) is defined in 24 CFR 960.102. In the regulations, this amount is determined by multiplying the applicable income limit for a very low-income (VLI) family, as defined in 24 CFR 5.603(b), by a factor of 2.4 (i.e., 120 percent of the AMI).

Non-public housing over-income family (NPHOI family) is defined in 24 CFR 960.102 as a family that has exceeded the over-income limit for 24 consecutive months who remains in a public housing unit, as allowed by PHA policy, paying the alternative rent. These families are no longer public housing program participants and are unassisted tenants.

- a) GHA will initiate a NPHOI Lease (one year term) for families that choose to stay in their current units, charging the alternative non-public housing rent. At the end of the lease term, the GHA will determine if they will renew or end the lease depending on tenant status or if the Housing Authority needs the unit for public housing use.

Alternative non-public housing rent (alternative rent) is the monthly amount a PHA **must** charge non-public housing over-income (NPHOI) families, if allowed by PHA policy to remain in a public housing unit, after they have exceeded the 24 consecutive month grace period. The alternative rent is defined at 24 CFR 960.102, as the higher of the Fair Market Rent (FMR) or per unit monthly subsidy. The monthly subsidy provided for the unit is determined by adding the per unit assistance provided to a public housing property as calculated through the applicable formulas for the Public Housing Capital Fund and Public Housing Operating Fund. See 24 CFR 960.102 for more details about how HUD will calculate and publish such funding amounts.

PHAs have no discretion when it comes to the rent for NPHOI families. Once the grace period ends, and if the family is given the option to remain in a public housing unit and they choose to

remain, then the family is required to pay the alternative rent as determined in accordance with 24 CFR 960.102. NPHOI families must not be given the choice of flat rent, income-based or prorated-rent.

All over-income requirements, specifically 24 CFR 960.507, 960.509 and the relevant regulations, are effective as of March 16, 2023, and are to be fully implemented by June 14, 2023.

HOTMA establishes a new OI limit for families that have been admitted to the public housing program. This ensures that there is a singular definition of ‘over-income’ for continued occupancy in the public housing program.

Once a PHA determines through an annual reexamination or an interim reexamination that a family’s income exceeds the applicable OI limit, the PHA must notify the family and make a note in the tenant file to calculate the family’s income again 12 months later to see if the family remains over-income. PHAs are required to begin tracking the 24 consecutive month grace period once a family’s income exceeds the applicable OI limit.

The required notices under the final rule are as follows:

i. In accordance with 24 CFR 960.507(c)(1), the PHA must provide written notice to the OI family no later than 30 days after the PHA’s initial determination, stating that the family has exceeded the OI limit as determined pursuant to an annual reexamination or an interim reexamination. The notice **must** state that:

(1) The family has exceeded the over-income limit, and

(2) Continuing to exceed the over-income limit for a total of 24 consecutive months will result in the PHA following its continued occupancy policy for over-income families in accordance with 24 CFR 960.507(d). See 24 CFR 960.507(c)(1) for more information.

ii. If the PHA determines the family has continued to exceed the over-income limit for 12 consecutive months after the initial OI determination, the PHA must provide written notification pursuant to 24 CFR 960.507(c)(2) no later than 30 days after the PHA’s income examination that led to the 12-month over-income determination. The notice **must** state that:

(1) The family’s income has exceeded the over-income limit for 12 consecutive months, and

(2) Continuing to exceed the over-income limit for the next 12 consecutive months will result in the family either paying the higher alternative rent as a non-public housing over-income (NPHOI) family or termination of their tenancy, under 24 CFR 960.507(d). This notice should include the estimated alternative rent where applicable 24 CFR 960.507(c)(2).

iii. If the PHA determines the family has continued to exceed the over-income limit for 24 consecutive months after the initial OI determination, then the PHA must provide written notification pursuant to 24 CFR 960.507(c)(3) no later than 30 days after the PHA’s income examination that led to the 24-month over-income determination. The notice **must** state that:

- (1) The family has exceeded the over-income limit for 24 consecutive months, and
- (2) The PHA will either terminate the family's tenancy **in 90 days** or charge the family the alternative non-public housing rent (at the next lease renewal or in no more than 60 days after the date the final notice per 24 CFR 960.507(c)(3), whichever is sooner).

IIID. ALTERNATIVES TO TERMINATION OF TENANCY

Exclusion of Culpable Household Member [24 CFR 966.4(l)(5)(vii)]

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

As a condition of the family's continued occupancy, the head of household must certify that the culpable household member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit.

The family must present evidence of the former household member's current address upon GHA request.

2. Repayment of Family Debts

If a family owes amounts to the GHA, as a condition of continued occupancy, the GHA will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from the GHA of the amount owed.

IIIE. CRITERIA FOR DECIDING TO TERMINATE TENANCY

GHA has grounds to terminate a tenancy, but not required to do so, except as explained in Part II of this chapter, and may consider all of the circumstances relevant to a particular case before making a decision.

Evidence [24 CFR 982.553]

The GHA will use the preponderance of the evidence as the standard for making all termination decisions.

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

Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 966.4(l)(5)(vii)(B)]

The GHA will consider the following facts and circumstances before deciding whether to terminate the lease for any of the HUD required lease provisions or for any other reasons:

- A. The seriousness of the offending action, especially with respect to how it would affect other residents' safety or property
- B. The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor, a person with disabilities, or (as discussed further in section III F) a victim of domestic violence, dating violence, sexual assault, or stalking
- C. The effects that the eviction will have on other family members who were not involved in the action or failure to act
- D. The effect on the community of the termination, or of the GHA's failure to terminate the tenancy
- E. The effect of the GHA's decision on the integrity of the public housing program
- F. The demand for housing by eligible families who will adhere to lease responsibilities
- G. The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action
- H. The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history, and the likelihood of favorable conduct in the future

While a record or records of arrest will not be used as the sole basis for termination, an arrest may, however, trigger an investigation to determine whether the participant actually engaged in disqualifying criminal activity. As part of its investigation, the GHA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. The GHA may also consider:

- 1. Any statements made by witnesses, or the participant not included in the police report
- 2. Whether criminal charges were filed
- 3. Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal
- 4. Any other evidence relevant to determining whether or not the participant engaged in disqualifying activity
- 5. Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.
- 6. In the case of program abuse, the dollar amount of the underpaid rent and whether or not a false certification was signed by the family

Consideration of Rehabilitation [24 CFR 966.4(l)(5)(vii)(D)]

In determining whether to terminate the lease for illegal drug use or a pattern of illegal drug use, or for abuse or a pattern of abuse of alcohol, by a household member who is no longer engaging in such use or abuse, the GHA will consider whether such household member has successfully completed a supervised drug or alcohol rehabilitation program.

For this purpose, the GHA will require the tenant to submit evidence of the household member's

successful completion of a supervised drug or alcohol rehabilitation program.

Reasonable Accommodation [24 CFR 966.7]

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of lease, the GHA will determine whether the behavior is related to the disability. If so, upon the family's request, the GHA will determine whether alternative measures are appropriate as a reasonable accommodation. The GHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed lease termination.

Nondiscrimination Limitation [24 CFR 966.4(1)(5)(vii)(F)]

The GHA's eviction actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105.

IIIF. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

This section addresses the protections against termination of tenancy that the Violence against Women Act of 2013 (VAWA) provides for public housing residents who are victims of domestic violence, dating violence, sexual assault, or stalking. For general VAWA requirements and GHA policies pertaining to notification, documentation, and confidentiality.

VAWA Protections against Termination [24 CFR 5.2005]

VAWA provides that no person may deny assistance, tenancy, or occupancy rights to public housing to a tenant on the basis or as a direct result of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or affiliated individual is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.

VAWA further provides that incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed either as serious or repeated violations of the lease by the victim or threatened victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence [24 CFR 5.2005(c)(1)].

Limits on VAWA Protections [24 CFR 5.2005(d) and €]

While VAWA prohibits GHA from using domestic violence, dating violence, sexual assault, or stalking as the cause for a termination or eviction action against a public housing tenant who is the victim of the abuse, the protections it provides are not absolute. Specifically:

- VAWA does not limit GHA's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, sexual assault, or stalking providing that the GHA does not subject the victim to a more demanding standard than the standard to which it holds other tenants.
- VAWA does not limit GHA's authority to terminate the tenancy of any public housing

tenant if the GHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated. HUD regulations define actual and imminent threat to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk
- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, the GHA will consider the following, and any other relevant, factors:

1. Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, or stalking
2. Whether the threat is a physical danger beyond a speculative threat
3. Whether the threat is likely to happen within an immediate time frame
4. Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the tenant wishes to contest the GHA's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

Documentation of Abuse [24 CFR 5.2007]

When an individual facing termination of tenancy for reasons related to domestic violence, dating violence, sexual assault, or stalking claims protection under VAWA, the GHA will request in writing that the individual provide documentation supporting the claim.

The GHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases the GHA will document the waiver in the individual's file.

Terminating or Evicting a Perpetrator of Domestic Violence

Although VAWA provides protection from termination for victims of domestic violence, it does not provide such protection for perpetrators. In fact, VAWA gives the GHA the explicit authority to bifurcate a lease, or remove a household member from a lease, "in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault,

or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing” . Moreover, HUD regulations impose on the GHA the obligation to consider lease bifurcation in any circumstances involving domestic violence, dating violence, or stalking [24 CFR 966.4(e)(9)].

Specific lease language affirming the GHA’s authority to bifurcate a lease is not necessary, and the authority supersedes any local, state, or federal law to the contrary. However, if the GHA chooses to exercise its authority to bifurcate a lease, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law for eviction, lease termination, or termination of assistance. This means that the GHA must follow the same rules when terminating or evicting an individual as it would when terminating or evicting an entire family. However, perpetrators should be given no more than 30 days’ notice of termination in most cases [Notice PIH 2017- 08].

The GHA will bifurcate a family’s lease and terminate the tenancy of a family member if the GHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, nonculpable family members.

In making its decision, the GHA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-5382) or other documentation of abuse submitted to the GHA by the victim. Upon such consideration, the GHA may, on a case- by-case basis, choose not to bifurcate the lease and terminate the tenancy of the culpable family member.

If the GHA does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP. If the person removed from the lease was the only tenant eligible to receive assistance, the GHA must provide any remaining tenant a chance to establish eligibility for the unit. If the remaining tenant cannot do so, the GHA must provide the tenant reasonable time to find new housing or to establish eligibility for another housing program covered by VAWA 2013.

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SECTION IV: NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES AND RECORD KEEPING

IVA. CONDUCTING CRIMINAL RECORDS CHECKS [24 CFR 5.903(e)(ii) and 24 CFR 960.259]

The GHA will conduct criminal records checks when it has come to the attention of the GHA, either from local law enforcement or by other means, that an individual has engaged in the destruction of property, engaged in violent activity against another person, or has interfered with the right to peaceful enjoyment of the premises of other residents. Such checks will also include sex offender registration information. In order to obtain such information, all adult household members must sign consent forms for release of criminal conviction and sex offender registration records on an annual basis.

IVB. DISCLOSURE OF CRIMINAL RECORDS TO FAMILY [24 CFR 5.903(f), 24 CFR 5.905(d) and 24 CFR 966.4(l)(5)(iv)]

In all cases where criminal record or sex offender registration information would result in lease enforcement or eviction, the GHA will notify the household in writing of the proposed adverse action and will provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

The family will be given 10 business days from the date of the GHA notice, to dispute the accuracy and relevance of the information. If the family does not contact the GHA to dispute the information within that 10-business day period, the GHA will proceed with the termination action.

Should the tenant not exercise their right to dispute prior to any adverse action, the tenant still has the right to dispute in the grievance hearing or court trial.

IVC. LEASE TERMINATION NOTICE [24 CFR 966.4(l)(3)]

The GHA will attempt to deliver notices of lease termination directly to the tenant or an adult member of the household. If such attempt fails, the notice will be sent by first-class mail. If the GHA offers remote hearings, the notice will also state that the resident may request a remote hearing.

Any tenant who claims that the cause for termination involves domestic violence, dating violence, sexual assault, or stalking of which the tenant or affiliated individual of the tenant is the victim will be given the opportunity to provide documentation in accordance with the policies in sections III F.

Timing of the Notice [24 CFR 966.4(l)(3)(i)]

The GHA will give written notice of 14 calendar days for nonpayment of rent. For all other lease terminations, the GHA will give 30 days written notice or, if state or local law allows less than 30 days, such shorter notice will be given.

Notice of Nonrenewal Due to Community Service Noncompliance [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)]

If after receiving a notice of initial noncompliance the family does not request a grievance hearing or does not take either corrective action required by the notice within the required timeframe, a termination notice will be issued in accordance with the policies above.

If a family agreed to cure initial noncompliance by signing an agreement and is still in noncompliance after being provided the 12-month opportunity to cure, the family will be issued a notice of continued noncompliance. The notice of continued noncompliance and notice of termination of tenancy will be sent.

Notice of Termination Based on Citizenship Status [24 CFR 5.514 and (d)]

In cases where termination of tenancy is based on citizenship status, HUD requires the notice of termination to contain additional information. In addition to advising the family of the reasons their assistance is being terminated, the notice must also advise the family of any of the following that apply: the family's eligibility for proration of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, the family's right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal, and the family's right to request an informal hearing with the GHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.

IVD. EVICTION [24 CFR 966.4(l)(4) and 966.4(m)]

When a family does not vacate the unit after receipt of a termination notice, by the deadline given in the notice, the GHA will follow state and local landlord-tenant law in filing an eviction action with the local court that has jurisdiction in such cases.

If the eviction action is finalized in court and the family remains in occupancy beyond the deadline to vacate given by the court, the GHA will seek the assistance of the court to remove the family from the premises as per state and local law.

IVE. NOTIFICATION TO POST OFFICE [24CFR 966.4(l)(5)(iii)(B)]

When the GHA evicts an individual or family for criminal activity, including drug-related criminal activity, the GHA must notify the local post office serving the dwelling unit that the

individual or family is no longer residing in the unit.

IVF. RECORD KEEPING

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

1. Name of resident, number and identification of unit occupied
2. Date of the notice of lease termination and any other notices required by state or local law; these notices may be on the same form and will run concurrently
3. Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail (other than any criminal history reports obtained solely through the authorization provided in 24 CFR 5.903 and 5.905)
4. Date and method of notifying the resident
5. Summaries of any conferences held with the resident including dates, names of conference participants, and conclusions

GHA begins keeping files on residents from the time they put in an application. GHA must retain these files for a minimum of three years after move-out, resident death, or when the resident stops receiving subsidy. Once the time period for maintaining the file has ended, the GHA will dispose of all files and records using a secure method to prevent unauthorized individuals from accessing residents' personal information.

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CHAPTER 16

SECTION I: LEASE ENFORCEMENT POLICY

16A. LEASE ENFORCEMENT

All provisions of the Residential Dwelling Lease shall be consistently and strictly enforced. GHA will process lease terminations in accordance with all applicable HUD regulations and the dwelling lease. [24 CFR § 966.4 (1)(2)].

The Residential Dwelling Lease shall be renewed automatically, unless the family fails to comply with the Community Service Requirement or Self-Sufficiency Activities.

16B. COMMUNITY SERVICE REQUIREMENTS

Except for an exempt family member as defined in this policy, each adult resident of the household must contribute 8 hours per month of community service; or participate in an economic self-sufficiency program for 8 hours per month; or perform 8 hours of a combination thereof.

GHA shall contract for the administration of the community service and self-sufficiency activities through partnerships with those entities responsible for the delivery of resident services at each GHA development. GHA shall provide a written description of the service requirements, the process for claiming exemption, and GHA's verification of such status, to all residents at least 90 days prior to the required implementation date.

GHA will review the family's compliance with the service requirements annually at the time of annual reexamination of family composition and/or income.

Exempt household members under this requirement include any household whose head, co-head or sole member is elderly or disabled.

Tenant self-certification for Community Service and Self-Sufficiency Requirement 24 CFR 960.605, 960.607 PIH 2015-12

16C. RECORD KEEPING REQUIREMENTS

Documentation of lease violations and termination actions shall be maintained by GHA, and shall contain the following information:

- A. Name of resident, number and identification of unit occupied;
- B. Date of the Notice of Lease Termination and any other notices required by State or local law; these notices may be on the same form and will run concurrently;
- C. Specific reason(s) for the Notices, the section of the lease violated, and other facts pertinent to the issuing of the Notices described in detail;
- D. Date and method of notifying resident; and

- E. Previous notices warning residents of actions or behavioral problems that rise to the level of a lease violation. A summary of any conference held with the resident, including dates, names of conference participants, and conclusions.

16D. RENTAL AGREEMENTS

- A. It is the Housing Authority's policy to meet the informational needs of families, and to communicate the program rules in order to avoid family debts. Before a debt is assessed against a family, the file must contain documentation to support the Housing Authority's claim that the debt is owed.

The file must further contain written documentation of the method of calculation, in a clear format for review by the family or interested parties.

- B. When families or owners owe money to the Housing Authority, the Housing Authority will make effort to collect it. The Housing Authority will use a variety of collection tools to recover debts including, but not limited to:
 - Request for lump sum payments
 - Payment agreements
 - Civil suits
 - Credit bureaus
 - Collection agencies: and/or
 - Income tax set off programs

Repayment Agreement Policy

It is the policy of the Housing Authority to not provide rental assistance or Public Housing to a family who has indebtedness to this Housing Authority until the balance is paid in full or a Repayment Agreement has been executed. As a general rule a minimum down-payment of one third of the balance is required at the time the Agreement is executed. Monthly payment amount will be established after a review of all relevant family income information not to exceed 12 months.

16E. PEST MANAGEMENT

Residents must allow GHA to exterminate their unit quarterly, at minimum. If evidence of an infestation exists and the resident can provide documentation that they have paid for professional extermination services quarterly per year, the GHA will not exterminate. If documentation cannot be provided, extermination services are required as determined by the GHA.

HUD Integrated Pest Management (IPM) Guidelines

Common pests can cause serious health problems. Pests such as bed bugs, cockroaches and rodents as well as the chemicals used to control them can affect allergies and asthma along with more serious health risks.

Integrated Pest Management (IPM) is an effective and environmentally sensitive approach to

pest management that relies on a combination of current practices, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.

1. Communicate the pest management policies and procedures to all building occupants, administrative staff, maintenance personnel, and contractors.
 2. Identify pests and environmental conditions that limit the spread of pests.
 3. Establish an ongoing monitoring and record keeping system for regular sampling and assessment of pests, surveillance techniques, and remedial actions taken, including establishing the assessment criteria for program effectiveness.
 4. Determine, with involvement of residents, the pest population levels – by species – that will be tolerated and setting action thresholds at which pest populations warrant action.
 5. Improve sanitation, waste management, mechanical pest management methods, and/or natural control agents that have been carefully selected as appropriate in light of allergies or cultural preferences of staff or residents.
 6. Monitor and maintain structures and grounds (e.g., sealing cracks, eliminating moisture intrusion/accumulation) and add physical barriers to pest entry and movement.
 7. Develop an outreach/educational program and ensure that leases reflect residents' responsibilities for:
 - Proper housekeeping
 - Reporting presence of pests, leaks, and mold
 - Specific IPM requirements such as obtaining permission of management before purchasing or applying any pesticides.
 - Avoiding introduction of pests into buildings on used mattresses and other recycled furniture.
1. Enforce lease provisions regarding resident responsibilities such as housekeeping, sanitation, and trash removal and storage.
 2. Use pesticides only, when necessary, with preference for products that, while producing the desired level of effectiveness, pose the least harm to human health and the environment.
 3. Provide and post Pesticide Use Notification signs or other warnings.

16F. PARKING

If you live in a GHA public housing community, GHA will provide one parking permit per household, additional permits must be requested and approved by GHA management staff.

Register Your Vehicle

If you want to park your car at the property where you live, you'll need to provide management with ID, insurance and vehicle registration for your vehicle. We'll give you a sticker that must be displayed in the lower left corner of your rear window. For motorcycles, the sticker must be plainly visible. All vehicles must be properly licensed.

Respect the Parking Signs

Some parking spaces have signs to restrict who can park there, such as staff or people with disabilities. Any space that is marked “Resident Parking” — or is not marked at all — is available for all residents.

No Storage or Repairs

Parking in our public housing communities is reserved for vehicles that are actively used by residents. Storage or repair of vehicles or any other equipment is not allowed.

Violators Will be Towed

Any vehicle that is found to be in violation of the GHA parking rules may be towed and impounded without notice at the owner expense. Vehicles that are inoperable, will be given a 72-hour warning notice with a chance to correct the violation before towing.

16G. PETS

ASSISTANCE ANIMALS

Two types of assistance animals:

(1) service animals, and

(2) other animals that do work, perform tasks, aid, and/or provide therapeutic emotional support for individuals with disabilities, which are referred to as “support animals.”

SERVICE AND ASSISTANCE ANIMAL EXCLUSION

The pet policy does not apply to animals that are used to assist persons with disabilities. Service and assistance animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner. Residents must ensure service and assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents. For an animal to be excluded from the pet policy and be considered a service animal, the person seeking to use and live with the animal must have a disability; and the person seeking to use and live with the animal must have a disability-related need for the service or assistance the animal provides. For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request, and the GHA approve, a reasonable accommodations request.

PETS

Pet Deposit

GHA requires tenants to pay a pet deposit of \$50 at the time of receiving approval for a pet.

Families are responsible for all damage that occurred by pets.

Detailed information about the following topics: Common household pet, Prohibited Animals, Types, Number of Pets, Pet Deposits, General Rules, Financial Obligations, Violations and much more can be found in GHA's Pet Policy which can be view or obtained on the GHA's website at www.garyhousing.org or at a Management Office.

16H. GRIEVANCE

- A. When disputes arise between a resident and GHA concerning an action or failure to act in accordance with the Residential Lease Agreement, residents will have the opportunity to resolve this dispute through a grievance hearing according to GHA's Grievance Procedures (24 CFR § 965.51 (a)(1))
- B. Grievance procedures shall not apply to eviction or termination of tenancy cases involving any activity that threatens the health, safety, or right of peaceful enjoyment of the premises by other residents, persons residing in the immediate vicinity of the premises or GHA employees; or any violent or drug-related criminal activity on or near GHA property, and any criminal activity resulting in a felony conviction. (24 CFR § 965.51 (a)(1))

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The Housing Authority of the City of Gary, Indiana

Public Housing Grievance Policy

Purpose

The Housing Authority of the City of Gary, Indiana, hereafter referred to as The Gary Housing Authority (GHA) shall provide Residents of Public Housing the opportunity to an effective and efficient settlement of a grievance against the Housing Authority, its agents and/or its employees. The GHA Grievance Policy sets forth the requirements, standards, and criteria by which tenants are allowed a grievance hearing if the tenant disputes within a reasonable time any GHA action or failure to act involving the tenant's lease with the GHA or GHA regulations that adversely affect the individual tenant's rights, duties, welfare or status. GHA has the right to exercising the option to conduct remote hearings, the platform to be determined by the Housing Authority. This policy shall be provided to all Residents upon execution of a Residential Dwelling Lease Agreement and shall be incorporated as part thereof.

Disputes: The Grievance Policy shall not be applicable to tenant disputes between residents not involving GHA, or to class action disputes. Furthermore, the Grievance Policy is not a forum for initiating or negotiating policy changes between a group or groups of residents and GHA's Board of Commissioners. Therefore, individuals acting as Hearing Officers in accordance with the procedures outlined below will have no authority to change any provision of the Residential Lease Agreement, the Grievance Policy or any other related operational policy of GHA.

Applicability

The Gary Housing Authority shall respond to any tenant complaint which a resident may have with respect to GHA's action or failure to act, provided that such action or failure to act, adversely affects the individual resident's rights, duties, welfare, or status. This policy shall apply to all individual grievances unless otherwise stated herein. This policy does not in any way prohibit any individual resident from seeking other remedies, which may be available under federal, state, and/or local laws.

Due Process

The U.S. Department of Housing and Urban Development (HUD) has issued a due process determination that the law of the State that requires that a Resident be given the opportunity for a hearing in court which provides the basic elements of due process (as defined above) before eviction from the dwelling unit, the grievance procedure shall not be applicable to any termination of tenancy or eviction that involves: See 24 CFR [966.51(2)(i)(A) (B) & (C)]

- any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of GHA;

- any drug-related criminal activity on or off such premises;
- violent criminal activity on or off the premises; or,
- any activity resulting in a felony conviction of any member of the household.
- Informal Settlement of Grievance

Request for a Grievance

Any grievance shall be personally presented, in writing, to the GHA Central Office or to the office of the project in which the complainant resides so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within a reasonable time and one (1) copy shall be given to the tenant and one retained in the GHA's tenant file. The summary shall specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore and shall specify the procedures by which a hearing under 24 CFR 966.55 may be obtained if the complainant is not satisfied.

Definitions

The following definitions shall apply to this policy and the corresponding procedures.

Grievance – any dispute which a tenant may have with respect to GHA actions or failure to act in accordance with the individual's lease agreement or GHA regulations which adversely affect the individual tenant's rights, duties, welfare or status.

Complainant – any tenant whose grievance is presented to the GHA or at the project management office in accordance with the procedures outlined in this policy and federal regulations cite in 24 CFR 966.54 and 966.55(a).

Elements of Due Process – an eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:

- Adequate notice to the tenant of the grounds for terminating the tenancy and for evictions;
- Right of the tenant to be represented by counsel;
- Opportunity for the tenant to refute the evidence presented by the GHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have;
- A decision on the merits

Hearing Officer – a person selected in accordance with federal regulation 24 CFR 966.55 to hear grievances and render a decision with respect thereto.

Hearing Panel – a panel selected in accordance with federal regulations 24 CFR 966.55 to hear grievances and render a decision with respect thereto.

Tenant – the adult person (or persons) other than a live-in aide:

- Who resides in the unit, and who executed the lease with the GHA as lessee of the dwelling unit, or if no such person now resides in the unit,
- Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit.

Resident Organization – includes a resident management corporation.

Drug-Related Activities - The illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. Section 802)

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CHAPTER 17

SECTION I: RENT CAFE

17A. WHAT IS RENTCAFÉ AND WHY SHOULD I REGISTER?

The Gary Housing Authority (GHA) has implemented Rent Café, a software that will promote improved communication with our residents and increase efficiency. Residents and applicants can access Rent Café @ www.portal.garyhousing.org.

RENT Café is an online system run by Yardi Software. On RENT Café residents can make secure rent payments, view balances, submit maintenance requests, contact property management, recertify and renew their lease — all from the convenience of their home. Applicants can sign up for GHA’s waitlist, check status, make changes, and update their waitlist applications.

RENT Café is Mandatory for all resident and applicants.

The Gary Housing Authority (GHA) Staff has worked diligently with our residents to make sure that they have a full understanding of RENT Café. It is in the best interest of all GHA residents to familiarize themselves with the program. GHA implemented RENT Café in 2021. RENT Café became mandatory effective 4/1/2022. Money orders or personal checks will ONLY be accepted in the management offices under special circumstances and at the discretion of management. Not registering for RENT Café is a violation of the lease. Failure to register and use RENT Café may prompt your ineligibility for continued occupancy with the GHA.

17B. RENTAL PAYMENT OPTIONS

RENT Café provides the following payment options:

1. Setup Auto Pay - money is pulled directly from your bank account or debit card on a specific date of your choice.
2. One Time Payments - Login to your RENT Café account and make a payment monthly.
3. WIPS (Walk-In Payment System) you will receive a WIPS number and bar code from the property manager, to take into a center (For Example CVS Pharmacy) and make cash payments.

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You must have a RENT Café account to use any of the options above. If a resident believes that their payment was not made as scheduled on their RENT Café account with AutoPay, please contact the Property Manager immediately.

Some of the key benefits of RENT Café are Streamlining the applicant and resident experiences such as:

1. Offer two payment options to automate the rent collection process.
2. Online Payments
3. Walk-in Payment System (WIPS)
4. Complete annual re-certifications and interim reexaminations online
5. Public Housing residents will be able to complete work order requests online
6. Provide current applicants access to check their status online
7. New applicants will be able to apply online when waitlists are open

17C. FEES

Fees charged to residents for the Processing of Payments:

1. ACH (Automated Clearing House) fee is Free.
Deducting payment straight from your bank account.
2. Credit Card service fee is 2.5%.
3. Debit Card service fee uses this sliding scale:
\$3.95 < \$1,000; \$4.95 for \$1,000 - \$2,000; \$9.95 > \$2,000
4. WIPS service fee is \$3.99 at the retail locations.
The resident will be charged this fee at the retail location.

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GLOSSARY

A. ACRONYMS USED IN PUBLIC HOUSING

ACC	Annual contributions contract
ACOP	Admissions and continued occupancy policy
ADA	Americans with Disabilities Act of 1990
AIDS	Acquired immune deficiency syndrome
AMI	Area median income
AMP	Asset management project
BR	Bedroom
CDBG	Community Development Block Grant (Program)
CFP	Capital fund program
CFR	Code of Federal Regulations (published federal rules that define and implement laws; commonly referred to as “the regulations”)
COCC	Central office cost center
CPI	Consumer price index (published monthly by the Department of Labor as an inflation indicator)
EID	Earned income disallowance
EIV	Enterprise Income Verification
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration (HUD Office of Housing)
FHEO	Fair Housing and Equal Opportunity (HUD Office of)
FICA	Federal Insurance Contributions Act (established Social Security taxes)
FMR	Fair market rent
FR	Federal Register
FSS	Family Self-Sufficiency (Program)
FY	Fiscal year
FYE	Fiscal year end
GAO	Government Accountability Office

HA	Housing authority or housing agency
HCV	Housing choice voucher
HERA	Housing and Economic Recovery Act of 2008
HOPE VI	Revitalization of Severely Distressed Public Housing Program
HUD	Department of Housing and Urban Development
HUDCLIPS	HUD Client Information and Policy System
IMS	Inventory Management System
IPA	Independent public accountant
IRA	Individual retirement account
IRS	Internal Revenue Service
JTPA	Job Training Partnership Act
LBP	Lead-based paint
LEP	Limited English proficiency
LIHTC	Low-income housing tax credit
MTW	Moving to Work
NOFA	Notice of funding availability
OGC	HUD's Office of General Counsel
OIG	HUD's Office of Inspector General
OMB	Office of Management and Budget
PASS	Plan to Achieve Self-Support
PHA	Public housing agency
PHAS	Public Housing Assessment System
PIC	PIH Information Center
PIH	(HUD Office of) Public and Indian Housing
QC	Quality control
QHWRA	Quality Housing and Work Responsibility Act of 1998 (also known as the Public Housing Reform Act)

RAD	Rental Assistance Demonstration Program
REAC	(HUD) Real Estate Assessment Center
RFP	Request for proposals
RIGI	Regional inspector general for investigation (handles fraud and program abuse matters for HUD at the regional office level)
ROSS	Resident Opportunity and Supportive Services
SSA	Social Security Administration
SSI	Supplemental security income
SWICA	State wage information collection agency
TANF	Temporary assistance for needy families
TR	Tenant rent
TTP	Total tenant payment
UA	Utility allowance
UFAS	Uniform Federal Accessibility Standards
UIV	Upfront income verification
UPCS	Uniform Physical Condition Standards
URP	Utility reimbursement payment
VAWA	Violence Against Women Reauthorization Act of 2013
VCA	Voluntary Compliance Agreement

B. GLOSSARY OF PUBLIC HOUSING TERMS

Accessible. The facility or portion of the facility can be approached, entered, and used by persons with disabilities.

Adjusted income. Annual income, less allowable HUD deductions and allowances.

Affiliated individual. With respect to an individual, a spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in loco parentis (in the position or place of a parent), or any individual, tenant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.

Annual contributions contract (ACC). The written contract between HUD and a PHA under which HUD agrees to provide funding for a program under the 1937 Act, and the PHA agrees to comply with HUD requirements for the program.

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

Applicant (applicant family). A family that has applied for admission to a program but is not yet a participant in the program.

As-paid states. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

Assets. (See *net family assets*.)

Auxiliary aids. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving federal financial assistance.

Bifurcate. With respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

Ceiling rent. The highest rent amount the PHA will require a family to pay, for a particular unit size, when the family is paying an income-based rent.

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

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 child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Citizen. A citizen or national of the United States.

Cohead. An individual in the household who is equally responsible for the lease with the head of household. A family may have a cohead or spouse but not both. A cohead never qualifies as a dependent. The cohead must have legal capacity to enter into a lease.

Confirmatory review. An on-site review performed by HUD to verify the management performance of a PHA.

Consent form. Any consent form approved by HUD to be signed by assistance applicants and participants to obtain income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and retirement income); and return information for unearned income from the IRS. Consent forms expire after a certain time and may authorize the collection of other information to determine eligibility or level of benefits.

Covered families. Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which federal, state, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

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

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

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.

Dependent child. In the context of the student eligibility restrictions, a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* as specified above.

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

Disabled family. A family whose head, cohead, 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.

Disabled person. See *person with disabilities*.

Disallowance. Exclusion from annual income.

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

Domestic violence. Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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 of the jurisdiction.

Domicile. The legal residence of the household head or spouse as determined in accordance with state and local law.

Drug-related criminal activity. The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.

Economic self-sufficiency program. Any program designed to encourage, assist, train, or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse or mental health treatment). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). Also see 24 CFR 5.603(c).

Effective date. The "effective date" of an examination or reexamination refers to: (i) in the case of an examination for admission, the date of initial occupancy and (ii) in the case of reexamination of an existing tenant, the date the redetermined rent becomes effective.

Elderly family. A family whose head, cohead, 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.

Elderly person. An individual who is at least 62 years of age.

Eligible family (Family). A family that is income eligible and meets the other requirements of the 1937 Act and Part 5 of 24 CFR.

Employer identification number (EIN). The nine-digit taxpayer identifying number that is assigned to an individual, trust, estate, partnership, association, company, or corporation.

Evidence of citizenship or eligible status. The documents which must be submitted as evidence of citizenship or eligible immigration status. (See 24 CFR 5.508(b).)

Extremely low-income family. A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area as determined by HUD, whichever number is higher, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30 percent of median income if HUD finds such variations are necessary due to unusually high or low family incomes. (See 24 CFR 5.603.)

Facility. All or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock, or other real or personal property or interest in the property.

Fair Housing Act. Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Fair market rent (FMR). The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe, and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the *Federal Register* in accordance with 24 CFR Part 888.

Family. Includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, and can be further defined in PHA policy.

- A family with or without children (the temporary absence of a child from the home due to placement in foster care is not considered in determining family composition and family size)
- An elderly family or a near-elderly family
- A displaced family
- The remaining member of a tenant family
- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Family self-sufficiency program (FSS program). The program established by a PHA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

Federal agency. A department of the executive branch of the federal government.

Flat rent. Established by the PHA for each public housing unit; a rent based on the market rent charged for comparable units in the unassisted rental market, set at no less than 80 percent of the applicable Fair Market Rent (FMR), and adjusted by the amount of the utility allowance, if any

Foster child care payment. A payment to eligible households by state, local, or private agencies appointed by the state to administer payments for the care of foster children.

Full-time student. A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended). (See 24 CFR 5.603)

Gender identity. Actual or perceived gender-related characteristics.

Handicap. Any condition or characteristic that renders a person an individual with handicaps. (See *person with disabilities*.)

Head of household. The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Household. A household includes additional people other than the family who, with the PHA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

Housing agency (HA). See *public housing agency*.

HUD. The U.S. Department of Housing and Urban Development.

Imputed asset. An asset disposed of for less than fair market value during the two years preceding examination or reexamination.

Imputed asset income. The PHA-established passbook rate multiplied by the total cash value of assets. The calculation is used when net family assets exceed \$5,000.

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

Income. Income from all sources of each member of the household, as determined in accordance with criteria established by HUD.

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

Income information means information relating to an individual's income, including:

- All employment income information known to current or previous employers or other income sources
- All information about wages, as defined in the state's unemployment compensation law, including any social security number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, employer identification number of an employer reporting wages under a state unemployment compensation law
- Whether an individual is receiving, has received, or has applied for unemployment compensation, and the amount and the period received
- Unearned IRS income and self-employment wages and retirement income
- Wage, social security, and supplemental security income data obtained from the Social Security Administration.

Individual with handicaps. See *person with disabilities*.

Jurisdiction. The area in which the PHA has authority under state and local law to administer the program.

Lease. A written agreement between the PHA and a tenant family for the leasing a public housing unit. The lease establishes the legal relationship between the PHA and the tenant family.

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

- Is determined 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.

Local preference. A preference used by the PHA to select among applicant families.

Low-income family. A family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80 percent for areas with unusually high or low incomes.

Medical expenses. Medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance (a deduction for elderly or disabled families only). These allowances are given when calculating adjusted income for medical expenses in excess of 3 percent of annual income.

Minimum rent. An amount established by the PHA of zero to \$50.

Minor. A member of the family household other than the family head or spouse, who is under 18 years of age.

Mixed family. A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Monthly adjusted income. One twelfth of adjusted income.

Monthly income. One twelfth of annual income.

National. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

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; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

Net family assets. (1) 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 under §5.609.
- In determining net family assets, PHAs 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 a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for 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.

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

PHA Plan. The annual plan and the 5-year plan as adopted by the PHA and approved by HUD.

Participant (participant family). A family that has been admitted to the PHA program and is currently assisted in the program.

Person with disabilities. *For the purposes of program eligibility.* A person who has a disability as defined under the Social Security Act or Developmental Disabilities Care Act, or a person who has a physical or mental impairment expected to be of long and indefinite duration and whose ability to live independently is substantially impeded by that impairment but could be improved by more suitable housing conditions. This includes persons with AIDS or conditions arising from AIDS but excludes persons whose disability is based solely on drug or alcohol dependence. *For the purposes of reasonable accommodation.* A person with a physical or mental impairment that substantially limits one or more major life activities, a person regarded as having such an impairment, or a person with a record of such an impairment.

Premises. The building or complex in which the dwelling unit is located, including common areas and grounds.

Previously unemployed. With regard to the earned income disallowance, a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Public assistance. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by federal, state, or local governments.

Public housing agency (PHA). Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

Qualified family. A family residing in public housing:

- Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment;
- Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or
- Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance, provided that the total amount over a six-month period is at least \$500.

Reasonable accommodation. A change, exception, or adjustment to a rule, policy, practice, or service to allow a person with disabilities to fully access the PHA's programs or services.

Recertification. Sometimes called *reexamination*. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported.

Remaining member of the tenant family. The person left in assisted housing who may or may not normally qualify for assistance on their own circumstances (i.e., an elderly spouse dies, leaving widow age 47 who is not disabled).

Residency preference. A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area (See *residency preference area*).

Residency preference area. The specified area where families must reside to qualify for a residency preference.

Responsible entity. For the public housing program, the PHA administering the program under an ACC with HUD. **Secretary.** The Secretary of Housing and Urban Development.

Section 8. Section 8 of the United States Housing Act of 1937; refers to the housing choice voucher program.

Security deposit. A dollar amount (maximum set according to the regulations) which can be used for unpaid rent or damages to the PHA upon termination of the lease.

Sexual assault. Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent (42 U.S.C. 13925(a))

Sexual orientation. Homosexuality, heterosexuality or bisexuality.

Single person. A person living alone or intending to live alone.

Social security number (SSN). The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

Specified welfare benefit reduction. Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

Spouse. The marriage partner of the head of household.

Stalking. To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

State wage information collection agency (SWICA). The state agency, including any Indian tribal agency, receiving quarterly wage reports from employers in the state, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Tenant. The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Tenant rent. The amount payable monthly by the family as rent to the PHA.

Total tenant payment (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

Utilities. Water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection, and sewage services. Telephone service is not included.

Utility allowance. 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 or approved by a PHA of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement. The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment (TTP) for the family occupying the unit.

Veteran. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

Violence Against Women Reauthorization Act (VAWA) of 2013. Prohibits denying admission to, denying assistance under, or evicting from a public housing unit an otherwise qualified applicant or tenant on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Violent criminal activity. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Waiting list. A list of families organized according to HUD regulations and PHA policy who are waiting for a unit to become available.

Welfare assistance. Income assistance from federal or state welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families. For the FSS program (984.103(b)), *welfare assistance* includes only cash maintenance payments from federal or state programs designed to meet a family's ongoing basic needs, but does not include food stamps, emergency rental and utilities assistance, SSI, SSDI, or social security.

