



MORRISTOWN HOUSING AUTHORITY

**ADMISSIONS AND CONTINUED
OCCUPANCY POLICY**

1. **INTRODUCTION**

This policy was developed and adopted in accordance with the Civil Rights Act of 1964 and the rules and regulations promulgated by the Department of Housing & Urban Development.

This policy outlines HUD regulations and establishes discretionary Policies and Procedures for use by this Authority

2. **POLICIES, RULES, AND REGULATIONS**

Policy and policy changes shall be submitted to the HUD Area Office for review and approval as necessary.

Policies shall be duly adopted by Authority Board of Commissioners Resolution.

Copies of policies, rules and regulations shall be posted in the Main Offices of the Housing Authority and shall be furnished to applicants and tenants upon request.

3. **RECEIPT AND INITIAL PROCESSION OF APPLICATIONS**

- A The Authority must obtain a written application, signed by a responsible member of the family, which will contain all data and information necessary to enable the Authority to determine whether the family meets the conditions for admission.
- B. All applications will be dated, time stamped, and referred to a central tenant selection and assignment office.
- C. During periods when application taking *is* suspended, the Authority **will** receive inquiries and requests for applications from interested families. The Authority will register the names, addresses and telephone numbers of apparently eligible families. The Authority will make clear to potential applicants that the registration does not establish the date and time of application for **the purpose** of determining standing on **the waiting** list When the waiting list is open, all persons on this list will be called and advised of the dates and times that applications will be accepted.
- D. All applications prior to determination of eligibility or ineligibility shall be entered on a chronological basis in a bound book and shall at a minimum include the applicants name, date of application, race, sex, family size, elderly or handicapped status, and preference status (if applicable).

4. **CONDITIONS FOR ELIGIBILITY**

A. **Eligibility for admissions criteria.** All families who are admitted to the Public Housing Program in the HA must be individually determined eligible under the terms of this plan. In order to be determined eligible, an applicant family must meet **all** the following requirements:

1. The applicant family must qualify as a family as defined in the Definition Section.
2. The applicant family's total annual income as defined in the Definitions Section must not exceed income limits established by HUD for Public Housing.
3. Head of household must be 19 years of age or older or 18 years old and married (not common law) or a person that has been relieved of the disability of non-age by court action (sometimes referred to as Majority papers).
4. The Housing Authority has adopted the following preferences:
 - a. Working families who reside in Morristown.
 - b. Families who work in Morristown.
 - c. Parents and/or grandparents of Morristown residents (senior housing only).

B. Sources of information for eligibility determination may include, but are not limited to, the applicant (by means of interviews or home visits) landlords, employers, court records, drug treatment centers, clinics, physicians, or police **departments where warranted by the particular circumstances. Information** relative to the acceptance or rejection of an applicant shall be documented and placed in the applicant's file. Such documentation may include reports of interviews, letters, or telephone conversations with reliable sources. As a minimum, such reports shall indicate the date, the source of information, including the name and title of the individual contacted, and a resume of the information **received.**

Applicants are not automatically determined eligible to receive Federal assistance. An applicant will not be placed on the waiting list and will be declared ineligible if the applicant's annual family income exceeds the Low and Very Low-Income Limits established by HUD and published in the Federal Register.

- C. If the applicant has failed to meet any **outstanding** requirements for eligibility and is determined ineligible, he/she will be informed and the reasons stated in writing.

The applicant will be granted ten (10) days from the date Stated on the ineligible letter to request an informal meeting. The applicant may bring any person he/she wishes to represent them at the informal meeting. The request for an informal meeting can be submitted in writing to the Executive Director no later than the time frame established above.

- D. In addition, the Housing Authority is permitted to determine as eligible, single persons living alone or intending to live alone who do not meet any of the definitions of a family, if the Housing Authority makes certain that all three of the following requirements are met:
1. Elderly families (including disabled persons and handicapped persons) and displaced persons are given preference over single persons, and
 2. Near elderly (at least fifty years of age, but below the age of 62) are given preference over single applicants in developments designated for the elderly, and
 3. Single persons are only eligible for one-bedroom and/or efficiency units.
- E. Declaration of Citizenship. The Housing Authority may not provide assistance to nor make financial assistance available to a person other than United States citizens, Nationals, or certain categories of eligible non-citizens in HUD's assisted housing programs.
- F. Once an applicant becomes a tenant in the Housing Authority's public housing program, the head of household must request permission to add another person to the dwelling lease. The person being added must meet all eligibility requirements before the Housing Authority will approve any addition to the dwelling lease.

5. **VERIFICATION OF INFORMATION**

- A. All information from each applicant must be verified. Families are required to provide Social Security Numbers (SSN) for all family members age 6 and older prior to admission, if they have been issued SSN by the Social Security Administration. If an applicant or tenant cannot provide his or her Social Security card, other documents listed below showing his or her social security number may be used as verification, until a valid Social Security card can be provided.

These documents include:

- Driver's license, that display the SSN
- Identification card issued by a Federal, State, or Local agency
- Identification card issued by an employer or trade union
- Identification card issued by medical insurance company
- Unemployment benefit letter
- Retirement benefit letter
- IRS Form 1099 or W-2
- Verification of Social Security benefits with the Social Security Administration

If the Housing Authority verifies Social Security benefits with the Social Security Administration, the acceptance of the SSN by the Social Security Administration may be considered documentation of its validity.

- B. Applicants may not become residents until the documentation is provided and verified. The applicant will retain their position on the waiting list during this period. The applicant will be given a reasonable time, subject to the circumstances, to furnish the documentation before losing their place on the waiting list and the time may be extended, if such circumstances require an extension. The decision will be made by a Housing Department staff member, documented in writing, and placed in the applicant's file.
- C. Methods of verification of information:

The MHA will utilize the Department of Labor's "SWICA" and EIV systems to facilitate computer matching and upfront verification of employment income."

1. Income. Income is the most important factor in determining a family's eligibility for housing and among the most likely to be subject to misrepresentation and error.

Consequently, we must establish adequate methods of verifying income (including applicable deductions and exemptions), which may include:

- a. Third party verification through an employer or public agency; or
- b. Review of documentation provided by the family such as benefit checks, income tax returns, etc. The Housing Authority's records shall include either copies of the verifying documents or a notation by the Housing Authority employee(s) responsible for their review.

2. Assets. Verification of savings and checking accounts from banks and savings and loan institutions, newspaper stock quotations, Local government assessed property value, tax returns, etc.
3. Family size and composition. The Housing Authority will rely on the declarations of the applicant related to family size, composition, and the relationship among the family members.
4. Age of family members. Proof of age is necessary when it is the sole factor determining eligibility or minor exemption, otherwise the applicant's declaration may be accepted.
5. Displacement Status. This verification may be obtained from the source of displacement.
6. Handicapped or Disabled. A physician's certificate verifying the handicap or disability shall be required when it is a factor in determining eligibility and rent Verification in writing by a hospital, welfare agency, the Social Security Administration, vocational rehabilitation agencies, and similar sources may be acceptable.

6. NOTIFICATION OF APPLICANT

Each applicant determined to be eligible shall promptly be notified by the Housing Authority of such determination and of the approximate date of occupancy. Each applicant determined to be ineligible shall be promptly notified by the Housing Authority in writing of such determination, with the reason therefore, and of his/her right, upon his/her request within a reasonable time, to an informal hearing on the determination in order to make such reply or explanation as he/she may wish.

Applications found ineligible and/or withdrawn for any reason are removed from the active file permanently. These applicants are not denied the opportunity to file a new application, setting forth a new application number and date in accordance with the date of filing the new application.

7. TENANT SELECTION AND ASSIGNMENT PLAN

Equal Opportunity

The Fair Housing Act makes it illegal to discriminate on the basis of race, color, religion, sex, handicap, familial status and national origin. This Housing Authority shall not deny to any family the opportunity of applying for admission nor shall it deny to any eligible applicant the opportunity of leasing or renting a dwelling suitable to its need in any project operated by this Housing Authority.

Selection Process

Tenants shall be selected from among eligible applicant families whose family composition is appropriate to available dwelling units. The Housing Authority will take into consideration the needs of the individual families for low rent housing and the statutory purpose in developing and operating a socially and financially sound low-income housing development, which provides a decent home and suitable living environment and fosters economic and social diversity in the tenant body as a whole. Selection will be made in such a manner as:

- A For every fiscal year, the Housing Authority shall reserve a percentage of its new admissions for **families** whose income **do not exceed thirty per cent (30%) of the area median income**. The goal for public housing shall be forty per cent (40%) of new admissions. In reaching the new admissions goals, the Housing Authority is required to avoid concentrating very low- income families in developments.
- B. To maintain a tenant body in each development composed of families with a broad range of income and rent paying ability, which is generally representative of the range of incomes of low-income families in the Housing Authority's area of operation as defined by State law.

Order of selection. Applications will be filed in the following hierarchical order:

- A Unit size/type needed by applicants
- B. Preferences, if applicable
- C. Date and time of application
- D. Provided, however, the provisions of the deconcentration rule, contained within this policy, shall supercede the selection of applicants based on date and time and Local preference points, if applicable, and allow the Housing Authority to skip families on the waiting list to accomplish this goal (see Exhibit C).

Verification of Preference, if Applicable. At the time of application, initial determinations of an applicant's entitlement to a preference may be made on the basis of an applicant's certification of their qualification for that preference. Before selection is made, this qualification must be verified.

8. GROUND FOR DENIAL OF ADMISSION

- A. The Housing Authority is not required nor obligated to assist families **who**:
 - 1. Owe rent, other amounts, or judgements to any Housing Authority or other Federally subsidized housing program. At the Housing Authority's discretion, the applicant may be declared eligible upon payment of debt, with the date and time of the application being the time of payment and meeting other criteria.

Note: Applicants that owe a Housing Authority or any other Federally subsidized program funds will not be processed for occupancy. The applicant must pay the funds owed prior to the application being processed. After the application is processed, the applicant must meet all other conditions for occupancy. Re- paying funds that are due does not necessarily qualify an applicant for occupancy. Such payments will be considered along with other factors in the application process. Any money owed to a Housing Authority, which has been discharged by bankruptcy, shall not be considered in making the determination.

2. Have previously been evicted from public housing.
3. Committed acts, which would constitute fraud in connection with any Federally assisted housing program.
4. Did not provide information required within the time frame specified during the application process.
5. Convicted of drug-related criminal activity or violent criminal activity. The Housing Authority shall prohibit admission to any household that includes any individual who is subject to a lifetime registration requirement under a State sex offender registration program.
6. Has a history of not meeting financial obligations, especially rent.
7. Has a record of disturbance of neighbors, destruction of property, or living or housekeeping habits, which may adversely affect the health, safety or welfare of the other tenants; grossly unsanitary conditions or hazardous housekeeping habits, such as hoarding of rags and paper; severe damage to premises and equipment, if it is established that the family is responsible for the condition; seriously affecting neighbors by causing infestation, foul odors, depositing garbage in the halls; or serious neglect of the premises.
8. Has a history of criminal activity involving crimes of physical violence to persons or property and other criminal activity which may adversely affect the health, safety or welfare of other tenants, including individuals who have been involved as offenders in rape, indecent exposure, sodomy, carnal abuse and impairing the morals of a minor.

Exception *is* **permitted** in the case of an individual **under 16 years of age** when he/she was involved in such offense and evidence from a reliable source shows that the individual may be considered rehabilitated.

9. During the interview process the applicant demonstrates hostile behavior that indicates that the prospective applicant may be a threat to our public housing residents.
 10. The applicant family must have properly completed all application requirements, including verifications. Intentional misrepresentation of income, family composition.
 11. Or any other information affecting eligibility will result in the family being declared ineligible. In the event the misrepresentation is discovered after admission, the lease will be terminated for such misrepresentation.
- B. The applicant and all adults must sign a release allowing the Housing Authority to request information from the New Jersey State Police or other law enforcement agencies.
- If the Housing Authority uses the information to deny or terminate assistance, the Housing Authority must provide a copy of the information used in accordance with Criminal Records Management Policy.
- C. If the applicant is a former Public Housing or Section 8 participant who vacated the unit in violation of his/her lease, the applicant may be declared ineligible.
- D. If the Housing Authority determines that a person is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The Housing Authority may waive this requirement if:
1. The person demonstrates to the Housing Authority's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol.
 2. The person has successfully completed a supervised drug or alcohol rehabilitation program; has otherwise been rehabilitated successfully; or is participating in a supervised drug or alcohol rehabilitation program.

Note: The above list is not intended to be all-inclusive. Applicants may be denied admission if the Housing Authority has reason to **believe** that the conduct

of the applicant has been such as would be likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety, or welfare or to affect adversely the physical environment or the financial stability of the development if the applicant were admitted to the development.

If an applicant is denied admission, the Housing Authority will notify the applicant, in writing, of its determination and inform the applicant that they have an opportunity for an informal meeting on such determination. The denial letter will allow the applicant ten (10) calendar days to request in writing an **informal meeting with the Housing Authority. A Housing Authority representative will hear the appeal and issue a decision within ten (10) calendar days of the meeting.**

- E. As a general rule, applicants may be denied admission to Public Housing for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below:

Denied admission for one (1) year for the following:

- Past rental record
- Bad rent paying habits
- Bad housekeeping habits, in and outside the unit
- Damages
- Disturbances
- Live-ins
- Demonstrates hostile behavior during the interview process that indicates that the applicant may be a threat to our residents.

Denied admission for three (3) years for the following:

- Persons evicted from Public Housing, Indian Housing, Section 8, or Section 23 programs because of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of such eviction.
- The Housing Authority can waive this requirement if the person demonstrates to the Housing Authority's satisfaction successful completion of a rehabilitation program approved by the Housing Authority, or circumstances leading to the eviction no longer exist.

Denied admission for five (5) years for the following:

- Fraud (giving false information on the application is considered fraud).

- **An** arrest or conviction record that indicates that the applicant may be a threat and **/or** negative influence on other residents. The five years shall begin on the date of the last reported act, completion of sentence and/or probation period.
- Drug use without evidence of rehabilitation.

Denied admission for ten (10) years for the following:

- Conviction of drug trafficking.
- Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a State sex offender registration program.
- Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as "speed") on the premises of the public housing development. Premises is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

Note: As noted above, these time frames are only guidelines and the Housing Authority may deny admission to any individual whose behavior may adversely affect the health, safety or welfare of other tenants or may admit persons who give evidence of rehabilitation (see "One Strike and You're Out" policy attached).

9. **ORIENTATION OF FAMILIES**

Briefing. The purpose of briefing is to cover the occupancy requirements for the tenant and landlord. The briefing is conducted as follows:

Once the Housing Authority determines that an applicant is eligible and the applicant's name reaches the top of the waiting list, the Housing Authority shall offer an apartment to the applicant. The applicant shall be given an opportunity to view the apartment prior to signing the lease and other documents required before occupancy. After the offer is made, the viewing has taken place and the apartment has been accepted by the applicant, a Housing Authority representative will schedule an appointment with the prospective tenant, for orientation.

If an applicant rejects an offer, their name will go to the bottom of the waiting list and their time starts again from the date of the refusal.

The security deposit, rent and any other charges will be collected at the signing of the lease. All money should be in the form of a check or money order made out to the Morristown Housing Authority. **Cash will not be accepted.**

At the briefing, the **Lease** and Grievance Procedure is explained in detail to the applicant.

All families' heads of household are required to attend the briefing when they are initially accepted for occupancy. No family can be housed if they have not attended a briefing. Failure to attend a scheduled briefing (without notice to the Housing Authority) will result in the family's application being placed in the inactive file and the family may be required to reapply for assistance. Applicants who provide prior notice of inability to attend a briefing will be scheduled for another date.

10. **OCCUPANCY STANDARDS.** The following standards will determine the number of bedrooms required to accommodate a family of a given size:

<u>Number of Bedrooms</u>	<u>Minimum Persons</u>	<u>Maximum Persons</u>
0	1	1
1	2	2
2	2	4
3	4	6
4	8	8
5	8	10

Dwelling units will be assigned so that, except in the case of infants or very young children, it will not be necessary for persons of the opposite sex, other than husband and wife, to occupy the same bedroom.

11. **REGULAR RE-EXAMINATIONS**

At least once each year or as requested by management, tenants must furnish such accurate information to management regarding family composition, employment and family income as may be necessary to make determinations with respect to rent, eligibility and the appropriateness of dwelling size. Such verification may include, but is not limited to, earning reports from employers, certified copies of State and Federal Income Tax Returns of any member of the household, W-2 forms, etc.

Approximately four (4) months prior to a resident's re-exam date, the Authority will send a notice informing the resident of their date for re-examination and the resident's requirement to supply all necessary documentation for income verification and **changes in the family composition on that date.**

If the tenant does not provide proof of income or family composition, a notice will be sent to the tenant giving the tenant ten (10) days to provide the requested information in accordance with the lease. The notice should also inform the tenant that failure to provide the requested information might result in termination of lease.

If the tenant fails to respond within ten (10) days, a thirty (30) day Notice of Termination of Lease shall be sent to the tenant.

The length of time from date of admission to date of **first** re-examination may not exceed 12 months according to current Federal Regulations. Therefore, in order to fit a new tenant into the established schedule, the first regularly scheduled re-examination may be conducted in a period of less than 12 months.

Each family is to be notified in writing of any changes required in rent or unit and of any misrepresentations or lease violations revealed by the redetermination and the corrective action to be taken.

12. SPECIAL RE-EXAMINATION OF TENANTS

If it is not possible at the time of admission or regular re-examination of a tenant family to determine annual family income with any reasonable degree of accuracy, a temporary determination of income and rent is to be made and a special re-examination scheduled within 30, 60, or 90 days, depending upon the family's circumstances. The tenant is to be notified in writing of the date of the special re-examination.

If annual family income can reasonably be estimated at the time scheduled, the re-examination is to be completed and actions taken as appropriate. If a reasonable anticipation of annual family income cannot be made, another special re-examination is to be scheduled.

13. ELIGIBILITY FOR CONTINUED OCCUPANCY

In order for a family to be considered eligible for continued occupancy, they must:

Qualify as a family (see definition of terms);

14. INTERIM ADJUSTMENTS OF RENT

Rent shall be adjusted upward or downward in cases of unanticipated changes in the family circumstances. Such changes may include, but are not limited to:

- Loss or addition of family member
- Commencement or termination of public assistance Gain or loss of employment
- Change in salary
- Gain or loss of family member qualifying as a full-time student
- Change in child care costs

Tenants are responsible to notify management of changes in circumstances within ten (10) days of such occurrence.

Failure to report changes in family circumstances can result in retroactive charges.

Decrease in rent will become effective the first of the month after the change is reported provided the change is reported to the Housing Authority by the 15th of the month. Increases in rent will become effective the first of the second month or thirty (30) days after the income is reported, whichever comes first.

Interim re-examinations will be conducted as necessary in accordance with changes in program requirements or administrative procedures.

15. **NON-RENTAL CHARGES**

The Authority shall establish non-rental charges and periodically update the following:

Utility Allowances

Excess Utility Charges

Charges for Damages

Fees for Late Payment of Rent, Legal Fees and Court Costs

16. **RENT COLLECTION POLICY**

The Authority shall establish a Rent Collection Policy (See Exhibit E attached).

17. **HOUSE RULES**

The Authority has established reasonable House Rules (see Exhibit H).

18. **EVICCTIONS**

Notice of termination to the tenant shall state reasons for the eviction and shall inform the tenant of the right to make such reply as he/she may wish and of his/her right to request a hearing in accordance with the Housing Authority Grievance Procedure.

A written record of every eviction shall be maintained by the Authority and shall contain the following information:

- Name of tenant and identification of unit occupied.
- Date of notice to vacate.
- Specific reason(s) for notice to vacate. For example, if a tenant is being evicted because of undesirable actions, the record should detail the actions which resulted in the determination that eviction should be instituted.
- Date and method of notifying the tenants, with summary of any conferences with the tenant, including names of conference participants.

- Detailed summary of any grievance or appeal processed and resolved pursuant to the Housing Authority Grievance Procedure.
- No eviction action shall be instituted nor court costs or legal fees assessed until after the notice period has expired or a grievance hearing has been completed.

19. GRIEVANCE PROCEDURE

The Housing Authority Grievance Procedure shall be applicable to all individual disputes which a tenant may have with respect to Authority action or failure to act in accordance with the tenant's lease or Authority regulations which adversely affect the tenant's rights, duties, welfare or status (see formal Procedure attached).

20. DEFINITION OF TERMS

A. Adjusted Income

Adjusted income is annual income less:

\$480 for each dependent

\$400 for any elderly family

Medical expense in excess of three per cent (3%) of annual income for any elderly family

Child care expense

B. Annual Income

Annual income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional adult member of the family, including all net income derived 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 in paragraph (1) of this definition and exclusive of certain other types of income specified in paragraph (2) of this definition.

1. Income includes, but is not limited to:

The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, and bonuses and other compensation for personal services.

The net income from the operation of a business or profession (for this purpose, expenditures for business expansion or amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from a business).

Interest, dividends, and other net income of any kind from real or personal property (for this purpose expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property). Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.

The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and any other similar types of periodic receipts, including lump-sum payments caused by a delay in processing periodic payments such as unemployment or welfare assistance.

Any amount of student financial assistance not used for tuition, books, lab fees, etc. will be counted as income.

Payments in lieu of earnings, such as unemployment and disability **compensation, worker's compensation and severance pay.**

Welfare Assistance. If the Welfare Assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the Welfare Assistance Agency in accordance with the actual cost of shelter and utilities, the amount of Welfare Assistance income to be included as income consists of the amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities.

Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not dwelling in **the** unit.

All regular **pay, special** pay and allowances of a member of the Armed Forces (**whether** or not living in the dwelling unit) who is the head of the family, spouse, or other person whose dependents are residing in the unit

Any earned income tax credit to the extent it exceeds income tax liability.

2. Annual income does not include such temporary, non-recurring or sporadic income as the following:

Casual, sporadic, or irregular gifts;

Amounts that are specifically for or in reimbursement of the cost of medical expenses;

Lump-sum 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 or property losses;

Payments received for the care of foster children;

Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran, for use in meeting the costs of tuition, fees, books, and equipment. Any amounts of such scholarship, or payments to veterans not used for the above purposes that are available for subsistence are to be included in income; and

The hazardous duty-pay to a family member in the Armed Forces away from home and exposed to hostile fire.

If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period.

C. Ambulatory

Tenants must be capable of Independent Living/Independent Living with Supportive Services. If it appears that the tenant is not capable of Independent Living, the tenant agrees to an evaluation of his/her capability to function independently by Social Services or other private sources.

If it is determined that a tenant can no longer function independently, a family member will be requested to look for alternative housing, suitable to the needs of the tenant.

D. Child Care Expense

Child care expenses are amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to be gainfully employed or to further his or her education. The amount deducted shall reflect reasonable charges for child care, and in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income derived from such employment.

E. Dependent

A member of the family household (excluding foster children and **foster adults**), other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person or is a full-time Student.

F. Disabled Person

A person who is disabled as defined in section 223 of the Social Security Act, or in Section 102 (5) of the Developmental Disabilities Services and Facilities Construction Amendment of 1970. (42 U.S.C. 423 and 42 U.S.C. 2691 (1) respectively)

Section 223 of the Social Security Act defines disability as:

Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to last for a continuous period of not less than 12 months; or

In the case of an individual who has reached age 55 and is blind (within the meaning of "blindness" as defined in Section 416 (I) (1) of the title. Inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities equal to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time.

Section 102 (5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 defines disability as:

A disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary of Health, Education and Welfare to be closely related to mental retardation or to require treatment similar to that required by mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be **expected** to continue indefinitely, and which constitutes a substantial handicap to such individual.

G. Displaced Family

A person or family who has been displaced by a governmental action or whose dwelling has been extensively damaged or destroyed as a result of a natural disaster or otherwise formally recognized disaster pursuant to Federal Relief Laws.

H. Elderly Family

A family whose head or spouse (or sole member) is a person who is an Elderly, Disabled or Handicapped Person. It may include two or more Elderly, Disabled or Handicapped persons living together, or one or more such persons living with another person who is determined to be essential to their care or well-being.

I. Elderly Person

A person who is at least 62 years of age.

J. Evidence of Citizenship or Eligible Immigration Status

The documents which must be submitted to evidence citizenship or eligible immigration status.

K. Familial Status

A single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as single persons. Therefore, a single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as a single person and only entitled to a one-bedroom unit. Once the child is born and/or custody is obtained, the family will qualify for a two-bedroom unit and authorized to transfer as outlined in the transfer section.

L. Family

The term "family" as used in this policy means:

Two or more persons related by blood, marriage, or by operation of law. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size) who live regularly together as a single household in the dwelling unit. By definition, a family must contain a competent adult of at least 19 years of age or 18 years of age and married (not

common **law**) to enter into a contract and capable of functioning as the head of household.

If an individual is 18 and qualifies under the definition of family by being married, the head of household and spouse must be party to the lease. There must be some concept of family living beyond the mere sharing or intention to share housing accommodations by two or more persons to constitute them as a family within the meaning of this policy. Some recognized and acceptable basis of family relationship must exist as a condition of eligibility.

M. Foster Children

With the prior written consent of the Housing Authority, a foster child may reside on the premises. The factors considered by the Housing Authority in determining whether or not consent is granted will include whether the addition of a new occupant requires a transfer of the family to another unit, and whether such a unit is available.

N. Full-Time Students

A member of a family (other than the head of household or spouse) who is carrying a subject load which is considered full-time for day students under standards and practices of the institution attended. An educational institution includes a vocational school with diploma or certificate program, as well as an institution offering a college degree. Verification will be supplied by the attended educational institution.

O. Handicapped Assistance Expense

Reasonable expenses that are anticipated, during the period for which Total Annual Family Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled family member and that are necessary to enable a family member (including the Handicapped or Disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

P. Handicapped Person and/or Disabled Person

A person having a physical or mental impairment that is expected to be of long-continued and indefinite duration; substantially impedes his/her ability to live independently; and is of such a nature that such ability could be improved by more suitable housing conditions.

Q. Head of Household

The adult member of the family who is head of the household for purposes of determining income eligibility and rent. Also, the head of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.

R. Income Exclusions

Casual, sporadic, temporary, nonrecurring income, including gifts. Amounts that are specifically received from or are a reimbursement of the cost of illness or medical care.

Lump-sum additions to family assets, such as, but not necessarily limited to, inheritances, insurance payments, including payments under health and accident insurance and workers' compensation, and settlements for personal or property losses.

Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 USC 4636).

The value of the coupon allotments for the purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1973 [7 USC 2017(b)].

Payments received by participants or volunteers in programs pursuant to the Domestic Volunteers Service Act of 1973 [42 USC 5044(g), 5058].

Income of a live-in aid (as defined in this policy).

Payments received from the Job Training Partnership Act [29 USC 1552(b)].

Hazardous Duty Pay for a family member in the Armed Forces away from **home and exposed to hostile fire.**

Income from employment of children (including foster children) under the age of eighteen (18).

Payments received for the care of foster children.

Payments received under the Alaska Native Claims Settlement Act [43 U.S.C.1626 (a)], or reparation payments made by foreign governments in connection with the Holocaust

Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian Tribes [25 U.S.C. 459(e)].

Payments or allowances made under the Department of Health and Human Services Low-Income Home Energy Assistance Program [42 U.S.C. 8624(f)].

Income derived from the disposition of funds of the Grand River band of Ottawa Indians (Pub. Law 94-540, 90 Stat. 2503-2504).

The first \$2,000.00 of per capita shares received from judgement funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 1407-1408), or from funds held in trust for an Indian tribe by the Secretary of Interior [25 U.S.C. 117(b), 1407].

Payments from Programs under Title V of the Older American Act of 1965 [42 U.S.C. 3056(f)].

Amounts received under training programs funded by HUD.

Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).

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, child care, etc.) and which are made solely to allow participation in a specific program.

For taxable years after December 31, 1990, the earned income tax credit refund. Effective date: July 25, 1994.

The earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of the U.S. Housing Act of 1937, or any comparable Federal, State, or Local law during **the exclusion period. For purposes of this paragraph, the following definitions** apply:

Comparable Federal, State or Local law means a program providing employment training and supportive services that:

- Are authorized by a Federal, State or Local law;**
- Are funded by Federal, State or Local government;**
- Are operated or administered by a public agency;
- Has as its objective to assist participants in acquiring job skills.

Exclusion period means the period during which the resident participates **in** a program **described** in this section, plus 18 months **from the date the resident begins the first job acquired by the resident**

after completion of such program that is not funded by public housing assistance under the U.S. Housing Act of 1937. If the resident is terminated from employment without good cause, the exclusion period shall end.

Earnings and benefits mean the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.

This provision does not apply to residents participating in the Family Self-Sufficiency Program who are utilizing the escrow account. Also, residents are required to pay the appropriate minimum rent.

A resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the Housing Authority, on a part-time basis, that enhances the quality of life in public housing. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time.

Compensation from State or Local employment training programs and training of a family member as resident management staff Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance by the Housing Authority.

Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse).

Adoption assistance in excess of \$480 per adopted child.

Deferred periodic payments of supplemental income and social security benefits that are received in a lump sum payment received on or after October 28, 1992.

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.

S. Infant

A child under the age of two years.

T. Interim Redetermination of Rent

Changes of rent between admissions and for annual reexaminations.

U. I.N.S.

The US Immigration and Naturalization Service.

V. Live-In Aide

A person who resides with an Elderly, Disabled, or Handicapped person or persons who:

Is determined by the Housing Authority to be essential to the care and well-being of the person(s).

Is not obligated for support of the person(s).

Would not be living in the unit except to provide supportive services. The income of the live-in aide that meets these requirements **is not** included as income to the tenant family. **A live-in aide must be approved, in advance, by the Housing Authority and meet eligibility requirements for public housing occupancy. Once approved, the aide can reside on the premises, but will not become a part of the lease. Should the leaseholder pass away, the live-in aide must vacate the premises.**

W. Lower Income Family

A family whose annual income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD with adjustments for smaller and larger families. HUD may establish income limits higher or lower than eighty percent (80%) of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

X. Medical Expenses

Those necessary medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. Medical expenses, in excess of three percent (3%) of annual income, are deductible from income by elderly families **only**.

Y. Military Service

Military Service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard, and, since

July 29, 1945, the commissioned corps of the United **States** Public Health Service.

Z. Minimum Rent

Families assisted under the Public Housing program pay at least a monthly "minimum rent" of \$50.00 per month. (The Housing Authority has the discretion to establish the "minimum rent" from \$0 up to \$50.00.)

AA. Minor

A "minor" is a person under nineteen years of age. However, a married person 18 years of age or older shall be considered to be of the age of majority. (An unborn child may not be counted as a minor, except when it applies to determining eligibility and bedroom size.)

BB. Mixed Family

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

CC. Monthly Adjusted Income

One-twelfth of Adjusted Annual Income.

DD. Monthly Income

One-twelfth of annual income.

EE. 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.

FF. Near Elderly

A family whose head or spouse or "sole member" is at least fifty years of age, **but below the age of sixty-two.**

GG. Net Family Assets

Net family assets mean the net cash value after deducting reasonable costs that would be incurred in disposing of real property, checking and savings accounts, **stocks**, bonds, cash on hand, and other forms of capital investments, **excluding interests in Indian trust land and** excluding **equity** accounts in HUD

home ownership 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 control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust Any income distributed from the trust fund shall be counted when determining Annual Income.)

In determining Net Family Assets, this Housing Authority 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 (2) years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor.

HH. Non-Citizen

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

II. Public Housing Agency (Housing Authority)

Any State, County, Municipality or other government entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development of operation of housing for lower income families.

JJ. Recertification

Recertification is sometimes called reexamination. The process of securing documentation which allows the Housing Authority to determine rent

KK. Remaining Family Member

The person(s) of legal age remaining in the public housing unit after the person(s) who signed the lease has (have) left the premises, other than by eviction, who may or may not normally qualify for assistance on their own circumstances. An individual must have occupied the public housing unit to which s/he claims head of household status for one year in order to be eligible for subsidized housing as a remaining family member. This person must **complete forms necessary **for housing within ten days of the departure of the leaseholder and may remain in the unit for a reasonable time pending the** verification and/or grievance process. This person must, upon satisfactory completion of the verification process, then execute a new lease and cure any monetary obligations in order to remain in the unit**

In the event that the Housing Authority declares him or her ineligible for remaining member status, any person who claims to be a remaining member

shall be entitled to the grievance process. This grievance process must be requested in writing within ten days from the date of the departure of the head of household by the person requesting remaining member status. In the time between the request for the grievance process and the decision by the hearing officer, all rent which was due pursuant to the lease, shall be deposited into an escrow account with the Housing Authority under the same provisions as those relating to tenants requesting a grievance hearing relating to rent. The Housing Authority does not recognize the person as a tenant by giving him or her the opportunity for a grievance hearing. A remaining member shall not be considered to be a tenant until such time as a new lease is executed by the Housing Authority and the person is granted tenant status after the verification status.

LL. Single Person

A person who lives alone, or intends to live alone, and who does not qualify as an elderly family, or a displaced person, or as the remaining member of a Tenant family.

MM. Spouse

A spouse is the legal husband or wife of the head of household.

NN. Tenant Rent

The amount payable monthly by the family as rent to the Housing Authority. Where all utilities (gas, water, electricity) are supplied by the Housing Authority, tenant rent equals Total Tenant Payment or minimum rent. Where some or all utilities (gas, water, and electricity) are not supplied by the Housing Authority and the cost thereof is not included in the amount paid as rent, Total Tenant Payment or minimum rent less the utility allowance. **Telephone and cable television are not utilities.**

Note: The monthly rent that is payable by the tenant must be paid in full. No partial payments will be accepted.

OO. Total Tenant Payment (TTP)

The TTP for families participating in the Public Housing program must be at least \$50.00, which is the minimum rent established by the Housing Authority.

For the Public Housing Program, the TTP must be the greater of the following, rounded to the nearest dollar:

Thirty percent (30%) of family monthly adjusted income;

Ten percent (10%) of family monthly income;
\$50.00, which is the minimum rent set by the Housing Authority, or
flat rent.

The resident may elect the flat rent in lieu of the rent calculated in the
paragraph above.

PP. Utilities

Water, electricity, gas, other heating, refrigeration and cooking fuels, trash
collection and sewerage services. Telephone, television and cable services are
not included as utilities.

QQ. Utility Allowance

If the cost of utilities (except telephone) and other services for assisted units is
not included in the tenant rent, but is the responsibility of the family occupying
the unit, then the utility allowance is an amount equal to the estimate made or
approved by the Housing Authority or HUD 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. If the family
pays directly for one or more utilities or services, the amount of the allowance is
deducted from the gross rent in determining the contract rent and is included in
the gross family contribution.

RR. Utility Reimbursement

The amount, if any, by which the utility allowance for the unit, if applicable,
exceeds the Total Tenant Payment for the family occupying the unit.

SS. Very Low-Income Family

A family whose annual income does not exceed fifty percent (50%) of the median
income for the area, as determined by HUD, with adjustments for size. (HUD
may establish income limits higher or lower than 50 percent (50%) of the median
income for the area on the basis of its finding that such variations are necessary
because of unusually high or low family incomes.)

TT. Veteran

A person who has served in the active military or naval service of the United
States (Army, Navy, Air Force, Marine Corps, Coast Guard and the
Commissioned Corps of the United States Public Health Service) and who has
been discharged or released from such service under honorable circumstances.

UU. Wage Earner

A person in a gainful activity who receives any wages. Said wage or pay covers all types of employee compensation including salaries, vacation allowance, tips, bonuses, commissions and unemployment compensation. The term "Wage Earner" and "Worker" are used interchangeably.

VV. Welfare Assistance

Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or Local governments.