

**HOUSING AUTHORITY OF THE
CITY OF LIVERMORE**

**ADMISSIONS AND CONTINUED
OCCUPANCY POLICY**

LEAHY SQUARE APARTMENTS

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TABLE OF CONTENTS

Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

A. HOUSING AUTHORITY OVERVIEW.....	1-1
B. PURPOSE OF THE POLICY.....	1-2
C. FAIR HOUSING POLICY.....	1-2
D. SERVICE POLICY/ACCOMMODATIONS.....	1-3
E. TRANSLATIONS OF DOCUMENTS.....	1-4
F. LOCAL OBJECTIVES.....	1-4
G. FAMILY OUTREACH.....	1-4
H. PRIVACY RIGHTS.....	1-5
I. EQUAL EMPLOYMENT OPPORTUNITY.....	1-5
J. JURISDICTION.....	1-6

Chapter 2

ELIGIBILITY FOR ADMISSION

A. ELIGIBILITY FACTORS.....	2-1
B. FAMILY COMPOSITION.....	2-1
C. INCOME LIMITATIONS.....	2-4
D. MANDATORY SOCIAL SECURITY NUMBERS.....	2-4
E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS.....	2-4
F. OTHER CRITERIA FOR ADMISSION.....	2-5
G. CHANGES IN ELIG. PRIOR TO EFF DATE OF CONTRACT.....	2-7

H. INELIGIBLE FAMILIES.....	2-7
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Chapter 3

APPLYING FOR ADMISSION

A. OUTREACH.....	3-1
B. HOW TO APPLY.....	3-2
C. OPENING/CLOSING OF APPLICATION TAKING.....	3-2
D. INITIAL APPLICATION PROCEDURES.....	3-3
E. NOTIFICATION OF APPLICANT STATUS.....	3-4
F. TIME OF SELECTION.....	3-4
G. COMPLETION OF APPLICATION.....	3-4
H. FINAL DETERMINATION AND NOTIFICATION OF ELIG.....	3-6

Chapter 4

ESTABLISHING PREFERENCES MAINTAINING THE WAITING LIST

A. APPLICATION POOL.....	4-1
B. WAITING LIST PREFERENCES.....	4-1
C. TENANT SELECTION CRITERIA.....	4-2
D. BROAD RANGE OF INCOME.....	4-2
E. WAITING LIST PREFERENCES.....	4-2
F. LOCAL PREFERENCES.....	4-4
G. CHANGES IN CIRCUMSTANCES.....	4-4
H. AMONG APPLICANTS WITH EQUAL PREFERENCES.....	4-4

I. SINGLES PREFERENCE.....	4-4
J. FINAL VERIFICATION OF PREFERENCES.....	4-4
K. PREFERENCE DENIAL.....	4-4
L. MAINTAINING THE WAITING LIST.....	4-5
M. REMOVAL FROM WAITING LIST AND PURGING.....	4-5

Chapter 5

TENANT SELECTION

A. INCOME TARGETING AND DECONCENTRATION.....	5-1
B. TIME OF SELECTION.....	5-1
C. UNIT OFFERS.....	5-1
D. ACCESSIBLE UNITS.....	5-2
E. MEDICAL NEED FOR LARGER UNIT.....	5-2

Chapter 6

UNIT SIZE STANDARDS

A. DETERMINING UNIT SIZE	6-1
B. CHANGES FOR APPLICANTS.....	6-1
C. CHANGES FOR PARTICIPANTS.....	6-2

Chapter 7

FACTORS RELATED TO TOTAL TENANT PAYMENT DETERMINATION

A. INCOME AND ALLOWANCES.....	7-1
B. EXCLUSIONS.....	7-2
C. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT....	7-3
D. AVERAGING INCOME.....	7-7

E.	MINIMUM INCOME.....	7-8
F.	INCOME OF PERSON PERMANENTLY CONFINED.....	7-8
G.	REGULAR CONTRIBUTIONS AND GIFTS.....	7-8
H.	ALIMONY AND CHILD SUPPORT.....	7-8
I.	LUMP-SUM RECEIPTS.....	7-9
J.	CONTRIBUTIONS TO RETIREMENT FUNDS-ASSETS.....	7-10
K.	ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE	7-10
L.	CHILD CARE EXPENSES.....	7-10
M.	MEDICAL EXPENSES.....	7-11
N.	PRORATION OF ASSISTANCE FOR “MIXED” FAMILIES.....	7-11
O.	REDUCTION IN BENEFITS.....	7-12
P.	IMPUTED WELFARE INCOME.....	7-12
Q.	COOPERATING WITH WELFARE AGENCIES	7-13
R.	UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT.....	7-13
S.	FAMILY CHOICE OF RENT.....	7-14
T.	RECEIPT OF LETTER/NOTICE FROM HUD RE INCOME.....	7-15

Chapter 8

VERIFICATION PROCEDURES

A.	METHODS OF VERIFICATION AND TIME ALLOWED.....	8-1
B.	RELEASE OF INFORMATION.....	8-3
C.	ITEMS TO BE VERIFIED.....	8-3
D.	VERIFICATION OF INCOME.....	8-4

E. INCOME FROM ASSETS.....	8-7
F. VERIFICATION OF ASSETS.....	8-8
G. VERIFICATION OF ALLOWABLE DEDUCTIONS.....	8-9

Chapter 9

THE DWELLING LEASE

A. EXECUTION OF DWELLING LEASE.....	9-1
B. SECURITY DEPOSIT.....	9-1
C. RENT.....	9-2
D. TERMINATION OF THE LEASE.....	9-2
E. PET POLICY.....	9-4
F. INSPECTIONS.....	9-4

Chapter 10

RECERTIFICATIONS

A. ANNUAL RE-EXAM NOTICE TO THE FAMILY.....	10-1
B. ANNUAL RECERTIFICATION/REEXAMINATION.....	10-2
C. INTERIM REEXAMINATION.....	10-4
D. NOTIFICATION OF RESULTS OF RECERTIFICATIONS.....	10-5
E. TIMELY REPORTING OF CHANGES IN INCOME/ASSETS.....	10-5
F. REPORTING OF CHANGES IN FAMILY COMPOSITION.....	10-6
G. FAMILY DISCLOSURE OF INCOME INFORMATION.....	10-7

Chapter 11

TERMINATION OF DWELLING LEASES

- A. EVICTION BECAUSE OF A LEASE VIOLATION..... 11-1**
- B. INELIG. IF EVICTED FOR DRUG-RELATED ACTIVITY..... 11-1**
- C. OTHER REASONS FOR IMMEDIATE EVICTION..... 11-3**
- D. RESTRICTION OF EVICTIONS OF FAMILIES BASED
ON INCOME..... 11-3**

Chapter 12

DECONCENTRATION AND INCOME TARGETING

- A. INCOME TARGETING..... 12-1**
- B. DECONCENTRATION AND INCOME MIXING..... 12-1**

Chapter 13

MINIMUM RENT HARDSHIP EXEMPTION

Chapter 14

**PUBLIC HOUSING SELF-SUFFICIENCY INCENTIVES
EARNED INCOME DISALLOWANCE**

Chapter 15

PET OWNERSHIP POLICY

Chapter 16

RESIDENT GRIEVANCE PROCEDURE

A. APPLICABILITY..... 16-1

B. INFORMAL SETTLEMENT OF GRIEVANCE..... 16-1

C. PROCEDURES TO OBTAIN A HEARING..... 16-2

D. PROCEDURES GOVERNING THE HEARING..... 16-3

E. DECISION OF THE HEARING OFFICER/HEARING PANEL.. 16-4

F. DEFINITIONS..... 16-4

Chapter 17

COMMUNITY SERVICE

APPENDIX

A. DEFINITION OF TERMS..... 18-1

B. SCHEDULE OF FLAT RENTS..... 19-1

Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Public Housing Program was enacted as part of the U.S. Housing Act of 1937 and amended as part of the Quality Housing and Work Responsibility Act of 1998. The Housing Authority owns and manages 125 public housing units which are located on one site. Residents who reside in public housing can choose between paying an income based rent (30% of their adjusted gross income) or a flat rent, as determined by the PHA. The Department of Housing and Urban Development (HUD) subsidizes the balance needed to manage and maintain the property. Federal Regulations impact the selection of residents, occupancy, lease and grievance procedures.

Administration of Public Housing and the functions and responsibilities of employees of the Public Housing Authority (PHA) shall be in compliance with the Department of Housing And Urban Development (HUD) public housing regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

A. HOUSING AUTHORITY OVERVIEW

The primary objective of the Livermore Housing Authority (LHA) is to provide decent, safe and sanitary housing to low and moderate income families at an affordable price. Our goal is to provide affordable housing within an environment that fosters the advancement of low and moderate income families from a position of dependency to one of self-sufficiency.

The Housing Authority of the City of Livermore is governed by a seven member Board of Commissioners. The Board is appointed by the City Council. Five of the seven commissioners are appointed to four year, staggered terms. The other two members are appointed to two year terms from among the Housing Authority tenants.

The Housing Authority of the City of Livermore also solicits residents to serve on the Resident Advisory Board. The role of the Board is to participate in the LHA planning process and to assist and make recommendations regarding policy. Membership is made up of persons that reflect and represent residents that are assisted by the LHA.

B. PURPOSE OF THE POLICY

The purpose of the Occupancy Policy is to establish administrative guidelines consistent with HUD requirements and local objectives. The Policy covers both admission and continued participation in the public housing program.

The LHA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Policy, HUD regulations will have precedence. The original Policy and any changes must be approved by the Board of Commissioners of the PHA and a copy provided to HUD.

This Occupancy Policy is set forth to define the LHA's local policies for operation of public housing programs in the context of Federal Laws and Regulations. All related issues not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law.

C. FAIR HOUSING POLICY

It is the policy of the LHA to comply fully with all Federal, State and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

The LHA shall not deny any family or individual the opportunity to apply for or receive assistance under the Low Rent Public Housing Program on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, sexual orientation, handicap or disability.

To further its commitment to full compliance with applicable Civil Rights laws, the LHA will provide Federal/State/local information to an applicant/resident regarding 'discrimination' and any recourse available to them if they are victims of discrimination.

In accordance with Section 504 of the Rehabilitation Act of 1973, as amended, no otherwise qualified individual with handicaps shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefit of, or be subjected to discrimination under any program or activity of the Housing Authority of the City of Livermore. The LHA will take appropriate measures to ensure that an individual with handicaps shall have equal access to available services, programs, and activities offered.

Posters and housing information are displayed in the LHA's foyer in such a manner as to be easily readable from a wheelchair.

The TTD/TDY telephone number provides accessibility for the hearing impaired.

D. SERVICE POLICY/ACCOMMODATIONS

This policy is applicable to all situations described in this Administrative Plan when a family initiates contact with the LHA, when the LHA initiates contact with a family including when a family applies, and when the LHA schedules or reschedules appointments of any kind.

It is the policy of this LHA to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to the families within our jurisdiction.

The LHA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing program and related services. The availability of specific accommodations will be made known by including notices on LHA forms and letters to all families, and all requests will be verified so that the LHA can properly accommodate the need presented by the disability.

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability and they do not create an "undue financial and/or administrative burden" for the LHA.

In determining whether accommodations would create an undue hardship, the following guidelines will apply:

- The nature and cost of the accommodation needed;**
- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; and**
- The number of persons employed at such facility, the number of families likely to need such accommodation, the effect on expenses and resources, or the likely impact on the operation of the facility as a result of the accommodation.**

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

Upon request, LHA mailings will be made available in an accessible format as a reasonable accommodation.

All requests for accommodation or modification will be verified with a reliable knowledgeable professional.

The LHA utilizes organizations that provide assistance for hearing and sight-impaired persons when needed.

E. TRANSLATIONS OF DOCUMENTS

The LHA has bilingual staff to assist non-English speaking families in Spanish.

F. LOCAL OBJECTIVES

The LHA Program is designed to achieve these major objectives:

- To provide and expand the supply of decent, safe and sanitary housing for low to moderate income families of all ethnic backgrounds while maintaining their rent payments at an affordable level.
- It is the objective of the LHA to house the broadest possible range of families with very low to moderate incomes in order to achieve a stable resident body and avoid concentration of very low-income families.
- * In any fiscal year, not less than 40% of public housing admissions shall be by families whose income, at time of admission, does not exceed 30% of the area median income in accordance with Section 16 U.S. Housing Act of 1937, amended as Section 513 of the "1998 Act".

In addition, the LHA has the following goals for the program:

- To encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, drug prevention, recreational and other human services needs.
- To create positive public awareness and expand the level of family and community support in accomplishing the LHA's mission.
- To attain and maintain a high level of standards and professionalism in our day-to-day management and delivery of services for all program components.
- To administer an efficient, high-performing agency through continuous improvement of the LHA's support systems and commitment to our employees and their development.

G. FAMILY OUTREACH

The LHA will publicize and disseminate information to make known the availability of housing assistance and related services for very low-income families on a regular basis. When the LHA's waiting list is open, the LHA will publicize the availability and nature of housing assistance for very low-income families in a newspaper of general circulation.

To reach persons who cannot read the newspapers, the LHA will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. The LHA will also utilize public service announcements.

The LHA will communicate the status of housing availability to other service providers in the community, advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance.

H. PRIVACY RIGHTS

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

The PHA's policy regarding release of information is in accordance with State and local laws, which may restrict the release of family information.

Any and all information which would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential". The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. The Assistant Director must approve all requests for access and granting of accommodations based on this information.

In accordance with HUD requirements, the LHA will furnish prospective owners with the family's current or prior addresses as shown in LHA records.

The LHA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location, which is only accessible by authorized staff. All files must be signed for when removed from the secured file storage area.

LHA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information by staff will result in disciplinary action.

I. EQUAL EMPLOYMENT OPPORTUNITY

The LHA is an Equal Opportunity Employer and supports work force diversity.

Women, minorities and persons with disabilities are encouraged to apply. Position vacancies are advertised. All PHA job postings will contain equal opportunity information.

J. JURISDICTION

The jurisdiction of the LHA is the City of Livermore.

Chapter 2

ELIGIBILITY FOR ADMISSION

INTRODUCTION

This Chapter defines both HUD's and the LHA's criteria for admission and denial of admission to the program. The policy of the LHA is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of all families that apply. The LHA staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the LHA pertaining to their eligibility.

A. ELIGIBILITY FACTORS

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the LHA.

The LHA eligibility criteria are:

- An applicant must be a "family" (as defined in Glossary)
- An applicant must be within the appropriate Income Limits
- An applicant must furnish Social Security Numbers
- An applicant must furnish evidence of Citizenship/Eligible Immigrant Status

For the LHA's additional criteria for eligibility, see Section F, "Other Criteria for Admission".

Eligibility factors, including evidence of Citizenship/Eligible Immigrant Status, will be verified before the family is placed on the waiting list.

B. FAMILY COMPOSITION

The applicant must qualify as a Family. A Family may be a single person or a group of persons. Discrimination on the basis of familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law.

A group of persons may be:

- Two or more persons who intend to share residency whose income and resources are available to meet the family's needs and who have a history as a family unit or show evidence of a stable family relationship.
- Two or more elderly or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family.
- A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

A single person may be:

- An elderly person
- A displaced person
- A person with a disability
- Any "other single" person

Head of Household

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law. Emancipated minors who qualify under State law will be recognized as head of household.

Spouse of Head

Spouse means the husband or wife of the Head of Household.

For proper application of the Non-citizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Live-in Attendants

A Family may include a live-in aide provided that such live-in aide:

- Is determined by the LHA to be essential to the care and well being of an elderly person, a near elderly person, or a person with disabilities.
- Is not obligated for the support of the person(s), and
- Would not be living in the unit except to provide care for the person(s).

A live-in aide is treated differently than family members:

- **Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.**
- **Live-in aides are not subject to Non-Citizen Rule requirements.**
- * **Live-in aides may not be considered as a remaining member of the tenant family.**

Relatives are not automatically excluded from being live-in aides, but they must meet all the elements in the live-in aide definition described above.

Family members of a live-in attendant may also reside in the unit provided doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the live-in's family members does not overcrowd the unit.

A live-in aide may only reside in the unit with the approval of the LHA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61) or disabled.

Verification must include the hours the care will be provided.

The LHA has the right to disapprove a request for a live-in aide based on "Other Criteria for Eligibility" described in this Chapter.

Split Households – Waiting list

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the PHA will make the decision taking into consideration the following factors:

- **Which family member applied as head of household.**
- **Restrictions that were in place at the time the family applied.**
- **Role of domestic violence in the split.**
- **Recommendations of social service agencies or qualified professionals such as children's protective services.**
- **Which family member has the children.**

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied

placement on the waiting list for failure to supply information requested by the PHA.

Multiple Families in the same Household

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), they will be treated as one family unit if they applied as one.

C. INCOME LIMITATIONS

All sources of income must be verified in writing by the individuals representatives or from organizations providing such income. In addition, the applicant or participant will be required to sign a Consent for Release of Information form used in obtaining verifications of income and/or assets.

To determine if the family is income eligible, the PHA compares the Annual Income of the family to the applicable income limit for the family's size.

Applicant families whose Annual Income exceeds the income limit will be denied admission and offered an informal review.

D. MANDATORY SOCIAL SECURITY NUMBERS

Prior to admission, Families are required to provide verification of Social Security Numbers for all family members age 6 and older, if they have been issued a number by the Social Security Administration. Those family members that have not been issued a number must certify that they do not have a number. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of

the family is considered individually before the family's status is defined.

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed". Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

No eligible members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students. Defined by HUD in the non-citizen regulations are not eligible for assistance.

Appeals. For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

F. OTHER CRITERIA FOR ADMISSION

The tenant selection criteria established and information to be considered shall be reasonably related to individual attributes and behavior of the individual applicant and shall not be related to those which may be imputed to a particular group or category or persons of which an applicant may be a member.

Determination of initial eligibility for the Public Housing program does not guarantee the acceptance of applicants as residents. Applicant's suitability as residents shall also be evaluated on the basis of the following information and criteria:

- The family must not have violated any family obligation during a previous participation in the Section 8 program. 3 year limit.

When the LHA denies admitting an applicant with a disability, the applicant may request a review of the criteria that was violated, if the violation was a result of the disability.

- No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last 3 years.
- Family must have paid any outstanding debt owed the LHA or another PHA must be paid in full prior to final eligibility determination.

If a Repayment Agreement falls into arrears as defined in this Policy, the family will be required to pay the balance in full prior to final eligibility determination.

The LHA reserves the right, in case of extreme hardship, to amend the Repayment Agreement in accordance with its procedures. Full documentation of the hardship will be required. In no case will the debt be forgiven.

- * No member of the family may have engaged in drug related activity, violent criminal activity, or alcohol abuse activity, in the last 3 years.

Denial for life will result if any family member has been convicted of manufacturing or producing methamphetamine (speed) in any federally assisted housing.

If either as a result of the standardized inquiry or the receipt of a verifiable referral, there is indication that the family or any family member is engaged in drug-related criminal activity, violent criminal activity, or alcohol abuse activity, the LHA may conduct closer inquiry to determine whether the family should be denied admission. This may include verification through police/court records.

- * Verification of any past activity may include a check of conviction records.
- * A record of disturbance of neighbors, destruction of property, living or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other tenants.
- * No family member may have been evicted from public housing for any reason during the past 3 years.
- * The applicant's history of meeting all financial obligations, especially the payment of rent.
- * No family member may have engaged in or threatened abusive or violent behavior toward PHA personnel.
- * Lack of complete disclosure of family members' income and assets or indications that the applicant is deliberately obstructing efforts to obtain information to determine eligibility.

Persons subject to sex offender registration requirement

The LHA will prohibit admission to the PHA's public housing program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. The LHA will perform necessary criminal history background checks in California and in other States where household members are known to have resided.

In the event of the receipt of unfavorable information with respect an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects. Excluded are family members that are lifetime sex offender or family members convicted of manufacture of methamphetamine.

The LHA will perform criminal history background checks in this state or any state where members are known to have resided.

G. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF CONTRACT

Changes that occur during the period between placement on the waiting list and selection for a unit may affect the family's eligibility or Total Tenant Payment. For example, if a family goes over the income limit prior to lease up, the applicant will not continue to be eligible for the program. They will be notified in writing of their ineligible status and their right to an informal review.

H. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they are denied due to noncitizen status.

Chapter 3

APPLYING FOR ADMISSION

INTRODUCTION

The policy of the PHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement, the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the LHA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. All families who apply for Public Housing are placed in the proper order on the waiting list and selected from the waiting list for admissions in accordance with this Occupancy Policy.

A. OUTREACH

When the LHA's waiting list is open, the LHA will publicize and disseminate information to make known the availability of housing assistance and related services for very low-income families. The LHA will publicize the availability and nature of housing assistance in a newspaper of general circulation.

To reach persons who cannot read the newspapers, the LHA will distribute information to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. The LHA will also utilize public service announcements.

The LHA will communicate the status of housing availability to other service providers in the community, advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance. Services organizations such as ECHO Housing, Shepherds Gate, Tri-Valley Haven, Senior Center, Social Services, Veterans Affairs, The Center and Crill will be provided notices.

Notices will provide potential applicants with information that includes the LHA address and telephone number, how to submit an application, information on eligibility requirements, and the availability of preferences, if any.

B. HOW TO APPLY

Families who wish to apply for any of the LHA's programs must complete a written application form when application-taking is open. Applications will be made in an accessible format upon request from a person with a disability.

The application process will involve two phases. The first is the "initial" application for assistance. This phase results in the family's placement on the waiting list.

The second phase is the "final determination of eligibility". At this time the LHA ensures that verification of all HUD and LHA eligibility factors is current in order to determine the family's eligibility.

C. OPENING/CLOSING OF APPLICATION TAKING

When the LHA opens the waiting list it will follow the procedure outlined in Part A, Outreach.

This notice will contain:

- The dates, times and location where families may apply.
- The program for which applications will be taken.
- A brief description of the program.
- Limitations, if any, on who may apply.

The notices will be made in an accessible format if requested. Upon request from a person with a disability, additional time may be given as a accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

When Application Taking Is Suspended

The LHA may suspend the acceptance of applications if there are enough applicants to fill the anticipated openings for the next 12 months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover or new allocations. The LHA will give notice prior to closing the list. When the period for accepting applications is over, the LHA will add the new applicants to the list by separating the new applicants into groups based on

preferences and ranking applicants within each group by date and time of application.

Limits On Who May Apply

When the waiting list is open:

- Any family asking to be placed on the waiting list for Low-Rent Public Housing will be given the opportunity to complete an application.

When the application is submitted to the LHA:

- It establishes the family's date and time of application for placement order on the waiting list.

D. "INITIAL" APPLICATION PROCEDURES

The LHA will utilize a preliminary-application form (pre-application). The information is to be filled out by the applicant whenever possible. To provide specific accommodation to persons with disabilities, the information may be completed by a staff person over the telephone. It may also be mailed to the applicant and, if requested, it will be mailed in an accessible format.

The purpose of the pre-application is to permit the LHA to preliminary assess family eligibility or ineligibility and to determine placement on the waiting list. The pre-application will contain questions designed to obtain the following information:

- Names and ages of all family members
- Sex and relationship of all members
- Street address and phone numbers
- Mailing address (if PO Box or other permanent address)
- Amount(s) and source(s) of income received by household members
- Information regarding disabilities relating to program requirements (i.e., deductions)
- Information related to qualification for preferences
- Social Security Numbers
- Race/ethnicity
- Citizenship/eligible immigration status
- Arrests/Convictions for Drug Related or Violent Criminal Activity
- Request for specific accommodation needed to fully utilize program and services
- Previous address
- Current and previous landlords names and addresses
- Emergency contact person and address

Each pre-application form must be signed by all family members over 18 and dated. By so signing, applicants certify the accuracy of the information stated and submitted.

Duplicate applications, including applications from a segment of an applicant household, will not be accepted. Ineligible families will not be placed on the waiting list.

Applicant will provide all information which will be verified when the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified.

Applicants are required to inform the LHA, in writing, within 30 days of changes in family composition, income, and address, as well as any changes in their Preference status. Applicants are also required to respond to requests from the LHA to update information on their application, or to determine their continued interest in assistance.

Failure to provide information or to respond to mailings will result in the applicant being removed from the waiting list.

E. NOTIFICATION OF APPLICANT STATUS

If after a review of the application the family is determined to be eligible, they will be notified in writing, in an accessible format, upon request, as a reasonable accommodation.

If the family is determined to be ineligible based on the information provided in the application, the LHA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as an accommodation.

F. TIME OF SELECTION

When units are available, families will be selected from the waiting list in their preference-determined sequence.

G. COMPLETION OF APPLICATION

All Local Preferences claimed on the application or while the family is on the waiting list will be verified.

The qualification for preference must exist at the time the preference is verified regardless of the length of time an applicant has been on the waiting list because the preference is based on current status.

After the preference is verified, when the LHA is ready to select applicants, applicants will be required to:

- **Complete a Personal Declaration Form prior to the full application interview.**
- **Complete an application in their their own handwriting, unless assistance is needed, or a request for accommodation is made by a person with a disability. Applicant will then be interviewed by LHA staff to review the information on the application form.**

Requirement to Attend Interview

The LHA utilizes the application interview to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that the information is complete.

The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other LHA services or programs which may be available.

The head of household is required to attend the interview.

If an applicant fails to appear for their interview without prior approval of the LHA, their application will be denied unless they can provide acceptable documentation to the LHA that an emergency prevented them from calling.

Reasonable Accommodation will be made for persons with a disability who require an advocate. A designee will be allowed to provide some information, but only with permission of the person with a disability.

All adult members must sign the HUD Form 9886, Release of Information, the application form, and all supplemental forms required by the LHA, the declarations and consents related to citizenship/immigration status and any other documents required by the LHA. Applicants will be required to sign specific verification forms for information which is not covered by the HUD form 9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by the LHA.

Information provided by the applicant will be verified including information related

to family composition, allowances and deductions, assets, eligible immigration status, full time student status and other factors related to preferences, eligibility and rent calculation. Verifications may not be more than 120 days old at the time of selection.

If the LHA determines at or after the interview that additional information or document(s) are needed, the LHA will request the document(s) or information in writing. The family will be given 30 days to supply the information.

If the information is not supplied in this time period, the LHA will provide the family a written notification of denial for assistance.

H. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

After the verification process is completed, the LHA will make a final determination of eligibility. This decision is based upon the information provided by the family, the verification completed by the LHA, and the current eligibility criteria in effect. If the family is determined to be eligible, the LHA will mail a notification of eligibility.

Chapter 4

ESTABLISHING PREFERENCES MAINTAINING THE WAITING LIST

INTRODUCTION

It is the LHA's objective to ensure that the families are placed in the proper order on the waiting list so that an offer of assistance is not delayed to any family, or made to any family prematurely.

This Chapter explains the ranking and or local preferences which the LHA has adopted to meet local needs. By maintaining an accurate waiting list, the LHA will be able to perform the activities that ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

A. APPLICATION POOL

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

- The application will be a permanent file.
- All applicants in the pool will be maintained in order of preference by date and time sequence.
- All applicants must meet eligibility requirements as established by HUD. Any exceptions to these requirements, other than those outlined in Chapter 2, "Eligibility for Admission", must have been approved previously by the HUD Field Office.

B. WAITING LIST PREFERENCES

An applicant will not be granted any preference (ranking or local) if any member of the family has been evicted from any federally assisted housing or terminated from Section 8 housing during the past three years because of drug related activity, violent criminal activity, or alcohol abuse activity.

If an applicant makes a false statement in order to qualify for a Ranking or Local preference, the LHA will deny admission to the program for the family.

Applicants may claim a preference:

- When they initially apply for admission or
- At any time while on the waiting list.

The LHA will inform all applicants about available preferences and give all applicants an opportunity to qualify for the preference.

C. TENANT SELECTION CRITERIA

It is the policy of the LHA to avoid concentrations of the most economically and socially deprived families and to house only those qualified families with broad ranges of income, representative of the range of incomes of low income families in the area of operation, and with rent paying ability sufficient to achieve financial stability of the HUD aided housing units. To accomplish this objective, studies will be conducted periodically to compile the following data:

- (1) Distribution of income of all low income families in the area of operations of this Authority and average rent which would be achieved from these families;**
- (2) Actual distribution of incomes of all families residing in the HUD aided Housing units of average rent which would be achieved from these families;**
- (3) Distribution of incomes of all families residing in the HUD aided housing units of average rent which is being achieved from these families;**
- (4) Average operating costs of the HUD aided housing units;**
- (5) Average rent required to meet the operating costs.**

D. BROAD RANGE OF INCOME

The Livermore Housing Authority has the goal of a tenant body composed of qualified families with broad ranges of income, representative of the range of incomes of low to moderate-income families in the area of operation.

E. WAITING LIST PREFERENCES

Effective October 21, 1998, the Quality Housing and Work Responsibility Act repealed the use of Federal preferences in selecting applicants from the LHA waiting list.

The waiting list will be ordered according to date and time of application along with the following preferences:

- * **Residency Preference:** For families who live, work or have been hired to work in the LHA jurisdiction.

In order to verify that an applicant is a resident, the LHA may require the following documents: rent receipts, leases, utility bills, employer or agency records, school records, drivers licenses, voter registration records, credit reports, or statement from household with whom the family is residing.

Residency preference will not be based on how long an applicant has resided or worked in a residency preference area.

Use of the residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on race, color, ethnic origin, gender, religion, disabilities, or age of any member of an applicant family.

- * **Working Preference:** This preference is available to families whose Head and/or spouse is employed for at least 20 hours per week. The LHA will require a statement from the employer.

Preference will not be based on amount of employment income.

Preference will not discriminate on basis of age or disability.

Applicants 62 or older, or receiving SS disability, supplemental security disability, or any payments based on inability to work will be given benefit of this preference.

- * **Educational/Training participants:** This preference is available for families who are graduates of or participants in educational or training programs designed to prepare the individual for the job market. The LHA will require a statement from the agency or institution providing the education or training.
- * **Veterans Preference:** This preference is available to current members of the U.S. Military Armed Forces, Veterans or surviving spouses of veterans.

The LHA will require U.S. Government documents which indicate that the applicant qualifies under the above definitions.

- * **Displaced Preference:** Families that have been involuntarily displaced by Government action (State Code 34322.2).

The family must provide written verification from the displacing unit or agency of government, or by a service agency such as the Red Cross.

F. LOCAL PREFERENCES

Local preferences will be used to select among applicants on the waiting list. A public hearing (or public notice) must be held before the LHA adopts any local preference.

G. CHANGES IN CIRCUMSTANCES

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the LHA in writing within 30 days, when their circumstances change.

H. AMONG APPLICANTS WITH EQUAL PREFERENCE STATUS

Among applicants with equal preference status, the waiting list will be organized by date and time.

I. SINGLES PREFERENCE

The Quality Housing Work Responsibility Act of 1998 eliminated the use of the mandatory statutory singles preference.

The LHA will give equal preference status with all other applicants.

J. FINAL VERIFICATION OF PREFERENCES

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, the LHA will mail a Preference Verification letter to the applicant's last known address, requesting verification of the family's preference claim and mail third party verifications as applicable.

K. PREFERENCE DENIAL

If the LHA denies a preference, the LHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for a review. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the Waiting List.

L. MAINTAINING THE WAITING LIST

Applicants waiting for admission to housing are required to report in writing any changes in household composition or circumstances and any significant changes in income which could affect the Applicant's eligibility, the size or type unit needed or the Applicant's priority for admission. This notice is required within 30 days of the change.

M. REMOVAL FROM WAITING LIST AND PURGING

All correspondence and notices sent to applicants by the LHA which require a response, request submission of information, or to schedule an appointment, must inform the applicant that failure to comply will result in termination of their application.

In an applicant fails to respond to a mailing from the LHA, the applicant will be sent written notification and given 30 days to contact the LHA. If they fail to respond within the thirty days they will be removed from the waiting list. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

The LHA will provide a reasonable accommodation if an applicant claims that their failure to respond to a request for information or updates was caused by a disability. The LHA will verify that there is in fact a disability and the disability caused the failure to respond. This accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

The waiting list may be purged by a mailing to applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

The same guidelines will be used for failure to respond to this mailing. Notices will be made available in accessible format upon request of a person with a disability.

Chapter 5

TENANT SELECTION

INTRODUCTION

This Chapter defines HUD's and the LHA's Tenant selection process. It is the objective of the LHA to house the broadest possible range of families with very low to moderate incomes in order to achieve a stable, mixed resident body.

A. INCOME TARGETING AND DECONCENTRATION

As a general rule, not less than 40% of any new admissions in any fiscal year shall be families whose income does not exceed 30% of median income for the area.

The LHA will affirmatively market our housing to all eligible groups.

B. TIME OF SELECTION

When a housing unit becomes available, the LHA will contact the first family on the waiting list who has the highest priority for the type of unit. With all other factors being equal, eligible Livermore residents shall be given first consideration in each of the preference categories.

The LHA will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The LHA will verify the information provided. Such verification will include but may not be limited to the following:

1. Credit checks of all adult family members;
2. A rental history of all adult family members; and
3. A criminal background check of all adult family members, including live-in aides.

C. UNIT OFFERS

An applicant family will receive one offer of an available unit. If the applicant family rejects the offer for a justifiable reason as stated in paragraph (1) and (2) below, they shall retain their place on the eligibility list and the offer shall not count as the one offer to which the applicant family is entitled.

- (1) If the applicant family is willing to accept the unit offered but is unable to

move, the applicant family shall retain their place on the eligible applicant list and be offered the next succeeding vacancy of appropriate size.

- (2) If the applicant family presents to the satisfaction of the PHA clear evidence that acceptance of a given offer of a suitable vacancy will result in undue hardship (not related to consideration of race, color, creed, sex, religion, national or ethnic origin, age, family or marital status, handicap or disability) such as inaccessibility to source of employment, children's day care and the like, the applicant family shall retain their place on the eligible applicant list and be offered the next succeeding vacancy of appropriate size. If the applicant (person with a disability) requests an approvable accommodation that cannot be immediately accomplished, the applicant shall retain their place on the eligibility list.

D. ACCESSIBLE UNITS

When an accessible housing unit becomes available, the unit shall be offered:

- **First:** to a current public housing resident who has disabilities requiring the accessibility features and is living in a non-accessible unit.
- **Second:** to an eligible qualified applicant on the waiting list having disabilities requiring an accessible unit. A disabled applicant has the right to reject a unit that does not meet his/her accessibility needs without having the rejection counted against him/her.
- **Third:** to an applicant not having disabilities requiring accessibility features.

E. MEDICAL NEED FOR LARGER UNIT

If an applicant requests a need for a larger unit for medical reasons, a written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

Chapter 6

UNIT SIZE STANDARDS

A. DETERMINING UNIT SIZE

Unit size will be determined so that no more than two persons will occupy the same bedroom. Other than this density standard, the family will have an opportunity to determine how their family will be housed. The LHA's unit standards shall be applied in a manner consistent with Fair Housing guidelines.

The LHA staff will offer a family a bedroom size based upon two persons per bedroom regardless of sex, age, or relationship. The family will have the opportunity to discuss changing the bedroom size if it does not meet their needs or circumstances, as long as their choices comply with the following occupancy table:

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

Exceptions may be made for medical reasons, persons of different generations, and in the case of a live-in aide. Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendants' family. The attendant must receive certification from an appropriate agency. The family is responsible for requesting a different bedroom size.

Space will not be provided for a family member who will be absent most of the time, such as a member who is away in the military.

Single person families shall be allocated one bedroom.

A family that consists of a pregnant women (with no other persons) will be treated as a two-person family.

B. CHANGES FOR APPLICANTS

An applicant family may request a larger sized unit than indicated by the LHA's unit standards. The request must explain the need or justification for a larger bedroom size.

The LHA will grant exceptions from the standards if the family requests and the PHA determines the exceptions are justified.

Circumstances may dictate a larger bedroom size than the Unit Standards permit when persons cannot share a bedroom because of an accommodation which has been requested, such as:

- Persons who cannot occupy a bedroom because of a verified medical or health reason.**
- Elderly persons or persons with disabilities who may require a live-in attendant.**

A doctor/medical professional or social service professional must verify requests based on health related reasons.

C. CHANGES FOR PARTICIPANTS

Adding a family member

The LHA must approve the members of the family residing in the unit, including live-in aides. The family must obtain approval of any additional family member before the person occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the LHA within 30 days. The new family member is subject to the LHA's screening criteria.

Transfers

When it is found that the size of the dwelling is no longer suitable for the family, in accordance with unit size standards, the family is be required to move to a dwelling of appropriate size. These minimum and maximum standards may be waived when necessary to make temporary use of available vacant units or to house families in urgent need.

Tenant transfer is subject to availability of units and available staff time because of increased maintenance activity. Also, persons on the waiting list must not be overly prevented from obtaining an available unit.

Transfers that would take precedence over new admission are:

- **Emergencies**
- **Over-housed**
- **Under-housed**
- **Medical justification**
- **Administrative reasons determined by the PHA such as to permit modernization work.**

Transfers may be made because of accommodation requests by persons with disabilities.

When a family makes a request for transfer for an accommodation or other family necessity, the family must provide the LHA with sufficient reasons and documentation to substantiate the necessity for a transfer.

Transfers are to be discouraged by the LHA and will only be executed under the approval of the agency.

Chapter 7

FACTORS RELATED TO TOTAL TENANT PAYMENT DETERMINATION

INTRODUCTION

The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations. This Chapter defines the allowable deductions from Annual Income and how the presence or absence of household member may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with Federal Regulations and further instructions set forth in HUD Notices, Memoranda and Addenda. The formula for the calculation of TTP is specific and not subject to interpretation. The LHA's policies in this Chapter address those areas which allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

A. INCOME AND ALLOWANCES

Annual Income is defined as all amounts, monetary or not:

- Which go to or on behalf of the family head or spouse or to any other family member, or
- That are anticipated to be received from a source outside the family during the 12 month period following admission or the annual reexamination effective date, and
- Which are not specifically excluded in Section B of this Chapter, and
- Also includes amounts derived from assets to which any family member has access.

Adjusted Income is defined as annual income of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:

- \$480 for each dependent;
- \$400 for any elderly family or disabled family;
- The sum of the following, to the extent the sum exceeds three percent of annual income:
 1. Unreimbursed medical expenses of any elderly family or disabled family; and
 2. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family

(including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus; and

- Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

EXCLUSIONS

Annual Income does not include the following:

- Income from the employment of children (including foster children) under the age of 18;
- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- 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 loss;
- Incremental earnings and benefits from participation in a state or local employment training program. Amounts excluded must be received under employment training programs with clearly defined goals and objectives and are excluded only during participation in the program;
- Self-Sufficiency incentives (see Chapter 14);
- Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- Income of a live-in aide;
- The full amount of student financial assistance paid directly to the student or to the educational institution;
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- Amounts received under training programs funded by HUD;
- Temporary, nonrecurring or sporadic income (including gifts);
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- Earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household and spouse);
- Adoption assistance payments in excess of \$480 per adopted child;
- Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective

- monthly amounts.
- Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
- Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled member at home; or
- Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24CFR 5.609 (c) apply.

C. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT

The LHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the LHA must count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous pay when exposed to a hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. The LHA will evaluate absences from the unit using this policy.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit.

Families are required both to notify the LHA before they move out of a unit and to give the LHA information about any family absence from the unit.

Families must notify the LHA if they are going to be absent from the unit for more than 30 consecutive days.

If the entire family is absent from the assisted unit for more than 90 consecutive days, the unit will be considered to be vacated and assistance will be terminated.

In order to determine if the family is absent from the unit, the LHA may:

- Write letters to the family at the unit
- Telephone the family at the unit

- Interview neighbors
- Verify if utilities are in service

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond 180 consecutive calendar days.

If the absence which resulted in termination of assistance was due to a person's disability, and the LHA can verify that the person was unable to notify the LHA in accordance with the family's responsibilities the LHA may reinstate the family as an accommodation if requested by the family.

Absence of any Member

Any member of the household will be considered permanently absent if she/he is away from the unit for 3 consecutive months.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as a hospital, a nursing home, or rehabilitation center, the LHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a facility, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 90 consecutive days, the family member will not be considered permanently absent.

Absence due to Incarceration

If the sole member is incarcerated for more than 90 consecutive days, she/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if she/he is incarcerated for 3 consecutive months.

The LHA will determine if the reason for incarceration is for drug-related, violent criminal activity, or alcohol abuse.

Foster Care and Absences of Children

If the family excludes a child or children temporarily absent from the home due to placement in foster care, the LHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is greater than 3 months from the date of removal of the child/ren, Management may transfer the family to a smaller unit. If all children are

removed from the home permanently, the family will be a candidate for transfer to a smaller unit size.

Absence of Adult

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the LHA will treat that adult as a visitor for the first 30 days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the LHA will make a determination whether to approve the caretaker to be on the lease as the head of household.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the LHA will continue to review the status.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the LHA will secure verification from social services staff or the attorney as to the status.

The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

The LHA may make a determination whether to place the caretaker on the lease as the head of household, in the absence of a court order, if the caretaker has been in the unit for more than 30 days and it is reasonable to expect that custody will be granted.

When the LHA approves a person to reside in the unit as caretaker for the child/ren, the income should be counted pending a final disposition. The LHA will work with the appropriate service agencies to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 3 months, the person will be considered permanently absent.

If an adult family member leaves the household for any reason, the family must report the change in family composition to the LHA within 30 days.

If the family will be required to notify the LHA in writing within 30 days when an adult member moves out. The notice must contain a certification by the family as to

whether the adult is temporarily or permanently absent.

The family member will be determined permanently absent if verification is provided.

A Time extension will be granted as an accommodation upon request by a person with a disability.

If an adult child goes into the military and leaves the household, they will be considered permanently absent.

Full-time students who attend school away from the home will be treated in the following manner:

A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of unit size. The LHA will have the final determination whether the student is included in the household. Students will not be included in the household, especially for an extra bedroom, if they are rarely at home. They will then be considered visitors.

Visitors

Any adult not included on the HUD 50058 who has been in the unit more than a total of 30 days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a family member.

Statements from neighbors and/or the landlord will be considered in making the determination.

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and the LHA will terminate assistance since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away

from home during the school year and are not considered members of the household may visit for up to 30 days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 30 days per year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Additions to the LHA

The family obligations require the family to request LHA approval to add any other family member as an occupant of the unit and to inform the LHA of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing.

If the family does not obtain prior written approval from the LHA, any person the family has permitted to move in will be considered an unauthorized household member.

In the event that a visitor continues to reside in the unit after the maximum allowable time, the family must report it to the LHA in writing within 15 days of the maximum allowable time.

An interim reexamination will be conducted for any additions to the household.

Reporting Absences to the LHA

Reporting changes in household composition is both a HUD and LHA requirement.

If a family member leaves the household, the family must report this change to the LHA, in writing, within 30 days of the change and clarify whether the member is temporarily absent or permanently absent.

The LHA will conduct an interim evaluation for changes which affect the TTP in accordance with the interim policy.

D. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, the LHA may:

- Average known sources of income that may vary to compute annual income; or
- Annualize current income and conduct an interim re-examination if income changes.

If there are bonuses or overtime which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used.

Income from the previous year may be analyzed to determine the amount of anticipated income when third-party or check-stub verification is not available.

If by averaging an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so that the housing payment will not change from month to month.

The method used depends on the regularity, source and type of income.

E. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income are required to complete a written certification every 30 days.

F. INCOME OR PERSON PERMANENTLY CONFINED TO NURSING HOME

When a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the LHA will calculate the TTP and exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member.

G. REGULAR CONTRIBUTIONS AND GIFTS

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received frequently will be considered a “regular” contribution or gift. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts.

If the family’s expenses exceed its known income, the LHA will question the family about contributions and gifts.

H. ALIMONY AND CHILD SUPPORT

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, the LHA must use the amount awarded by the court unless the family can verify that they are not receiving the full amount.

The LHA will accept as verification that the family is receiving an amount less than the award if:

- **The LHA receives verification from the agency responsible for enforcement of collection.**
- **The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney**

It is the family's responsibility to supply a certified copy of the divorce decree.

I. LUMP-SUM RECEIPTS

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, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments (unemployment or welfare assistance) are counted as income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of a lump-sum receipt the LHA uses the following calculation method:

Retroactive Calculation Methodology

The LHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

The LHA will determine the amount of income for each certification period, including the lump sum, and recalculates the tenant rent for each certification period to determine the amount due the LHA.

At the LHA's option, the LHA may enter into a Repayment Agreement with the family.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

J. CONTRIBUTIONS TO RETIREMENT FUNDS-ASSETS

Contributions to company retirement/pension funds are handled as follows:

1. While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
2. After retirement or termination of employment, count any amount the employee elects to receive as a lump-sum.

K. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

The LHA must count assets disposed of for less than fair market value during the two years preceding certification or re-examination. The LHA will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

L. CHILD CARE EXPENSES

Childcare expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school full-time.

In the case of a child attending private school, only after-hours care can be counted as childcare expenses.

Childcare expenses cannot be allowed as a deduction if there is an adult household

member capable of caring for the child who can provide the childcare. Examples of those adult members who would be considered unable to care for the child include:

- The abuser in a documented child abuse situation; or
- A person with disabilities or older person unable to take care of a small child, as verified by a reliable knowledgeable source.

Allowability of deductions for childcare expenses is based on the following guidelines:

- **Childcare to work:** The maximum childcare expense allowed must be less than the amount earned by the person enabled to work. The “person enabled to work” will be the adult member of the household who earns the least amount of income from working.
- **Childcare for school:** The number of hours claimed for childcare may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).
- **Amount of expense:** The LHA will survey the local care providers in the community as a guideline. If the hourly rate materially exceeds the guideline, the LHA may calculate the allowance using the guideline.

M. MEDICAL EXPENSES

Documents detailing unreimbursed medical expenses (for elderly families and persons with disabilities) are required in order to determine the rent an applicant or participant will pay.

When it is unclear in the HUD rules as to whether or not to allow an item as a medical, IRS Publication 502 will be used as a guide.

Nonprescription medicines must be doctor-recommended in order to be considered a medical expense.

Accupressure, acupuncture and related herbal medicines, and chiropractic services will be considered allowable medical expenses.

N. PRORATION OF ASSISTANCE FOR “MIXED” FAMILIES

Proration of assistance must be offered to any “mixed” applicant or participant family. A “mixed” family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

“Mixed” families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. Applicant “mixed” families are entitled to prorated assistance. Families that become mixed after June 19, 1995 by addition of an ineligible member are entitled to prorated assistance.

Prorated Assistance Calculation

Prorated assistance is calculated by:

- 1. Calculating the TTP using income of all family members, including any family member who has not established eligible immigration status.**
- 2. Subtracting the TTP from HUD supplied “public housing maximum rent” (determined by HUD using 95th percentile rent). The result (“family maximum subsidy”) is the maximum subsidy for which the family could qualify if all members were eligible.**
- 3. Dividing the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status (“eligible family member”). The subsidy per eligible family member is the “member maximum subsidy”.**
- 4. Multiplying the member maximum subsidy by the number of family members who have citizenship or eligible immigration status (“eligible family members”).**
- 5. The product of steps 1 through 4, is the amount of subsidy for which the family is eligible (“eligible subsidy”). The family’s rent is the “public housing maximum rent” minus the amount of the eligible subsidy.**

O. REDUCTION IN BENEFITS

If the family’s benefits, such as social security, SSI or TANF, are reduced through no fault of the family, the PHA will use the net amount of the benefit to determine the family’s share of rent.

P. IMPUTED WELFARE INCOME

A family’s annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction as specified by notice from the welfare agency) plus the total amount of other annual income.

At the request of the PHA the welfare agency will inform the PHA in writing the amount and term of any specified welfare benefit reduction for a family member and the reason for such reduction. It will also inform the PHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The

PHA will use this information to determine the amount of imputed welfare income to the family.

A family's annual income includes imputed welfare income in the family annual income, as determined at an interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided the PHA by the welfare agency).

The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

The PHA will not include welfare income in annual income if the family was not an assisted resident at the time of the sanction.

If a resident is not satisfied that the PHA has calculated the amount of imputed income in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount then the PHA shall give the resident written notice of such a denial, with a brief explanation of the basis for the PHA determination of the imputed welfare income. The PHA notice shall also state that if the resident does not agree with the determination, the resident may grieve the decision in accordance with the PHA grievance policy. The resident is not required to pay an escrow deposit for the portion of the resident's rent attributable to the imputed income in order to obtain a grievance hearing.

Q. COOPERATING WITH WELFARE AGENCIES

The PHA will make its best efforts to enter into cooperation agreements with local welfare agencies under which the welfare agencies will agree:

1. To target assistance, benefits and services to families receiving assistance in the public housing and Section 8 assistance programs to achieve self-sufficiency; and;
2. To provide written verifications to the PHA concerning welfare benefits for families applying for or receiving assistance in housing assistance programs.

R. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT

The Utility Allowance is intended to help defray the cost of utilities not included in the rent and is subtracted from the Total Tenant Payment to establish the family's rent. The allowances are not based on a family's actual consumption. The PHA will review the Utility Allowance Schedule on an annual basis and revise it, if needed.

Where the Utility Allowance exceeds the family's Total Tenant Payment, the PHA will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant.

S. FAMILY CHOICE OF RENT

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

1. Flat Rent

The PHA has set flat rents for its public housing units. In doing so, it considered the size and type of unit, as well as its condition, amenities, services and the neighborhood. The PHA used market value to set rents. The amount of the flat rent is reevaluated annually and adjustments made, if necessary with Board of Commissioners approval. Affected families are given at least 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family.

There is no utility allowance for families paying a flat rent.

The flat rent amounts are available for review at the administration office. The rents are incorporated in this policy (Appendix B).

Families who opt for flat rent will have their income reexamined every 3 years, rather than the annual review they would otherwise undergo. The PHA will conduct a reexamination of family composition yearly.

Families who opt for flat rent may at request to have a reexamination and return to the formula based method at any time if payment of flat rent is a financial hardship for any of the following reasons:

- a. The family's income has decreased.
- b. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
- c. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.

After verifying the financial hardship, the PHA will act on switching the family from one system to another within 30 days.

Once a family switches to income-based rent because of financial hardship, the family must wait until its next annual reexamination to switch back.

Families have one choice per year except for financial hardship cases. In order to make more informed choices about their rent options, the PHA will provide the following:

- a. PHA's policies on switching types of rent in case of financial hardship; and;
- b. The dollar amount of tenant rent for the family under each option.

2. Income-Based Rent

Income-based rent is a tenant rent that is based on the family's income.

The Total Tenant Payment (TTP) is equal to the highest of:

- a. 10% of the family's monthly income
- b. 30% of the family's adjusted monthly income
- c. Minimum rent of \$50

3. Minimum Rent

The PHA has set the minimum rent of \$50. However, if the family requests a hardship exemption, the PHA will immediately suspend the minimum rent for the family until the PHA can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

The PHA will review all tenant requests for exemption from the minimum rent due to financial hardships in accordance with the Quality Housing and Work Responsibility Act of 1968. (See Chapter 13).

T. RECEIPT OF LETTER OR NOTICE FROM HUD CONCERNING INCOME

1. If a public housing resident receives a letter or notice from HUD concerning amount or verification of family income, the letter shall be brought to the PHA within thirty (30) days of receipt by the resident.
2. The Housing Manager shall reconcile any difference between the amount reported by the resident and the amount listed in the HUD communication. This shall be done as promptly as possible.
3. After the reconciliation is complete the LHA shall adjust the residents rent beginning at the start of the next month unless the reconciliation is completed during the final five (5) days of the month and then the new rent shall take effect on the first day of the second month following the end of the current month. In addition, if the resident had not previously reported the proper

income, the PHA shall do one of the following:

- a. collect the back rent;**
- b. establish a repayment plan for the resident;**
- c. terminate the lease and evict for failure to report income; or**
- d. terminate the lease, evict for failure to report income, and collect the back rent due the agency.**

Chapter 8

VERIFICATION PROCEDURES

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by the LHA. Applicants and program participants must furnish proof of their statements whenever required by the LHA, and the information they provide must be true and complete. The LHA's verification requirements are designed to maintain program integrity. This Chapter explains the LHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and when there are changes in family members. The LHA will ensure that proper authorization from the family is always obtained before making verification inquiries.

A. METHODS OF VERIFICATION AND TIME ALLOWED

All sources of income must be verified in writing by the individuals' representatives, or from organizations providing such income. In addition, the applicant or participant will be required to sign an Authorization for the Release of Information/Privacy Act Notice (HUD 9886) to be used in obtaining verification of any and all sources of income and assets.

The LHA will verify information through the four methods of verification acceptable to HUD in the following order:

1. Third-Party Written
2. Third-Party Oral
3. Review of Documents
4. Certification/Self-Declaration

The LHA will allow 30 days for return of third-party verifications.

For applicants, verifications may not be more than 60 days old at the time of unit selection. For participants, they are valid for 120 days from date of receipt.

Third-Party Written Verification

Third-Party verification is used to verify information directly from the source. Third-Party verification forms will be sent and returned via first class mail. The family will be required to sign an authorization source to release the specified information.

Verifications received electronically directly from the source are considered third-party written verifications.

The LHA will not accept hand carried verifications except computerized printouts from the following agencies:

- Social Security Administration
- Veterans Administration
- Cal-Works Assistance
- Unemployment Compensation Board
- City of County Courts

Third-Party Oral Verification

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral-party verification is not available, the LHA will compare the information to any documents provided by the family. If provided by telephone, the LHA must originate the call.

Review of Documents

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third-party within 30 days, the LHA will notate the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a Certification of Document Viewed or Person Contacted form.

The LHA will accept the following documents from the family provided that the document is such that tampering would be easily noted:

- Printed wage stubs
- Computer print-outs from the employer
- Signed letters (provided that the information is confirmed by phone)
- Other documents noted in this Chapter as acceptable verification

The LHA will accept faxed documents or photocopies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the LHA will utilize the third-party verification.

The LHA will not delay the processing of an application beyond 30 days because a third-party information provider does not return the verification in a timely manner.

Self-Certification/Self-Declaration

When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification.

Self-certification means a notarized statement/affidavit/certification/statement under penalty of perjury and must be witnessed.

B. RELEASE OF INFORMATION

The family will be required to sign specific authorization forms when information is needed that is not covered by the HUD Form 9886, Authorization for Release of Information.

Each member requested to consent to the release of information will be provided with a copy of the appropriated forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or eviction because it is a family obligation to supply any information requested by the LHA or HUD.

C. ITEMS TO BE VERIFIED

- All income not specifically excluded by the regulations.
- Zero-income status of household.
- Full-time student status of family members 18 and over.
- Current assets including disposed of for less than fair market value in preceding two years.
- Childcare expense where it allows a 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 those costs associated with attendant care or auxiliary apparatus that allows an adult family member to be employed.

- U.S. citizenship/eligible immigrant status.
- Social Security Numbers for all family members 6 years of age or older.
- “Preference” status
- Familial/Marital status when needed for head or spouse definition.
- Disability for determination of preferences, allowances or deductions.

D. VERIFICATION OF INCOME

This section defines the methods the LHA will use to verify various types of income.

Employment Income

Verification forms request the employer to specify the:

- Dates of employment
- Amount and frequency of pay
- Date of 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 the next 12 months

Acceptable methods of verification include, in this order:

1. Employment verification form completed by the employer
2. Check stubs or earning statements which indicate the employee’s gross pay, frequency of pay or year to date earnings
3. W-2 forms plus income tax return forms
4. Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, the LHA will require the most recent federal income tax statements.

When doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

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

Acceptable methods of verification include, in this order:

1. Benefit verification form completed by agency providing the benefit.
2. Award or benefit notification letters prepared and signed by the providing agency.
3. Computer report electronically obtained or in hard copy.
4. Bank statements for direct deposits.

Unemployment Compensation

Acceptable methods of verification include, in this order:

1. Verification form completed by the unemployment compensation agency.
2. Computer printouts from the unemployment office stating payment dates and amounts.
3. Payment stubs.

Welfare Payments or General Assistance

1. LHA verification form completed by payment provider.
2. 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.
3. Computer-generated Notice of Action
4. Computer-generated list of recipients from Welfare Department.

Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

1. Copy of a separation or settlement agreement or divorce decree stating amount and type of support and payment schedules.
2. A notarized letter from the person paying the support.
3. Copy of latest check and/or payment stubs from Court Trustee. LHA must record the date, amount, and number of the check.
4. Family's self-certification of amount received and the likelihood of support payments being received in the future, or that the support payments are not being received.
5. If payments are irregular, the family must provide:

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

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

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

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

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

Net Income from a Business

In order to verify the net income from a business, the LHA 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:

- 1. IRS Form 1040, including
Schedule C (Small Business)
Schedule E (Rental Property Income)
Schedule F (Farm Income)**
- 2. 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.**
- 3. Audited or unaudited financial statement(s) of the business.**
- 4. Documents such as manifests, appointment books, cashbooks, 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.**

Childcare Business

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

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

If the family has filed a tax return, the family will be required to provide it.

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

Recurring Gifts

The family must furnish a self-certification that 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

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment, Cal Works, SSI, etc. are not being received by the household.

The LHA may request information from the State Employment Development Department or the IRS.

The LHA may check records of other departments in the jurisdiction (such as utility companies) that have information about income sources of customers.

Full-Time Student Status

Only the first \$480 or the earned income of full-time students, other than 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:

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

E. INCOME FROM ASSETS

Acceptable methods of verification include, in this order:

Savings Account Interest Income and Dividends will be verified by:

1. Account statements, passbooks, certificates of deposit, or LHA verification forms completed by the financial institution.
2. Broker's statements showing value of stock or bond and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
3. IRS Form 1099 from the financial institution, provided that the LHA must adjust the information to project earnings expected for the next 12 months.

The LHA will use current savings and/or checking account balances to determine value.

Interest Income from Mortgages or Similar Arrangements will be verified by:

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for the 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).
2. 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 the Family will be verified by:

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. 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.

F. VERIFICATION OF ASSETS

Family Assets

The LHA will require the necessary information to determine the current cash value, (the net amount the family would receive if the asset were converted to cash).

1. Verification forms, letters, or documents from a financial institution or broker.
2. Passbooks, checking amount statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

6. Copies of closing documents showing the selling price and the distribution of the sales proceeds.
7. Appraisals of personal property held as an investment.
8. Family's self-certification describing assets or cash held at family's home or in safe deposit boxes.

Assets Disposed of for Less than Fair Market Value (FMV)

During two preceding effective date of certification or re-certification.

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

G. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

Childcare Expenses

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

Medical Expenses

Families who claim medical expenses or expenses to assist a person(s) with disabilities will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

1. **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.**
2. **Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.**
3. **Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.**
4. **For attendant care:**
 - **A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.**
 - **Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of cancelled checks the family used to make those payments) or stubs from the agency providing the services.**
5. **Receipts, cancelled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.**
6. **Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.**
7. **Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. LHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.**
8. **The LHA will use mileage at the IRS rate or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.**

Assistance to Persons with Disabilities

In All Cases:

- **Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.**
- **Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of the 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 cancelled 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.**

VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity

In order to prevent program abuse, the LHA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- **Certificate of Birth or Naturalization papers**
- **Church issued baptismal certificate**
- **Current, valid Driver's License**
- **U.S. passport**
- **U.S. military discharge (DD214)**
- **Voter's registration**
- **Company/Agency Identification Card**
- **Hospital records**

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

- Certificate of Birth
- Adoption papers
- Custody agreement
- Health and Human Services Identification card
- School records

Verification of Marital Status

This would be used to determine spouse for income and deduction and non-citizen purposes.

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

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

Verification of marriage status is a marriage certificate.

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.

The following verifications will always be required, if applicable:

Verification of relationship:

- Official identification showing names
- Birth certificates
- Baptismal certificates

Verification of guardianship is:

- Court-ordered assignment
- Affidavit of parent
- Verification from social services agency
- School records

Evidence of a stable family relationship:

- Joint bank accounts or other shared financial transactions
- Leases or other evidence of prior co-habitation
- Credit reports showing relationship

Verification of Permanent Absence of Adult Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the LHA will consider any of the following as verification:

1. Husband or wife institutes divorce action.
2. Husband or wife institutes legal separation.
3. Order of protection/restraining order obtained by one family member against another.
4. Proof of another home address, such as utility bills, cancelled checks for rent, drivers license, or rental agreement.
5. Statements from other agencies such as social services or written statement from the landlord or manager that the adult family member is no longer living at that location.
6. If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.

Verification of Change in Family Composition

The LHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit date, school or DMV records, and other sources.

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 workers, using the HUD language as the verification format.

Verification of Citizenship/Eligible Immigrant Status

Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare his or her status only once. Assistance cannot be delayed, denied or terminated while verification of status is pending except that assistance to applicants may be delayed while the LHA hearing is pending.

- **Citizens or Nationals of the United States** are required to sign a declaration under penalty of perjury.
- **Eligible Immigrants who were Participants and 62 or over on June 19, 1995** are required to sign a declaration of eligible immigration status and provide proof of age.
- **Non-citizens with eligible immigration status** must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The LHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the LHA must request within ten days that the INS conduct a manual search.
- **Ineligible family members** who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.
- **Non-citizen students on student visas** are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will be verified and they do not sign a declaration but are listed on the statement of ineligible members.
- **Failure to provide.** If an applicant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.
- **Time of Verification.** For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For family members added after other members have been verified, the verification occurs at the time the new member is added. Once verification has been completed for any covered program, it need not be repeated.
- **Extensions of Time to Provide Documents.** Extensions must be given for persons who declare their eligible immigration status but need time to obtain the required documents. The length of the extension shall be based on individual circumstances.
- **Acceptable Documents of Eligible Immigration.** The regulations stipulate that one of the following documents are acceptable unless changes are published in the Federal Register:

Resident Alien Card (I-551)
Alien Registration Receipt Card (I-151)
Arrival-Departure Record (I-94)
Temporary Resident Card (I-688)
Employment Authorization Card (I-688B)
Receipt issued by the INS for issuance of replacement of any of the above Documents that shows individual's entitlement has been verified.

A Birth Certificate is not acceptable verification of status.

Verification of Social Security Numbers

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

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

New family members age six and older 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 to the LHA.

If an applicant or participant is able to disclose the Social Security number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the LHA. The applicant/participant or family member will have an additional 60 days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's assistance will be terminated.

In the case of an individual at least 62 years of age, the LHA may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual 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.

Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

Chapter 9

THE DWELLING LEASE

INTRODUCTION

This Chapter defines execution of the dwelling lease as a condition of occupancy for public housing. The LHA's dwelling lease must be structured to and in conformance with this Occupancy Policy, the Lease and Grievance Procedures outlined in 24CFR, Section 966.4 and California State laws.

A. EXECUTION OF DWELLING LEASE

The family head and spouse of each family accepted as a tenant are required to execute a Dwelling Lease in duplicate prior to admission. The LHA staff shall review all sections of the lease with the family. The copy is to be given to the family while the original is to be filed in the permanent record file established for the family. Names of all family members should be on the Lease.

If for any reason, a signer of the Dwelling Lease ceases to be a member of the tenant family, the Lease is to be cancelled and a new Dwelling Lease executed and signed by the family member qualifying as head of household, provided the family is eligible for continued occupancy.

If a tenant family transfers to a different HUD low rent housing unit, operated by the LHA, the existing Lease is to be cancelled and a new Lease executed by the family head and spouse for the dwelling into which the family is to move.

If, at any time during the life of the dwelling lease, any other change in the tenant's status results in the need to change or amend any provisions of the Lease, or if the LHA desires to waive any provisions with respect to the tenant, (1) the existing Lease is to be cancelled and a new Lease executed, or (2) an appropriate rider (such as an addendum) is to be prepared and made a part of the existing Lease.

All copies of Lease revisions are to be dated and signed by the tenant and the authorized LHA staff member.

B. SECURITY DEPOSITS

Upon signing a lease agreement and in addition to the monthly rent, a new resident shall pay a refundable security deposit of \$300.

A separate refundable pet deposit of \$200 will be charged for household pets (Pet Ownership Policy, Chapter 15).

The security deposit shall be applied by management at the time of termination of the Lease toward any rent or other charges (legal fees, resident caused damages) owed by the resident upon vacating. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

The PHA agrees to return the security deposit within twenty-one (21) days from the date the unit was returned, less any deductions. The PHA will give the resident a written itemized statement of any such costs for damages and/or charges deducted from the security deposit.

The PHA will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first-class postage paid within 21 days.

The security deposit may not be used to pay rent or other charges while the resident occupies the dwelling unit.

C. RENT

Rent and other charges are due and payable on the first day of the month. Payment of first month's rent and deposit must be made by money order or cashiers check made out to the Livermore Housing Authority. Thereafter, payment may be made by personal check, money order or cashier's check. Payments by a relative or other person made be made on behalf of a resident only with prior approval of the PHA. Payments, including any late fees or other charges that are incurred remain the responsibility of the resident. Reasonable accommodation for this requirement will be made for persons with disabilities in accordance with the PHA's accommodation policy and procedures.

If rent is not paid by the seventh of the month, a 14 day notice will be issued to the tenant on the eighth of the month. This is followed by a 3 day, if rent is still not paid. In addition, a \$15 late charge will be assessed to the tenant. The late charge plus an additional charge of \$25 will be assessed for processing costs if rent is paid by a personal check and the check is returned for insufficient funds.

D. TERMINATION OF THE LEASE

Termination by the Tenant

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

Termination by the PHA

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

- Nonpayment of rent;
- A history of late payments;
- Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- Failure to allow inspection of the unit;
- Failure to maintain the unit in a safe and sanitary manner;
- Assignment or subletting of the premises;
- Destruction of property;
- Any criminal activity on the property or drug-related criminal activity on or off the premises. Any individual convicted of manufacturing or producing methamphetamine (commonly referred to as “speed”) on PHA premises will be immediately and permanently terminated of their tenancy in public housing according to Section 428 of the FY 1999 HUD Appropriations Act, Section 16, Subsection (f). Premises is defined as the building or complex including common areas and grounds as defined in the HUD Federal Register.
- Failure of a family member to perform community service or self sufficiency work as required.
- Alcohol abuse that the PHA determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Failure of the family member to accept PHA offer of a new lease or lease revision.
- Other good cause.

In the event a resident is absent from the dwelling unit for 14 consecutive days, while in default of rent, the resident shall be deemed to have abandoned the unit according to California State law. Any remaining personal property or belongings of resident shall be considered abandoned and may be disposed of by the PHA according to state law.

In the event of the untimely and unexpected death of the resident and there are no other adults in the household, the PHA shall contact the next of kin as designated in

the resident file. The PHA will make arrangements with the residents representative regarding the resident's personal property and belongings. Tenants will be afforded an opportunity for a hearing if the resident disputes, within a reasonable time, termination of their tenancy. The PHA Grievance procedure is outlined in Chapter 16 of this Occupancy Policy.

E. PET POLICY

Residents must have prior approval of the PHA before moving a pet into their unit. The Pet Policy is outlined in Chapter 15 of this Occupancy Policy.

F. INSPECTIONS

The PHA will complete a physical inspection of the dwelling unit:

- prior to residents' occupancy;
- once each year;
- emergency or special housekeeping inspection; and
- exist inspections

If deficiencies are noted which require maintenance, a work order will be issued to correct the deficiencies. The PHA will provide the resident with reasonable notice.

If any PHA employee has reason to believe that an emergency exists within the housing unit, the unit can be entered, without notice, leaving a written "Notice of Entry" for the resident.

Move-out Inspections

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

Chapter 10

RECERTIFICATIONS

INTRODUCTION

In accordance with HUD requirements, the LHA must conduct a re-examination of the family income and household composition of all families at least annually. In addition, the LHA is required to inspect the unit at least annually. These activities must be coordinated to ensure that they are completed in accordance with the regulation. It is a HUD requirement that families report all changes in income or household composition, but the LHA decides what other changes must be reported, and the procedures for reporting them. This Chapter defines the LHA's policy for conducting annual recertifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ANNUAL RE-EXAM NOTICE TO THE FAMILY

The LHA produces a monthly listing of units under Lease to ensure the timely reviews of rent, housing inspections, and factors related to Total Tenant Payment can be made.

Annual activities for Leases that did not commence on the first of the month must be conducted no later than the first of the month in which the lease was effective.

Families on the flat rent will only be required to go through the income re-examination process every 3 years.

Families on the flat rent may request to have a re-examination and return to the formula based method at any time for any of the following reasons:

- The family's income has decreased;
- The family's circumstances have changed increasing their expenses for childcare, medical care, etc.; or
- Other circumstances creating a hardship on the family such that the formula method would be financially feasible for the family.

The household will be notified by mail of the date and time for their interview. If requested as an accommodation by a person with a disability, the LHA will provide the notice in an accessible format.

B. ANNUAL RECERTIFICATION/RE-EXAMINATION

Families are required to be recertified at least annually.

When families move to another dwelling unit an annual recertification will be scheduled (unless a recertification has occurred in the last 120 days) and the anniversary date will be changed.

Income limits are not used as a test for continued eligibility at recertification.

Failure to Respond to Notification to Recertify

The written notification must state which family members are required to attend the interview.

If the family fails to respond to the letter and fails to attend the interview, a second notice will be mailed. The second notice will advise the family of a new date/time for the re-exam interview.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the LHA will schedule a third and final appointment. This notice will further advise the family that failure to attend the scheduled interview will result in eviction proceedings against the family.

After the third appointment, the LHA will proceed to evict the family, advising the family of the grievance procedure.

Exceptions to these policies may be made by the Assistant Director if the family is able to document an emergency situation that prevented them from canceling or attending the appointment.

Persons with Disabilities

Persons with disabilities, who are unable to come to the LHA's office will be granted an accommodation of conducting the interview at the person's home, upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information

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

During the appointment, the LHA will determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

Documents Required From the Family

In the notification letter to the family, the LHA will include instructions for the family to bring the following:

- Documentation of income for all family members
- Documentation of liquid and non-liquid assets
- Documentation of any deductions/allowances
- Personal Declaration Form completed by head of household
- Other verifications requested

Verification of Information

Upon receipt of verification, the LHA will follow verification procedures and guidelines described in Chapter 8 of this Policy. Verifications for reexaminations must be less than 120 days old.

Upon receipt of verification, the LHA will determine the family's annual income and will calculate their rent as follows:

- 30% of Monthly Adjusted Income
- 10% of Monthly Income
- \$50 minimum rent

Tenant Rent Increase

If tenant rent increases, a thirty day notice is mailed to the family prior to the anniversary date.

If less than thirty days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the month following the thirty day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the anniversary date.

Tenant Rent Decreases

If tenant rent decreases, it will be effective on the anniversary date.

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the LHA.

C. INTERIM REEXAMINATIONS

Program participants are required to report all changes in household composition to the LHA between annual reexaminations. The LHA will conduct interim reexaminations when families have an increase in income. This includes additions due to birth, adoption and court-awarded custody. The family must obtain LHA approval prior to all other additions to the household.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular recertification after moving into the unit.

In order to add a household member, other than through birth or adoption (including a live-in-aide), the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. The LHA will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances.

If the family's income is too unstable to project for twelve (12) months, including families that temporarily have no income or have a temporary decrease in income, the LHA may schedule special reexaminations every sixty (60) days until the income stabilizes and a annual income can be determined.

LHA Errors

If the LHA makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted to correct the error, but the family will not be charged retroactively.

Other Interim Reporting Issues

An interim reexamination does not affect the date of the annual recertification.

An interim reexamination will be scheduled for families with zero/unstable income every 60 days.

D. NOTIFICATION OF RESULTS OF RECERTIFICATION

The notice of Rent Change is mailed to the tenant family. Signatures are not required by the LHA. If the family disagrees with the rent adjustment they may request an informal hearing.

E. TIMELY REPORTING OF CHANGES IN INCOME AND ASSETS

Standard for Timely Reporting of Changes

The LHA requires that families report interim changes to the LHA within 30 days of when the change occurs. Any information, document or signature needed from the family which is needed to verify the change must be provided within 30 days of the change.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

Procedures when the Change is Reported in a Timely Manner

The LHA will notify the family of any rent change according to the following guidelines:

Increases in the Tenant Rent are effective on the first of the month following at least thirty days notice.

Decreases in the Tenant Rent are effective the first of the month following that in which the change occurred. Requests must be made by the 15th of the month.

The change may be implemented based on documentation provided by the family,

pending third-party written verification.

Procedures when the Change is Not Reported by the Tenant in a Timely Manner

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpayment and may be required to sign a Repayment Agreement or make a lump sum payment. Families may be evicted from the program if failure to report changes in a timely manner was due to intent to fraud.

Decrease in Tenant Rent will be effective on the first of the month following completion of processing by the PHA and not retroactively.

Procedures when the Change is Not Processed by the PHA in a Timely Manner

“Processed in a timely manner,” means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the PHA in a timely manner.

In this case, an increase will be effective after the required thirty days’ notice prior to the first of the month after completion of processing by the PHA.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

F. REPORTING OF CHANGES IN FAMILY COMPOSITION

All changes in family composition must be reported within 30 days of the occurrence.

Increases in Family Size

Increases other than by birth, adoption or court-awarded custody must have the prior approval of the PHA.

Families who need a larger unit size because of voluntary additions will have a lower priority for changing unit size than other families who are required to change unit size.

G. FAMILY DISCLOSURE OF INCOME INFORMATION

A Public Housing family must bring to the PHA any letter or notice received from HUD that provides information concerning the amount or verification of family income within thirty (30) days of receipt.

The PHA:

- 1. will reconcile any difference between the amount reported by the resident and the amount listed in the HUD communication and**
- 2. adjust the residents' rent.**

In addition, if the resident had not previously reported the proper income, the PHA shall do one of the following:

- 1. collect the back rent;**
- 2. establish a repayment plan for the resident;**
- 3. terminate the lease and evict for failure to report income; or**
- 4. terminate the lease, evict for failure to report income, and collect the back rent due the agency.**

Chapter 11

TERMINATION OF DWELLING LEASE

A. EVICITION BECAUSE OF A LEASE VIOLATION

The LHA will evict tenant families that violate any lease provision. Evictions will be for “Good Cause”. A warning may be issued to a tenant family for a minor lease violation. However, for more serious violations, the LHA will immediately proceed to eviction.

B. INELIGIBILITY IF EVICTED FOR DRUG-RELATED ACTIVITY

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

Persons evicted from public housing, Indian housing, Section 23 or any Section 8 program 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 LHA can waive this requirement if:

1. the person demonstrates successful completion of a rehabilitation program approved by the LHA, or;
2. the circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated.

Screening Out Illegal Drug Users and Alcohol Abusers

The LHA will prohibit the admission to public housing any person who the LHA determines is illegally using a controlled substance.

The LHA will prohibit admitting any person to public housing in cases where the LHA determines that there is reasonable cause to believe that the person abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

The LHA will prohibit admitting any person to public housing in cases where the LHA determines that there is reasonable cause to believe that the person’s pattern of illegal use of a controlled substance or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other

residents.

The LHA may waive policies prohibiting admission in these circumstances if the person demonstrates to the LHA's satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:

1. has successfully completed a supervised drug or alcohol rehabilitation program;
2. has otherwise been rehabilitated successfully; or
3. is participating in a supervised drug or alcohol rehabilitation program.

Terminating Assistance to Illegal Drug Users and Alcohol Abusers

The LHA will terminate the tenancy of any person who the LHA determines is illegally using a controlled substance.

The LHA will terminate the tenancy of any person if the LHA determines that the person's abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Lease Provision

The LHA lease form will state that the following activities by any resident are ground for termination of tenancy:

1. drug-related criminal activity on or off the premises, not just on or near the premises; and
2. alcohol abuse that the LHA determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Eviction Proceedings

The LHA will initiate eviction proceedings against a tenant family after the first violation of this policy.

Availability of Criminal Records

The law states that, notwithstanding any other provision of law, the National Crime Information Center, police departments, and other law enforcement agencies shall, upon request, provide the LHA information regarding the criminal conviction records of adult applicants for, or tenants of, public housing for purposes of applicant screening, lease enforcement, and eviction.

This information must be provided for persons 18 years or older, or for those convicted of a crime as an adult.

The provisions of this paragraph pre-empt any contrary provision in State, local or tribal laws, and prevail over any contrary federal requirement. These provisions do not pre-empt or limit any laws or authority that permit broader access to records.

On request, the LHA must be provided that same information for juveniles, only to the extent that the release of such information is authorized by State, local, or tribal laws.

While not addressed by the statute, the LHA may pay reasonable fees charged by law enforcement agencies that provide the information. The applicant or tenant may not be charged.

The LHA will ensure that any criminal record received be maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

Before the LHA takes any adverse action based on a criminal conviction record, the LHA will provide the applicant or tenant with a copy of the criminal record and an opportunity to dispute the accuracy or relevancy of the record. The opportunity to dispute the record can be at an informal hearing for rejected applicants or at the court hearing in the case of evictions.

C. OTHER REASONS FOR IMMEDIATE EVICTION

The LHA will immediately and permanently terminate a resident's tenancy if the LHA determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine (commonly referred to as speed) on the premises.

"Premises" is defined by HUD as the building or complex in which the dwelling unit is located including common areas and grounds.

Any health and safety violation will be immediate cause for eviction. The LHA will make the final determination when to evict, and may immediately evict for any lease violation.

D. RESTRICTION ON EVICTION OF FAMILIES BASED ON INCOME

The LHA will not commence eviction proceedings based on the income of tenant families unless:

1. It has determined that there is decent, safe, and sanitary housing of suitable size available at a rent not exceeding the tenant rent; or
2. It is required to do so by local law.

Chapter 12

DECONCENTRATION AND INCOME TARGETING

A. INCOME TARGETING

Not less than 40 percent of the families admitted to the LHA's public housing program during the LHA fiscal year from the LHA waiting list shall be extremely low income families.

B. DECONCENTRATION AND INCOME MIXING

Per 24CFR Part 903, Rule to Deconcentrate Poverty and Promote Integration in Public Housing, the Livermore Housing Authority is exempt from application of the requirement. The Livermore Housing Authority operates one family public housing development (Leahy Square Apartments).

Chapter 13

MINIMUM RENT HARDSHIP EXEMPTION

The Livermore Housing Authority has set the minimum rent at \$50. However, if the family requests a hardship exemption, the LHA will immediately suspend the minimum rent for the family until the LHA can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature. A hardship exists in the following circumstances:

- When the family has lost eligibility or is waiting an eligibility determination for a Federal, State, or local assistance program;
- When the family would be evicted as a result of the imposition of the minimum rent requirement;
- When the income of the family has decreased because of changed circumstances, including the loss of employment;
- When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education or similar items; or
- When a death has occurred in the family.

The Livermore Housing Authority will notify all families subject to minimum rents of their right to request a minimum rent hardship exemption.

All requests for minimum rent hardship exemptions are required to be in writing.

The LHA will request documentation as proof of financial hardship.

The LHA will use its standard verification procedures to verify circumstances which have resulted in financial hardship, such as loss of employment, death in the family, etc.

No hardship. If the LHA determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.

Temporary hardship. If the LHA reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of the family's request. At the end of the 90 day period, the minimum rent will be imposed retroactively to the time of suspension. The LHA will offer a repayment agreement in accordance with this policy for any rent not paid during the period of suspension. During the suspension period the LHA will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.

Long-term hardship. If the LHA determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.

Appeals. The family may use the grievance procedure to appeal the LHA's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

Chapter 14

PUBLIC HOUSING SELF-SUFFICIENCY INCENTIVES

EARNED INCOME DISALLOWANCE

The Livermore Housing Authority is required to disregard earned income increases for the following Public Housing family whose members:

1. were previously (one or more years) and are now employed- *Previously unemployed* includes a person who has earned not more than could be earned working 10 hours per week for 50 weeks at the established minimum wage for the area;
2. employment income increases during participation in a family self-sufficiency or job training program-*economic self-sufficiency* is any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families; or
3. were assisted under a state TANF (Temporary Assistance for Needy Families) Program in the last six months and whose earned income increases.

The TANF – funded assistance benefits or services must be at least \$500.

Initial 12-Month Exclusion

During the initial 12-month exclusion period, the full amount of the increase in income attributable to employment or increased earnings is excluded.

The initial full exclusion period begins on the date the family member who qualifies is employed or first experiences an increase in income due to employment.

The initial full exclusion extends for a total of 12 cumulative months.

Second 12-Month Exclusion and Phase-In

During the second 12-month exclusion and phase-in period, the exclusion is reduced to half, or 50 percent, of the increase in income attributable to employment or increased earnings.

The second 12-month exclusion period begins after the family member who qualifies has received 23 cumulative months of full exclusion.

The phase-in period extends for a total of 12 cumulative months.

Disallowance's are limited to one, forty eight month period from the beginning of the first month after commencement of qualifying employment of an individual family member.

If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period. No exclusion may be given after this lifetime limit has been reached.

The disallowance of an incremental increase of income as a result of employment is only applied to determine the annual of families residing in public housing units, not to determine annual income of applicants for purposes of income eligibility or targeting.

Chapter 15
PET OWNERSHIP POLICY

I. PURPOSE

Effective August 9, 2000 Regulations changed to permit Public Housing Resident to own household pets if the resident maintains the pet responsibility in accordance with applicable State and local public health, animal control and animal anti-cruelty laws and regulations, and in accordance with the LHA Plan.

II. APPLICABILITY

This Policy is applicable to residents of the Leahy Square Apartments who wish to own a household pet.

This rule does not affect pre-existing regulations covering pet ownership for Residents that are elderly or animals that assist, support or provide service to persons with disabilities.

III. PET OWNERSHIP

A. OWNERSHIP CONDITIONS

1. RESIDENT MUST ACT RESPONSIBLY

- a) Pets must be registered with the LHA office.**
- b) The family must provide the name of a responsible party who will care for the animal if the owner is unable to do so for any reason.**
- c) The resident agrees to provide adequate care, nutrition, exercise and medical care for the pet.**
- d) Owners of cats and other pets using litter boxes must change litter boxes daily. Pet waste and litter shall be securely wrapped in plastic bags and placed directly into project trash bins.**
- e) Dogs must wear a dog license tag and each cat and dog must wear an identification tag with the owner's name, telephone number and/or apartment number.**
- f) Owners will not permit pets to disturb the rights, comforts and convenience of neighbors, whether the pet is inside or outside the apartment.**
- g) Pet owners will not allow animals to damage or destroy property or to repeatedly deposit waste upon the property.**
- h) All cats and dogs and other pets must be appropriately and**

effectively restrained and under control of a responsible individual while on the premises. They shall not be allowed to run free outside the apartment.

Dogs or cats must be spayed or neutered. Owner will provide verification to the office.

- j) If the Resident is to be away from the apartment for longer than 24 hours, arrangements must be made for the care of the pet. If it appears the pet has been left unattended for this time the LHA will contact the person named as the responsible person. If no response, the LHA will contact the appropriate state or local authority authorized to remove a pet under these circumstances.
- k) Pets not owned by a resident or not properly registered are not permitted to be on Leahy Square property. This does not apply to medically necessary service animals.

IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL PUBLIC HEALTH, ANIMAL CONTROL, AND ANTI-CRUELTY LAWS AND REGULATIONS

- a) Dogs must be vaccinated in accordance with appropriate state and local laws.
- b) Dogs must be licensed by the City of Livermore.
- c) Residents must demonstrate that the animal is a household pet. No snakes, farm animals, fowl, or rabbits.

OTHER POLICIES ESTABLISHED BY THE PHA ANNUAL PLAN

- a) Pets allowed must weigh less than 30 pounds. This would exclude Rottweilers, large Collies, Labs, German Shepherds, and Pit Bulls.
- b) Limitation of one household pet per unit.
- c) Residents who own a dog or cat are required to pay a refundable pet deposit of \$200. This amount can be paid gradually through an initial payment of \$50 and subsequent monthly payments of \$25 per month until the \$200 amount is reached.

No Pet Deposit is required for a trained service animal.

Pet Deposits will be kept to cover additional costs of damages caused by a pet. This may include repairs, replacement of property or fumigation.

IV. Violation of these rules may be grounds for removal of the pet or termination of pet owners tenancy or both.

V. These regulations will expire if the family moves or the family no longer has the pet.

Chapter 16

RESIDENT GRIEVANCE PROCEDURE (24CFR 966 Subpart B)

PURPOSE

The purpose of this grievance procedure is to assure that residents are afforded an opportunity for a hearing if the resident disputes, within a reasonable time, any Housing Authority action or failure to act involving the resident's lease with the Housing Authority or Housing Authority regulations which adversely affect the individual resident's rights, duties, welfare or status. This grievance procedure is incorporated in the dwelling lease and is part thereof.

A. APPLICABILITY

This grievance procedure is applicable to all individual grievances between the resident and the Authorities, except that this procedure shall not apply to any grievance concerning an eviction or termination of tenancy based upon a resident's creation or maintenance of a threat to the health or safety of other residents or Housing Authority employees.

This grievance procedure shall not be applicable to disputes between residents not involving the LHA or to class grievances, nor is this procedure intended to be a forum for initiating or negotiating policy changes between a group or groups of residents and the Authorities' Board of Commissioners.

This grievance procedure is not applicable to cases involving termination of tenancy for persons involved in any drug related activity, on or off the premises, and for any resident who is involved in any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants or employees of the LHA.

B. INFORMAL SETTLEMENT OF GRIEVANCE (CFR 966.54)

Any grievance shall be personally presented, either orally or in writing, to the LHA office so that the grievance may be discussed informally and settled without a hearing. The grievance must be presented within (7) seven working days of the LHA's act, which is the basis of the grievance. A summary of such discussion shall be prepared within (5) five working days. A copy shall be given to the tenant and one retained in the tenant file. The summary shall specify the names of the participants, dates of meeting, the nature of the purposed disposition of the

complaint and the specific reasons therefo, and shall specify the procedures by which a hearing may be obtained if the complainant is not satisfied with the purposed disposition.

C. PROCEDURES TO OBTAIN A HEARING (CFR 966.55)

Request for a hearing—Complainant shall submit a written request to the LHA within (5) five working days of the summary of informal discussion. The written request shall specify:

--the reason(s) for the grievance and the action and relief sought.

Selection of Hearing Officer(s) – A grievance hearing shall be conducted by an impartial person appointed by the LHA, other than the person who made or approved the LHA action under review or a subordinate of such person. The LHA shall provide the names of prospective hearing officers to the Resident Board for comments or recommendations. A tenant is not precluded from being a Hearing Officer.

Failure to request a hearing – If the complainant does not request a hearing in accordance with the above, then the LHA disposition of the grievance under the informal settlement shall become final. Failure to request a hearing shall not constitute a waiver by the complainant of his/her right to contest the LHA’s action in an appropriate judicial proceeding.

If the complainant shows good cause why he/she failed to proceed with the informal settlement to the hearing officer, the hearing officer may waive this provision.

Escrow Deposit – Before a hearing is scheduled in any grievance involving the amount of rent the LHA claims is due, the family must pay an escrow deposit to the LHA. When a family is required to pay an escrow deposit, the amount is the amount of rent the LHA states is due and payable at the first of the month preceding the month in which the family’s act or failure to act took place. After the first deposit, the family must deposit the same amount monthly until the family’s complaint is resolved by the decision of the hearing officer. The LHA will waive the requirement for an escrow deposit if the grievance is based on financial hardship exemption from minimum rent requirements or the effect of welfare benefits reduction in calculation of family income. Unless the LHA waives the requirements, the family’s failure to make a escrow deposit will terminate the grievance procedure. A family maintains the right to contest the LHA disposition of the grievance in any appropriate judicial proceeding.

Scheduling of Hearing – Upon the complainant’s compliance with the above a Hearing will be scheduled at the LHA administration office at a time convenient to

both the complainant and the LHA. A written notification specifying the time, place and the procedures governing the hearing shall be delivered to the complainant and the appropriate LHA official.

D. PROCEDURES GOVERNING THE HEARING (24CFR 966.56)

The hearing shall be held before a hearing officer.

The complainant shall be afforded a fair hearing, which will include:

- (1) The opportunity for both parties to examine, before the grievance hearing, any Documents, records and regulations that are directly relevant to the hearing. The tenant shall be allowed to copy any such document at the tenant's expense. No documents and/or evidence will be allowed at the hearing that has not been made available to both parties at least 48 hours prior to the hearing.
- (2) The right to be represented by counsel or other persons chosen as the tenant's representative, and to such person make statements on tenant's behalf.
- (3) The right to a private hearing unless the complainant requests a public hearing.
- (4) The right to present evidence and arguments in support of the tenant's complaint, to dispute evidence relied on by the LHA, and to confront and cross-examine all witnesses upon whose testimony or information the LHA relies.
- (5) A decision based solely and exclusively upon the facts presented at the hearing.

The hearing officer may render a decision without proceeding with the hearing if the hearing officer determines that the issue has been previously decided in another proceeding.

If the complainant or the LHA fails to appear at a scheduled hearing, the hearing officer may make a decision to postpone the hearing for not to exceed five working days or may make a determination that the missing party waived their right to a hearing. Tenants do not waive their right to appropriate judicial proceedings.

At the hearing, the complainant must first show that they are entitled to the relief sought and thereafter the LHA must sustain the burden of justifying the LHA action or failure to act against which the complaint is directed. The hearing shall be conducted by the hearing officer and oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer shall require the LHA, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings or in a decision to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

Accommodation of persons with disabilities – The LHA will provide reasonable accommodation for persons with disabilities to participate in the hearing.

Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations or attendants. Requests must be made to the LHA at least five working days before the hearing.

E. DECISION OF THE HEARING OFFICER (24CFR966.57)

The hearing officer shall prepare a written decision, together with the reasons therefor, within (7) seven working days after the hearing is concluded. A copy of the decision shall be sent to the complainant and the Housing Authorities who shall retain a copy of the decision in the resident's folder. A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by the Authorities and made available for inspection by a prospective complainant, his/her representative, or a hearing panel or a hearing officer.

The decision is binding on the Housing Authority unless, within (10) ten working days the Housing Authority Board of Commissioners determine and notify the tenant that:

- the grievance does not concern Housing Authority action or failure to act regarding the lease or regulations which adversely affect the tenant's rights, or
- the decision is contrary to applicable Federal/State/local law, HUD regulations, or ACC.

Decisions favorable to the Housing Authority do not affect the tenant's other judicial rights.

F. DEFINITIONS (24CFR966.53)

LHA – Livermore Housing Authority

Grievance – Any dispute which a tenant may have with respect to PHA action or failure to act in accordance with the individual tenant's lease or LHA regulations which adversely affect the individual tenant's rights, duties, welfare or status.

Complainant – Any tenant whose grievance is presented to the LHA or at the Project management office in accordance with regulations.

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:

- (1) Adequate notice to the tenant.
- (2) Right of tenant to be represented by counsel.
- (3) Opportunity for tenant to refute the evidence, including the right to confront or cross-examine witnesses and present any affirmative legal or equitable

defense which the tenant may have.

(4) A decision on the merits.

Hearing Officer – A person selected in accordance with the regulations to hear grievances and render a decision with respect thereto.

Tenant – Adult person (or persons) other than live-in aide:

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

Chapter 17

COMMUNITY SERVICE (24 CFR 960.603-960.611)

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service within the community in which the public housing development is located (Livermore) or (2) participate in an economic self-sufficiency program unless they are exempt from this requirement.

EXEMPTIONS

The following adult family members are exempt from this requirement:

- **Family members that are 62 or older**
- **Family members with disabilities and certify that, based on the disability, he or she cannot comply with the requirement**
- **Family members who are the primary caretakers of a person in the household who is blind or disabled**
- **Family members engaged in work activity of at least 20 hours weekly**
- **Family members certified as exempt from work activities under a State Program as stated by the Social Security Act or any other welfare state program**
- **Family members receiving benefits from a State Welfare Program who is in compliance with the program's requirements, including welfare-to-work.**

The Livermore Housing Authority will notify all public housing residents of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status.

The notification will advise families when their community service will begin. The Housing Authority will review the service requirement at interims and yearly to determine which members will be exempt. Residents will be allowed to change exemption status during the year.

The Housing Authority will maintain reasonable documentation of performance and exemption status in the residents file.

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

The Housing Authority will ensure that:

- **the service programs are accessible for persons with disabilities who can comply;**
- **the service is not hazardous; or**
- **that the service is not labor that would be performed by Housing Authority employees responsible for essential maintenance and property service.**

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

The Housing Authority will provide a directory of eligible resources that the resident can contact.

NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS

The Livermore Housing Authority will notify any family found to be in noncompliance. This notice will:

- **Identify the family member(s) determined to be in noncompliance;**
- **that the determination is subject to the grievance procedure; and**
- **that unless the family members(s) enter into an agreement to comply, the lease will not be renewed or will be terminated.**

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

If any applicable family members do not accept the terms of the agreement and does not fulfill their obligation to participate in an economic self-sufficiency program, the Housing Authority shall take action to terminate the lease.

DEFINITION OF TERMS

ADJUSTED INCOME – Annual Income of the members of the family residing or intending to reside in the dwelling unit, less the HUD allowable allowances as defined in 24 CFR 5.611.

ADULT – Household member who is 18 years or older or who is the head of the household, or spouse, or co-head.

ALLOWANCES – Amounts deducted from the households annual income in determining adjusted annual income. Allowances are given to elderly families, dependents, medical expenses for elderly families, disability expenses and child care expenses for children under 13 years of age.

ANNUAL INCOME – All amounts, monetary or not, which: Go to, or on behalf of, the family head or spouse or to any other family member; or are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and which are not specifically excluded. Amounts derived from assets to which any member of the family has access. 24 CFR 5.609

APPLICANT – A person or family that has applied for housing assistance.
24 CFR 5.403

ASSETS – Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. Family assets do not include: furniture, vehicles, wheelchairs, or other special equipment for persons with disabilities, household goods, appliances, boats, recreational vehicles and campers.

ASSETS INCOME – Income received from assets. If assets exceed \$5000, income from assets is “imputed” and the greater of actual asset income and imputed asset income is counted as annual income.

CHILD – A member of the family, other than the family head or a spouse, who is under 18 years of age. 24 CFR 5.504(b)

CHILD CARE EXPENSE – 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 be gainfully employed or to further his/her education and only to the extent such

amounts are reasonable and not reimbursed. The amount deducted shall not exceed the amount of employment income received. 24CFR 5.603(d)

CITIZEN – A citizen or national of the United States. Evidence of citizenship or eligible immigration status required. 24CFR 5.504(b)

COMMUNITY SERVICE – The performance of voluntary work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

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 person with disabilities, or is a full-time student. 24CFR 5.03

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 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. 24CFR5.603(d)

DISABLED PERSON – See Persons with Disabilities

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

DISALLOWANCE – Exclusion from Annual Income.

DISPLACED FAMILY – A family in which each member, or whose sole member, is displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster Relief Laws.

DRUG-RELATED CRIMINAL ACTIVITY – Drug-trafficking, or illegal use or possession for personal use of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802)).

ECONOMIC SELF-SUFFICIENCY PROGRAM – Any program designed to assist, encourage, train or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship,

and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

EDUCATIONAL INSTITUTION – Educational institution is defined in Section 351 of the Social Security Handbook as follows: “a school, college or university is considered an “education institution” under the Act if:

- 1) It is operated or directly supported by the United States, by a state or local government or by a political subdivision of the government unit.
- 2) It has been approved by a state or accredited by a state-recognized or nationally recognized accrediting agency.
- 3) It is unaccredited, but its credits are acceptable on transfer by at least three accredited institutions on the same basis as if the credits had been transferred from an accredited institution.

Public and private high schools, trade or vocational schools, colleges and universities are included if they meet requirements of 1,2, or 3 above.

ELDERLY PERSON – A person who is at least 62 years of age. (1937 Housing Act)

ELDERLY FAMILY – A family whose head, spouse, or sole member is a person who is at least 62 years of age; or 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. 24CFR 5.403

ELIGIBLE IMMIGRATION STATUS – A non-citizen lawfully admitted to the U.S. either as a permanent or a temporary residency.

EVIDENCE OF CITIZENSHIP OR ELIGIBLE STATUS – Documents which must be submitted to evidence citizenship or eligible immigration status.

EXCESS MEDICAL EXPENSE – Any medical expense incurred by elderly families or families with disabilities in excess of 3% of Annual Income which are not reimbursable.

EXTREMELY LOW-INCOME FAMILY – A family whose annual income does not exceed 30% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

FAMILY – Includes but is not limited to: A family with or without children (the temporary absence of a child shall not be considered in determining family composition and family size); An elderly family; A near-elderly family; a disabled family; a displaced family; the remaining member of a tenant family; or a single who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family. Other persons who live regularly as a part of the family group (including members of a family temporarily absent) whose income

and resources are available for use in meeting the living expenses of the group may also be considered as part of a family. 24CFR 5.403

FLAT RENT- A rent amount a family may choose to pay in lieu of having their rent determined under the income method.

FULL-TIME STUDENT – A person who is attending school or vocational training on a full-time basis.

GROSS RENT (TOTAL TENANT PAYMENT)– The rent as determined by the PHA after the proper deductions have been allowed (e.g. 30% of adjusted income).

HEAD OF HOUSEHOLD – The adult member of the family who assumes legal and financial responsibility for the household for purposes of determining income eligibility and rent. 24 CFR 5.504(b)

HOUSEHOLD MEMBERS – All members of the household including members of the family, live-in aides, foster children, and foster adults.

HUD – Department of Housing Development

IMPUTED INCOME - HUD passbook rate x total cash value of assets. Calculation used when assets exceed \$5000.

IMPUTED WELFARE INCOME – The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction that is nonetheless included in a family's annual income for purposes of determining rent.

IN-KIND PAYMENTS – Contributions other than cash made to a family or a family member in exchange for services provided or for the general support of the family.

INCOME METHOD – A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted income or the minimum rent. Family's rent is calculated annually.

LHA – Livermore Housing Authority

LIVE-IN AIDE – A person who resides with one or more elderly persons, or near-elderly persons, or person 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. 24CFR 5.403(b)

LOWER INCOME FAMILY – A family whose annual income does not exceed 80% of median income as set by HUD's annual income limits for the area.

MEDICAL EXPENSES – Those medical expenses that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. A deduction for elderly and persons with disabilities. These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

MINIMUM RENT – Minimum total tenant payment (TTP) and not a minimum tenant rent (TR). The PHA has established \$50 as a minimum rent amount.

MIXED FAMILY – A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status. 24CFR 5.504(b)

MONTHLY ADJUSTED INCOME – 1/12 of Adjusted Income. 24CFR 5.603(d)

MONTHLY INCOME – 1/12 of Annual Income. 24CFR 5.603(d)

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

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 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. 24CFR 5.403(b)

NET FAMILY ASSETS – Net cash value after deducting reasonable costs incurred in disposing of real property, savings, stocks, bonds and other forms of capital investments.

NON-CITIZEN – A person who is neither a citizen nor national of the United States. 24CFR 5.504(b)

NON-CITIZEN STUDENT FAMILY – A non-citizen student who is admitted to the U.S. solely for the purpose of attending school. It includes the non-citizen spouse and children (regardless of the citizenship status of the children).

OCCUPANCY STANDARDS – The standards that the PHA establishes for determining the appropriate number of bedrooms needed to house families of different sizes and composition.

PERSONS WITH DISABILITIES – A person who has a disability, as defined in 42U.S.C.423. A person, pursuant to HUD regulations to have a physical, mental or

emotional impairment that is expected to of long-continued and indefinite duration; substantially impedes his or her ability to live independently; and is such nature that the ability to live independently could be improved by more suitable housing conditions.

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.

PRO-RATED ASSISTANCE – Assistance based upon the number of family members with eligible immigration status (i.e., given 2 families with equal members, a family with more eligible members would receive more assistance than a family with less eligible members.) 24CFR 5.520

PUBLIC HOUSING AGENCY (PHA) – A state, county, municipality, or other governmental entity or public body authorized to engage or assist in the development or operation of low-income housing under 1937 Housing Act. 24CFR 5.100

REMAINING MEMBER OF A RESIDENT FAMILY – A member of the family listed on the lease who continues to live in the public housing dwelling after all family members have left.

RESIDENCY PREFERENCE – A preference for admission of persons who reside in a specified geographic area.

RESIDENT – An individual or tenant family renting and occupying a public housing unit.

SECURITY DEPOSIT – Money given as a pledge to maintain the unit and pay rent. It can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SINGLE PERSON – A person living alone or intending to live alone.

SPECIFIED WELFARE BENEFIT REDUCTION – A reduction of welfare because of fraud in connection with the welfare program, or because of noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

SPOUSE – The marriage partner, either husband or wife, who must be divorced to dissolve the relationship.

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.

UNIT – Residential space for the private use of a family.

UTILITIES – Utilities are defined as water, electricity, gas, refrigeration and cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE – An amount equal to the estimate made or approved by the PHA or HUD 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 healthy living environment.
24CFR 5.603

UTILITY REIMBURSEMENT PAYMENT – 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.

VERY LOW INCOME – A family whose annual income does not exceed 50% of median income as set by HUD's annual income limits for the area.

VETERAN – Applicants whose head of household or spouse is a current member of the military, an honorably discharged veteran, or the surviving spouse of an honorably discharged veteran.

WAITING LIST – A list of families organized according to HUD regulations and PHA policy who are waiting for subsidy to become available.