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Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The **Housing Authority of Kansas City, Missouri** is referred to as "PHA" or "Housing Authority" or "HAKC" throughout this document.

The Public Housing Program was created by the U.S. Housing Act of 1937.

Administration of the Public Housing Program and the functions and responsibilities of the Public Housing Authority (PHA) staff will be in compliance with the Housing Authority of Kansas City's (HAKC) Personnel Policy and HAKC's Admissions and Continued Occupancy Policy (ACOP). The administration of the HAKC's housing program will also meet the requirements of the Department of Housing and Urban Development (HUD). Such requirements include any Public Housing Regulations, Handbooks, and applicable Notices. All applicable Federal, State and local laws, including Fair Housing Laws and regulations also apply. Changes in applicable federal laws or regulations will supersede provisions in conflict with this policy. Federal regulations will include those found in the Code of Federal Regulations (CFR) Volume 24, Parts V, VII and IX.

ABOUT THE AUTHORITY

The Housing Authority of Kansas City, Missouri (HAKC) was established on July 14, 1941 by city ordinance and mayoral appointment of a five member Board of Commissioners, in accordance with Missouri enabling legislation. World War II suspended the operation of HAKC in 1942 until 1946 when HAKC was reactivated to provide housing for returning veterans. Since then additional units have been added and the program has expanded to include low-rent units for other families. Through its Division of Housing Operations, the HAKC leases and manages apartment complexes: Riverview Gardens (1953), Theron B. Watkins (1954), Guinotte Manor (1955), Chouteau Court (1959), Wayne Miner (1962), West Bluff (1964), Brush Creek Towers (1973), Dunbar Gardens (1973), Pemberton Heights (1981) and single family houses located throughout the City of Kansas City, Missouri. HAKC's portfolio of housing units also includes mixed finance units to which this ACOP applies at Villa del Sol (1998), Cardinal Ridge (2001), Beacon Park (2011), Crooked Creek (2002), Mount Cleveland (2004) and Willow Glen Townhomes (2004) and Willow Glen Apartments (2007).

In 1977, the HAKC entered into its first Annual Contributions Contract (ACC) with HUD for the Section 8 Housing Assistance Payments Program. Since that time, HAKC, through its Section 8 Division, has entered into ACCs for the Section 8 Housing Choice Vouchers and Project Base Programs.

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Organizational Structure

The Housing Authority is a municipal corporation. HAKC has a mandate to provide decent, safe, sanitary and in good repair housing for low-income, disabled, and senior families.

The HAKC is governed by a Board of officials that are generally called “Commissioners.” The Board of Commissioners establishes policies under which the HAKC conducts calendar, and ensures that those policies are followed by HAKC staff. The Commissioners is responsible for preserving and expanding the agency’s resources and assuring the agency’s continued viability and success. Formal actions of the HAKC are taken through written resolutions, adopted by the Commissioners and entered into the official records of the HAKC.

The principal staff member of the Housing Authority of Kansas City is the Executive Director (ED), who is selected and hired by the Commissioners. The ED oversees the day to day operations of the HAKC and is directly responsible for carrying out the policies established by the Commissioners. The ED’s duties include hiring, training, and supervising the HAKC’s staff, as well as budgeting and financial planning for the agency. Additionally, the ED is charged with ensuring compliance with federal, state and local laws, and program mandates.

The Housing Authority staff is employed to perform the following functions: clean and ready units; maintain and manage physical properties; coordinate social, recreational, and educational programs and formulate policies, procedures and written agreements with residents, contractors, landlords, and related governmental agencies. A management office is maintained at the development sites. The Central HAKC administrative offices are located at 920 Main Street, Suite 701, Kansas City, Missouri 64105.

Description of Programs Offered

HAKC operates the following subsidized housing programs:

- Public Housing (PH) - Rental subsidies provided on properties owned, operated and maintained by HAKC.
- Housing Choice Vouchers (HCV) program (formerly Section 8) - Rental subsidies provided to low income families residing in privately owned properties. The rental subsidies are family-based and therefore allow mobility for the family.
- Project Based Housing Choice Vouchers (PBHCV) - Rental subsidies provided to low income families residing in privately owned

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properties. The subsidies are project-based rather than family-based and therefore there is no mobility.

- Mixed Finance - Rental subsidies provided on properties owned, managed, operated or maintained by HAKC or management firms. Subsidies vary based on the type of program in the mixed financed community- taxed credit, public housing, HCV project based, etc.

Legal Jurisdiction

HAKC is authorized to operate Public Housing within the corporate city limits of Kansas City, Missouri. For the HCV Program, the area of operation of the Housing Authority of Kansas City, Missouri is geographically defined as the Kansas City metropolitan area. The HAKC has cooperative agreements with the neighboring housing authorities of Independence, Liberty and Lee's Summit, Missouri.

A. HOUSING AUTHORITY OF KANSAS CITY'S MISSION STATEMENT

The mission of the Housing Authority of the City of Kansas City, MO is to provide access to good quality affordable housing and services to the underserved and to create viable communities.

Our organization is committed to teamwork that values integrity, initiative, innovation and trust. HAKC's goals are to maximize housing opportunities for eligible persons, to facilitate opportunities for self-sufficiency of the residents, and to create a team-based environment that promotes communication and development of all employees.

B. LOCAL OBJECTIVES

This Admissions and Continued Occupancy Plan (ACOP) for the Public Housing Program is designed to demonstrate that HAKC is managing its program in a manner that reflects its commitment to improving the quality of housing available to its public, and its capacity to manage that housing in a manner that demonstrates its responsibility to the public trust. In addition, this Admissions and Continued Occupancy Policy is designed to achieve the following objectives:

To provide improved living conditions for low income families while maintaining their rent payments at an affordable level.

To operate a socially and financially sound public housing agency that provides decent, safe, sanitary, and in good repair housing within a drug free, suitable living environment for tenants and their families.

To avoid concentrations of economically and socially deprived families in any one or all of the HAKC's public housing developments.

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To lawfully deny the admission of applicants, or the continued occupancy of residents, whose habits and practices reasonably may be expected to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood, or create a danger to HAKC's employees or communities.

To attempt to house a tenant body in each development that is composed of families with a broad range of incomes and rent-paying abilities that are representative of the range of incomes of low-income families in HAKC's jurisdiction.

To recognize that only through meaningful resident involvement and a resident-staff partnership can the HAKC accomplish its goals for comprehensive physical, management, and social revitalization. Therefore, HAKC will actively encourage and support resident participation in all aspects of the Authority's planning and operations.

To provide opportunities for upward mobility for families who desire to achieve self-sufficiency.

To facilitate the judicious and efficient management of HAKC's housing inventory and staff.

To ensure compliance with Title VI of the Civil Rights Act of 1964 and all other applicable Federal laws and regulations so that the admissions and continued occupancy are conducted without regard to race, color, religion, creed, sex, national origin, disability, sexual orientation or familial status.

To establish fair and equitable practices for selecting applicants to occupy housing units owned by HAKC.

To establish fair and reasonable procedures to govern the occupancy of housing in accordance with regulations of the U.S. Department of Housing and Urban Development (HUD).

To establish policies for items covered under federal regulations for the Public Housing Program.

To provide decent, safe, sanitary and in good repair housing for eligible participants.

C. PURPOSE OF THE POLICY

The purpose of this Admissions and Continued Occupancy Policy (ACOP) is to establish a statement of policies for staff to operate and manage the PH housing program in accordance with federal law, regulations and HUD requirements. This policy is required by HUD [CFR 24 Part 903]. HAKC's Board of Commissioners must approve the original policy and any changes to the policies. The approved document is provided to HUD with the submission of the HAKC Agency Plan.

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The ACOP contains policies and procedures that support the goals and objectives contained in the HAKC Agency Plan. All matters related to the public housing program not covered in the ACOP are governed by federal regulations, HUD handbooks and guidebooks, notices and applicable state and local laws. This policy is designed to ensure compliance with the Annual Contribution Contract (ACC). The HAKC is responsible for complying with all changes in HUD regulations pertaining to the public housing program. If HUD changes conflict with HAKC's ACOP, HUD regulations will take precedence. Where the ACOP uses the words "must" or "will" the action is mandatory. Where the Policy uses the words "may" or "should", the action is discretionary.

The ACOP will be made available in accordance to HUD regulations [CFR 24 Part 903]. All policy changes will be approved by the Board and communicated through official notices. It is understood that revised information may supersede, modify, or eliminate existing policies. The Executive Director is authorized to modify the procedural portions of the ACOP without Board approval in order to facilitate day-to-day program operations.

D. FAIR HOUSING POLICY

Nondiscrimination

It is the policy of HAKC to fully comply with all applicable Federal, State and local non-discriminatory law and to operate in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment, including but not limited to provisions under: Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, state and local Fair Housing laws, and any legislation protecting the individual rights of residents, applicants or staff which may be subsequently enacted.

HAKC will comply with all laws and court orders relating to civil rights, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.) and 24 CFR Part 1
- Fair Housing Act (42 U.S.C. §§3601-3631) and 24 CFR Parts 100, 108, and 110
- Executive Order 11063 on equal opportunity in housing and 24 CFR Part 107
- Executive Order 13166 on improving access to services for persons with limited English proficiency
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) and 24 CFR Part 8
- Age Discrimination Act of 1975 (42 U.S.C. §§6101-6107) and 24 CFR Part 146

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- Title II of the Americans with Disabilities Act (42 U.S.C. §§12131-12134), 28 CFR 35
- The Violence Against Women Act 2013
- Applicable HAKC court orders and consent decrees
- All applicable state and local laws and ordinances

HAKC will not discriminate because of race, color, sex, religion, sexual orientation, familial status (in non-elderly designated housing), disability, or national origin in the leasing, rental, or other disposition of housing or related facilities, including land, included in any development or developments under its jurisdiction.

HAKC will not take any of the following actions on account of race, color, sex, religion, familial status, disability, sexual orientation or national origin:

- Deny to any family the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs.
- Provide housing that is different than that provided to others except as approved reasonable accommodations
- Subject a person to segregation or disparate treatment.
- Restrict a person's access to any benefit enjoyed by others in connection with any program operated by the Housing Authority.
- Treat a person differently in determining eligibility or other requirements for admission except as approved reasonable accommodations
- Deny a person access to the same level of services.
- Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the public housing program.

HAKC will not automatically deny admission to a particular group or category of otherwise eligible applicants (e.g. families with children born to unmarried parents or elderly pet owners). Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

HAKC will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, HAKC will make such physical or procedural changes as will reasonably accommodate people with disabilities.

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HAKC records with respect to applicants for admission will indicate for each application the date of receipt, the determination of eligibility or non-eligibility, the preference rating if any, and the date, location, identification, and circumstances of each vacancy offered and whether that vacancy was accepted or rejected. The HAKC may use an electronic format.

HAKC will identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504, and the Fair Housing Amendments Act of 1988,

HAKC will make structural modifications to its housing and non-housing facilities (required, 24 CFR §§8.21, 8.23, 8.24, and 8.25) and make reasonable accommodations in its procedures or practices (required, 24 CFR §100.204) to permit people with disabilities to take full advantage of HAKC's programs and services.

1. In making existing housing programs (see 24 CFR §8.24) or alterations to existing facilities (see 24 CFR §8.23(b)) to be readily accessible to and usable by individuals with handicaps, HAKC is not required to:
 - (a) Make each of its existing facilities accessible (24 CFR §8.24(a)(1)), or make structural changes when other methods can be demonstrated to achieve the same effect; (24 CFR §8.24 (b))
 - (b) Make building alterations that require the removal or altering of a load-bearing structural member; (24 CFR § 8.32 (c))
 - (c) Provide an elevator in any multifamily housing development solely for the purpose of locating accessible dwelling units ("units") above or below the accessible grade level; or (24 CFR § 8.26)
 - (d) Take any action that results in a fundamental alteration in the nature of the program or results in undue financial and administrative burdens. (24 CFR § 8.24(a)(2))
2. When HAKC is making substantial alterations (defined in 24 CFR § 8.23 as alterations to a development that has 15+ units and the cost is 75% or more of the replacement cost of the completed facility) to an existing housing facility, HAKC is not required to:
 - (a) Provide an elevator in any multifamily housing development solely for the purpose of locating accessible units above or below the accessible grade level; (24 CFR §8.26)
 - (b) Make building alterations that require the removal or altering of a load-bearing structural member; or (24 CFR §8.32 (c))

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(c) Make structural alterations to meet minimum accessibility requirements where it is structurally impracticable. “Structural impracticability” is defined as: Changes having little likelihood of being accomplished without removing or altering a load-bearing structural member and/or incurring an increased cost of 50% or more of the value of the element of the building or facility involved. (24 CFR §8.32(c)) and Appendix A to Part 40, Uniform Federal Accessibility Standards (UFAS) 3.5 and 4.1.6(3))

3. Note that the undue burdens test above is not applicable to housing undergoing substantial alteration.

HAKC will not permit these policies to be subverted to do personal or political favors. HAKC will not offer units in an order different from that prescribed by this policy, since doing so violates the policy, federal law, and the civil rights of the other families on the waiting lists.

Affirmative Marketing

As conditions may require, HAKC will post notices of housing availability in particular neighborhoods or developments to encourage fuller participation. HAKC may issue public announcements of availability to encourage applications for assistance. Among the marketing efforts HAKC may engage in depending on the situation are the following:

- Send informational spots to local media outlets such as radio stations, cable TV, newspapers, or other periodicals for broadcast or publication.
- Special outreaches to minorities, persons with disabilities and very low-income families.
- Distribute pamphlets and brochures.
- Post notices in places of employment, unemployment offices, welfare offices, post offices, grocery stores, churches, community halls, public transportation centers, and with other agency community service providers.
- Conduct outreach to organizations that assist people with disabilities, the elderly, students, immigrants, and victims of domestic violence.

HAKC will monitor the benefits received as a result of the above activities, and will increase or decrease the outreach activities accordingly.

To reach minority groups, it may be necessary to canvas neighborhoods or make mass mailing to areas with heavy concentration of minority citizens. If language is a problem, brochures may be printed in other languages as required.

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Operations

In order to further the objectives of nondiscrimination, HAKC will:

- Include in the admissions briefings for all HAKC programs a section on compliance with Civil Rights laws. The briefings will explain to all participants what should be done if they believe they have been discriminated against.
- Prominently display Fair Housing posters in every development's office owned by HAKC and in HAKC's administrative offices. Such posters will be posted in such a manner as to be easily readable from a wheelchair.
- Use the Equal Housing Opportunity logo and/or statement in all advertising and in all marketing publications of HAKC. HAKC will be particularly conscious of human models used in its publications so as to avoid signaling any sense of discrimination.
- HAKC shall maintain a TDD/TTY machine or access to a TDD/TTY for the use of the hearing impaired. HAKC shall use the telecommunications relay service through the local service provider. The Relay number is 711 for TDD/TTY.

HAKC Policy

The HAKC will provide meaningful access to its programs and activities by persons with Limited English Proficiency (LEP). In accordance with federal guidelines, the HAKC will make reasonable efforts to provide or arrange free language assistance for its LEP clients, including applicants, recipients and/or persons eligible for public housing and Section 8/ Housing Choice Vouchers.

As many publications as feasible will be printed both in English or any other languages commonly spoken within the HAKC. HAKC will try to employ staff with bi-lingual language capabilities both in English or any other languages commonly spoken within the HAKC or maintain a relationship with agencies that can perform the service.

E. SERVICE AND ACCOMMODATIONS POLICY

This policy is applicable to all situations described in this Admissions and Continued Occupancy Policy when a family initiates contact with HAKC, when HAKC initiates contact with a family including when a family applies, and when HAKC schedules or reschedules appointments of any kind.

It is the policy of HAKC 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

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to the families within our jurisdiction.

HAKC'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 HAKC forms and letters to all families, and all requests will be verified so that the HAKC can properly accommodate the need presented by the disability. HAKC's strategy is to achieve the attainable goals in the simplest manner possible, with the least expense, while complying with the Public Housing requirements and regulations.

Federal Americans with Disabilities Act of 1990 and Section 504

With respect to an individual, the term "disability," as defined by the 1990 Act means:

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

Undue Hardship

When making a determination, HAKC will view all resources and programs administered by the agency. 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 administrative burden" for HAKC, meaning an action requiring "significant difficulty or expense."

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

- The nature and cost of the accommodation needed;
- And the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation.

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

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

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Interpretation for Visual or Audible Impairments

Documents intended for use by applicants and residents will be made available in formats accessible for those with vision or hearing impairments in compliance with the Fair Housing Act, 24 CFR 8.6 (a) (2) or equally effective communication systems.

Other Accommodations

Qualified families will be offered an accessible unit, upon request by the family, when an accessible unit is available. Due to the limited number of accessible units, HAKC will offer vacant accessible units with features for person with disabilities as follows:

1. First, to a current occupant of another unit of the same development who requires the accessible features of the vacant, accessible unit and is occupying a unit not having the features;
2. Second, if there is no current resident in the same development that requires the accessible features of the vacant unit, then it will be offered to a resident with disabilities residing in another development under HAKC's control, who has a disability that requires the special features of the vacant accessible unit;
3. Third, if there is no current resident who requires the accessible features of the vacant, accessible unit, then the vacant accessible unit will be offered to an eligible qualified applicant with disabilities on the waiting list who can benefit from the accessible features of the available, vacant, accessible unit;
4. Fourth, if there is not an eligible qualified resident or applicant with disabilities on the waiting list who wishes to reside in the available, accessible unit, then the HAKC will offer the available accessible unit to an applicant on the waiting list who does not need the accessible features of the unit. However, the HAKC may require the applicant to execute a lease that requires the resident to relocate, at the HAKC's expense, to a non-accessible unit within thirty (30) days of notice by the HAKC that there is an eligible applicant or existing resident with disabilities who requires the accessibility features of the unit. *See* 24 CFR § 8.27. Although the regulation does not mandate the use of the lease provision requiring the nondisabled family to move, as a best practice, HUD strongly encourages recipients to incorporate it into the lease, which is included by reference in the ACOP. By doing so, the HAKC may not have to retrofit additional units because accessible units are occupied by persons who do not need the features of the units. In addition, making sure that accessible units are actually occupied by persons who needing the features will make recipients better able to meet their obligation to ensure that their program is usable and accessible to persons who need units with accessible features. *See* 24 CFR 8.20. Before occupying with an able-body in the unit, the HAKC will over-house a disabled family qualifying for the unit, with the understanding that they will move to an appropriate sized accessible unit when one becomes available.

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Plain Language Paperwork

Documents intended for use by applicants and residents will be presented in accessible formats for those with vision or hearing impairments and they will be written simply and clearly to enable applicants and residents with learning or cognitive disabilities to understand as much as possible. All such requests for accommodation may be in accordance with HAKC's Reasonable Accommodation Policy.

Form of Communication Other Than Plain Language Paperwork

At the point of initial contact, HAKC staff shall ask all applicants whether they need some form of communication other than plain language paperwork. Some alternatives might include: sign language interpretation, having materials explained orally by staff either in person or by phone, large type materials, information on tape, interpret and having someone (friend, relative, or advocate) accompany the applicant to receive, interpret and explain housing materials. The HAKC will attempt to provide sign language interpreters for the hearing impaired, if the need arises.

F. REQUESTS FOR REASONABLE ACCOMMODATIONS

The HAKC is dedicated to providing housing benefits through the public housing program and, in doing so, it prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, sexual orientation and disability, consistent with the United States Fair Housing Act, 42 U.S.C. sections 3601-3619 and Section 504 of the Rehabilitation Act of 1973, as amended.

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The HAKC recognizes the following terms and definitions:

1. The HAKC considers a person with a **“disability”** to include: (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such impairment; and (3) individuals with a record of such impairment.
2. The term **“physical or mental impairment”** includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, Human Immunodeficiency Virus infection, cancer, heart disease, diabetes, intellectual disabilities, emotional illness (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.
3. The term **“substantially limits”** suggests that the limitation is “significant” or “to a large degree.”
4. The term **“major life activity”** means those activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, and speaking. This list of major life activities is not exhaustive.
5. The term **“reasonable accommodation”** is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.

The HAKC is committed to making reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities with an equal opportunity to use and enjoy a dwelling. The HAKC will consider that a person is requesting a reasonable accommodation when that person makes it clear that he/she is requesting an exception, change, or adjustment to a rule, policy, or practice, or service because of a disability, regardless of whether the request is made verbally or in writing. Upon receipt of a request for a reasonable accommodation, the HAKC will engage the person in dialogue to discuss what type of accommodation he/she is requesting and, if the need for the accommodation is not readily apparent or not known to the HAKC, the requester will be asked to explain the relationship between the requested accommodation and his/her disability.

In order to show that a requested reasonable accommodation may be necessary, there must be an identifiable relationship or nexus between the requested accommodation and the individual’s disability. The HAKC is entitled to obtain information necessary to evaluate if a requested reasonable accommodation may be necessary due to a disability.

If a requester’s disability is known or otherwise obvious and if the need for the requested accommodation is readily apparent or known, then the HAKC will NOT seek any additional information about the requester’s disability or the disability-related need for the accommodation.

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If the requester's disability is known or readily apparent to the HAKC, but the need for the requested accommodation is NOT readily apparent or known, the HAKC will only request information that is necessary to evaluate the disability-related need for the information.

The HAKC does not ordinarily inquire into the nature and severity of an individual's disability; however, in response to a request for a reasonable accommodation the HAKC may request reliable disability-related information that (1) is necessary to verify that the requester meets the Act's definition of disability (i.e., has a physical or mental impairment that substantially limits one or more major life activity), (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation.

In many circumstances the requester may be able to verify the disability with information (e.g., proof that an individual under the age of 65 years of age receives either Supplemental Security Income or Social Security Disability Insurance benefits or a credible statement by the individual). In addition, a doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third-party who is in a position to know about the requester's disability, may also be asked to provide verification of a disability.

The HAKC will maintain such information confidential and it will not be shared with anyone unless the person needs the information to make or assess the decision to grant or deny a request for the accommodation, the continuation of an accommodation or unless disclosure is otherwise required by law.

Application, Screening, and Leasing Process

All prospective applicants for housing benefits are provided an opportunity to inform the HAKC of their need for a reasonable accommodation at the preliminary application.

If an applicant who is an individual with a disability requires assistance in completing his/her preliminary application, he or she will receive assistance from a HAKC staff.

The need for a reasonable accommodation is documented in the preliminary application.

Applicants selected from the HAKC wait list are required to participate in a formal screening session. During this process, applicants are provided an opportunity to inform the HAKC of a need for a reasonable accommodation. This is documented on the HAKC Formal Application.

Applicants are asked to specify what types of accommodations are needed. The HAKC reserves the right to ask the applicant to verify their disability and the need for the requested accommodation.

If during the screening process, an applicant, as a result of his or her disability, is unable to provide requested information by any deadline given, or where the applicant provides information which is incomplete because of his or her disability, HAKC will offer the

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applicant assistance by offering to contact a verifier (i.e., physician, caseworker, attorney, etc.). If HAKC is still unable to verify the need for a reasonable accommodation or is unable to obtain the necessary information, the applicant will be provided an opportunity to submit a request for reasonable accommodation on his/her behalf, and identify and document the difficulties he/she has experienced in obtaining the requested documentation. All actions performed by HAKC to assist the applicant to obtain the necessary information will be properly documented and retained in the screening file (as applicable). If the information from the applicant and the documentation provided and/or any other relevant circumstances that are documented are acceptable, HAKC will proceed with the screening process.

Current Residents

A current resident may make a request for a reasonable accommodation at any time during their residency. It is preferred that all requests be made in writing; however, in cases when residents are unable to submit a written request, HAKC will offer appropriate assistance with documenting the request. After the initial request, HAKC will conduct an interview with the resident to gather necessary facts related to the resident's request for reasonable accommodations. The resident must provide the HAKC with enough information in order to properly review the request for a decision and verify the need for a reasonable accommodation. As mentioned above, the HAKC may need to request additional information from a professional and/or physician, etc.

Once a request for a reasonable accommodation is verified then HAKC will then analyze the request to determine whether the request can be granted or whether it will be denied. Provided the verification demonstrates a disability-related need for the requested accommodation the HAKC will grant the request, unless the request is unreasonable, i.e., if the request would impose an undue financial and administrative burden on the HAKC or it would fundamentally alter the nature of the HAKC's operations. In cases where the request is denied because it is unreasonable HAKC will engage the requester in an interactive process in which HAKC and the requester discuss the requester's disability-related need for the requested accommodation and possible alternative accommodations.

Once a requester's request for a reasonable accommodation has been verified and approved, the HAKC will make every effort to meet the request for accommodation within the current existing unit. If the request for reasonable accommodation cannot be achieved within the existing unit and a transfer is necessary, the requester will be provided a "Transfer Request Form" to complete and the requester will be placed on the transfer waiting list. The HAKC will process this request for reasonable accommodation through the approved transfer process contained within the HAKC's Admissions and Continued Occupancy Plan, (ACOP). The HAKC's housing stock is reviewed to see what properties are available that meet the request for a reasonable accommodation. Persons with disabilities are given priority status on the transfer waiting list.

G. IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED

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ENGLISH PROFICIENCY (LEP)

Overview

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the public housing program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published January 22, 2007 in the *Federal Register*.

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

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

In order to determine the level of access needed by LEP persons, the PHA will balance the following four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the public housing program;
- The frequency with which LEP persons come into contact with the program;
- The nature and importance of the program, activity, or service provided by the program to people's lives; and
- The resources available to the PHA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the PHA.

Oral Interpretation

In a hearing, or situations in which health, safety, or access to important benefits and services are at stake, the PHA will generally offer, or ensure that the family is offered through other sources, competent interpretation services free of charge to the LEP person.

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HAKC Policy

The HAKC will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. “Reasonable steps” may not be reasonable where the costs imposed substantially exceed the benefits. Where feasible, the HAKC will train and/or hire bilingual staff or contract for services to be available to act as interpreters and translators, will pool resources with other PHA’s, and will standardize documents. Where feasible and possible, the PHA will encourage the use of qualified community volunteers.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the PHA. The interpreter may be a family member or friend.

Written Translation

Translation is the replacement of a written text from one language into an equivalent written text in another language.

HAKC Policy

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

1. The HAKC will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
2. If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the HAKC may not translate vital written materials, but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.
3. These “safe harbor” provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP persons through competent oral interpreters where oral language services are needed and reasonable.
4. HAKC will use the written documents supplied by HUD, whenever possible. All documents will be clearly marked “For Informational Purposes Only”. All documents that will be executed for the files and program requirements will be in English.

Effective: February 12, 2018



Implementation Plan

After completing the four-factor analysis and deciding what language assistance services are appropriate, the HAKC will determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

If the HAKC determines that it is not necessary to develop a comprehensive written implementation plan, the absence of a comprehensive written plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to the HAKC's public housing program and services.

HAKC Policy

The HAKC will notify (Post on bulletin Boards and insert in application and recertification materials) applicants and residents of the HAKC LEP program. The notification will encourage families to communicate language needs to the HAKC in order for language assistance and materials to be made available.

When it is determined the HAKC serves LEP persons, and the HAKC has limited resources, the HAKC is in the process of developing a written LEP at this time, and will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. When HAKC determines that it serves or is under-serving LEP persons because of language barriers and HAKC has the available resources, the HAKC will create a LEP. HAKC will use entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants and participants. These entities will be contacted for input into the process.

When the HAKC determines it is appropriate to develop a written LEP, the following five steps will be taken:

- Identifying LEP individuals who need language assistance;
- Identifying language assistance measures;
- Training staff;
- Providing notice to LEP persons; and
- Monitoring and updating the LEP.

H. PUBLIC HOUSING MANAGEMENT ASSESSMENT SYSTEM (PHAS) OBJECTIVES [24 CFR 902]

Effective: February 12, 2018



HAKC operates its public housing program with efficiency and can demonstrate to HUD or independent auditors that HAKC is using its resources in a manner that reflects its commitment to quality and service. HAKC policies and practices are consistent with the new Public Housing Assessment System (PHAS) outlined in the 24 CFR Part 902 final published regulations.

HAKC is continuously assessing its program and consistently strives to make improvements. The HAKC acknowledges that its performance ratings are important to sustaining its capacity to maintain flexibility and authority. HAKC intends to diligently manage its current program operations and continuously make efforts to be in full compliance with PHAS. The policies and procedures of this program are established so that the standards set forth by PHAS are demonstrated and can be objectively reviewed by an auditor whose purpose is to evaluate performance.

I. FAMILY OUTREACH

HAKC will publicize and disseminate information to make known the availability of housing units and housing-related services for low-income families on a regular basis.

HAKC will communicate the status of housing availability to other service providers in the community.

HAKC will advise them of housing eligibility factors and guidelines in order that they can make proper referrals for those who seek housing.

HAKC will accept referrals from local providers for available housing. HAKC will determine housing eligibility factors of the applicants.

J. QUALITY HOUSING AND WORK RESPONSIBILITY ACT (QHWRA)

HAKC will comply with the Quality Housing and Work Responsibility Act of 1998 (QHWRA). QHWRA amends the Housing Act of 1937.

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K. FEDERAL PRIVACY ACT

HAKC's practices and procedures are designed to safeguard the privacy of applicants and residents.

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

HAKC's policy regarding release of information is in accordance with State and local laws that may restrict the release of family information.

HAKC will also require other releases in order to obtain the necessary verification. Files will never be left unattended or placed in common areas and kept under lock and key when not being used.

Any and all information which would lead one to determine the nature and/or severity of a person's disability will not be placed in applicant or tenant files, but must be returned or destroyed. The personal information will be reviewed by the authorized HAKC representative, review of documents will be noted in the file and the originals will be returned to the applicant/tenant. If there is a need to maintain this information, it must be kept in a separate folder and marked "confidential". The personal information must not be released except on an "as needed" basis in cases where an accommodation is under consideration.

HAKC staff will not discuss or access family information contained in files unless there is a valid reason to do so. Staff will be required to disclose whether s/he has relatives living in Public Housing or assisted housing. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

L. POSTING OF REQUIRED INFORMATION

HAKC will maintain bulletin Boards in conspicuous areas of the Administrative Office and the individual site development offices. The bulletin Boards will contain:

- Statement of policies and procedures governing Admission and Continued Occupancy Policy (ACOP)
- Information on application intake
- Directory of HAKC's housing sites including names, address of offices and office hours at each facility
- Income limits for admission

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- Current schedule of routine maintenance charges
- A copy of the lease
- HAKC's grievance procedures
- A Fair Housing Poster
- An Equal Opportunity in Employment poster
- Current Resident Notices
- Required public notices
- Security Deposit Charges
- Schedule of Utility Allowances (if applicable)
- Flat Rent Schedule
- Limited English Policy (LEP)
- Recent PHAS scores
- Smoke Free Policy
- Board of Commissioners Meeting Notices and Agenda
- Any court requirements
- Reasonable Accommodation Policy
- Notice of Access to review HAKC's Trespass List



Chapter 2

APPLYING FOR ADMISSION

INTRODUCTION

The policy of HAKC 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 on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but HAKC will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Policy.

A. HOW TO APPLY

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

Public Housing and HCV applications are accepted at the central intake area at 299 Paseo Blvd, Kansas City, MO., Monday through Friday between the hours of 8:30 a.m. and 11:30 a.m.; and all public housing properties. A list of public housing properties may be obtained on HAKC's website, www.hakc.org. Applicants may identify up to three (3) property selections for possible residency. HAKC property information will be provided for applicant review.

The application process will involve two phases.

1. The first is the initial application for admission, referred to as the preliminary application. The preliminary application is dated and time stamped and is keyed to the computerized Waiting List management system to secure a place on the Waiting List in accordance with the date and time order, and preference, if claimed. HAKC will assume that the facts certified by the applicant in the preliminary application are correct, although all those facts will be verified later in the application process.
2. The second phase is the final determination of eligibility referred to as the "full application." The full application takes place when the family approaches the top of the Waiting List and is notified to come in for an interview. At this time, HAKC verifies that all HUD, State, local, and HAKC eligibility factors are current in order to determine the family's eligibility before an offer of a suitable unit is made.

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B. APPLICATION PROCEDURES

HAKC will utilize a preliminary application form for the initial application. Pre-applications and applications may be taken over the phone for Out of State applicants or for purposes of reasonable accommodations. Pre-applications may be taken over the internet after HAKC provides the system on their website at www.hakc.org.

Other translations of the pre-application may be available for individuals needing additional assistance or interpretation of the document.

Applicants will automatically be placed on both wait lists unless they otherwise state.

At a minimum, the preliminary application will contain questions designed to obtain the following information:

- Names of head of household, spouse/co-head
- Names of all members and age of all members
- Number of family members (used to estimate bedroom size needed)
- Street address and phone numbers
- Mailing address (If PO Box or other permanent address)
- Annual income
- Source(s) of income received by household members
- Information regarding request for reasonable accommodation or for accessible unit
- Social Security Numbers
- Race/ethnicity
- Questions regarding previous participation in HUD programs
- Preferences
- Site-based selection

Duplicate applications, including applications from a segment of an applicant household, will not

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be accepted.

Preliminary applications will not require interviews. Information on the application will not be verified until 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 HAKC in writing of changes in family composition, income, and address. NOTE: “in writing” may be in the form of an email. Applicants are also required to respond to requests from HAKC to update information on their application, or to determine their continued interest in assistance.

Corrections, updates, or changes on applications will be documented in writing or in email. Obsolete information on paper forms of applications will be lined through and documented as to its obsolescence, initialized and dated by the employee making such changes, or by the applicant, if such change is made by the applicant him/herself.

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

When the applicant nears the top of the waiting list, HAKC will then utilize a full application form.

Applications will require an interview and information on the application will be verified prior to admission. Final eligibility will be determined when the full application process is completed and all information is verified.

C. PREFERENCE DEFINED

An admission preference does not guarantee admission. Preferences establish the order of placement on the waiting list. Every applicant must still meet HAKC’s Selection Criteria before being offered a unit.

There are factors other than preferences that affect the selection of applicants from the waiting list before applying its preference system; HAKC will match the characteristics of the available unit to the applicants available on the waiting list. Unit size, accessibility features, or types of development limit the admission of families to households whose characteristics “match” the vacant unit available. By matching unit and family characteristics, families lower on the waiting list may receive an offer of housing before families with an earlier date and time of application or families with a higher preferences (e.g. the next unit available is an accessible unit and the only applicant family needing such features is in the non-preference pool, i.e. having no preference). Factors other than the preference system that affect applicant selection are described below.

The Housing Authority will select families based on the following preferences within each

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bedroom size category and on our local housing needs and priorities.

When selecting a family for a unit with **accessible features**, HAKC will give a preference to families that include persons with disabilities who can benefit from the unit's features.

If no family needing accessible features can be found for a unit with such features, HAKC will house a family not needing the unit features, but a non-disabled family in an accessible unit will be required to move as soon as a disabled family or a family with a disabled member is identified and needs the unit.

When selecting a family for a unit in housing designated for elderly families, or disabled families, if any, HAKC will give a priority to elderly or disabled families.

- When selecting a family for a unit in a property that houses elderly and disabled families, as opposed to a general occupancy development that houses non-elderly families as well, HAKC will give equal priority to elderly families and disabled families.
- When selecting a single person at a Mixed Population development, elderly, disabled, or displaced single persons have priority over other singles. Single applicants who are not elderly, disabled or displaced are eligible but will only be admitted after all elderly or disabled families or single displaced persons have been offered units.

Preferences will be granted to applicants who are otherwise qualified and who, at the time of the unit offer (prior to execution of a lease); meet the definitions of the preferences described below.

Preference Category

Preference #1: Working, Elderly, Disabled, Veterans - An application in which the head of household or spouse is considered working; elderly (62 year or older); disabled; or veteran. Applicants who do not qualify for the preference; date and time of application will prioritize applicants.

Preference as further defined:

1. Working Head of Household

An application in which the head of household is considered working in a long-term full-time or part-time employment capacity in accordance with the following:

- (a) Any head of household or spouse legally employed by an employer in a full-time capacity. The head of household must work for wages, commissions or other consideration of value. The head of household must demonstrate full-time

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employment for, at least, six (6) consecutive months of the preceding twelve (12) months prior to the date of the pre-application or the date of formal application, except for mitigating circumstances, such as, lay-off, calendar closure, or regular seasonal employment, such as construction or teaching. Full-time employment must be an average of thirty-two (32) hours per week. It must be apparent that the full-time employment is not of a temporary nature, and the head of household must anticipate such continuous employment prior to the date of the application. Individuals working through temporary or staffing agencies must demonstrate the prescribed time criteria in work assignments. Self-employed individuals would not qualify for this Local Preference unless the head of the household were able to demonstrate one full year of self-employment prior the date of application; or

- (b) Long-term Part-time Employment. Any head of household or spouse legally employed in a long-term part-time capacity. The head of household must work for wages, commissions or other consideration of value and have been so gainfully employed for, at lease, six (6) consecutive months prior to the date application (if admitted within sixty (60) days of the pre-application) or the date of placement (in all other cases) except for mitigating circumstances, such as, lay-off calendar closure, or regular seasonal employment, such as construction or teaching. Part-time employment must be an average of twenty (20) hours per week. It must be apparent that the part-time employment is of a continuous, as opposed to a temporary nature, and the head of household must anticipate such continuous employment after the date of application. Individuals working through temporary or staffing agencies must demonstrate the prescribed time criteria in work assignments. Self-employed individuals would not qualify for this preference unless the head of the household were able to demonstrate one full year of self-employment prior to the date of application; or

2. **Elderly Families Preference**

Any head of household, age 62 or older.

3. **Disability Preference** (24 CFR 982.207)

A person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423), who has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act [U.S.C. 6001(7)], or has a disability as determined by HUD regulations at 24 CFR 5.403 and 8.3.

A person diagnosed to have HIV is considered a disabled person.

In accordance with Section 223 of the Social Security Act, an individual shall not be considered to be disabled where alcoholism or drug addiction are contributing factor material to the determination that the individual is disabled.



4. Veteran

An applicant head, spouse or co-head who was discharged under honorable conditions from the U.S. Military.

An applicant head, spouse or co-head who has served in a branch of the United States armed forces 180 days of regular active duty service and a last discharge or release under honorable conditions. Such member does not need to have any wartime service; or 90 days of active duty service, one (1) day of which is during "wartime", and a last discharge or release under honorable conditions. The one-day need not have actually been served in a war zone.

Preference #2: Housing Factor

Preference as further defined:

1. Involuntarily Displaced - Involuntarily displaced persons are applicants not living in standard, permanent replacement housing. The applicant is or will be involuntarily displaced if she or he have or will vacate the unit in which he or she resides because of one of the following circumstances:
 - (a) Disaster – The unit is uninhabitable because of a disaster such as fire or flood.
 - (b) Government Action – The family has been forced from the home by government action (Federal, State or local) such as code enforcement, public improvements or development program.
 - (c) Action of the Housing Owner – Action by a housing owner which is beyond an applicant's ability to control despite the applicant having met all previous conditions of occupancy, and is other than a rent increase.
 - (d) Domestic Violence – There is actual or threatened physical violence directed against one or more of the family members by another member of the same household.
 - (e) Reprisals – A member of the family is providing information on criminal activity to a law enforcement agency (federal, State, or local). The agency has conducted a threat assessment and recommends that the family be re-housed. NOTE: HAKC will require a copy of a letter from a law enforcement agency certifying to the threat assessment and recommendation for re-housing.
 - (f) Hate Crimes – A member of the family has been a victim of one or more hate crimes, AND the family has vacated a housing unit because of this crime; OR the fear associated with the crime has destroyed the peaceful enjoyment of the unit.

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- (g) Inaccessible Unit – A member of the family has a mobility impairment that makes the person unable to use critical elements of the current housing unit; AND the owner is not legally obligated to make changes to the unit that would make these critical elements accessible to the family member with the disability.
- (h) HUD Disposition of Multifamily Project – A unit converted to non-residential use, a unit or building closed for rehabilitation, sale of a building requiring unit(s) to be made vacant, a unit taken off the rental market by the owner, and disposition of a multifamily rental property HUD.

SPECIAL PREFERENCE for SCATTERED-SITES

An applicant must be able to comply with seasonal, utility, and maintenance requirements to be considered for scattered site housing. This special preference is limited to new public housing applicants who applied and selected scattered site housing under the site-based preference policy and to residents of the conventional public housing developments. The special preferences for applicants on the scattered site base preference list as follows:

1. Special Preference #1: Working 24 Months, Elderly and Disabled
 - (a) Elderly and Disabled Families. Any head of household, age 62 or older or receiving social security disability, supplemental security income (SSI) disability benefits, or any other payments based on an individual's inability to work.
 - (b) Working Head of Household. An applicant where the head of household is considered working in a long-term full-time or part-time capacity or an approved job training capacity in accordance with the following:

Any head of household legally employed by an employer in a full-time capacity.

- The head of household must work for wages, commissions or other consideration of value and have been so gainfully employed after the date of application. The head of household must demonstrate full-time employment for, at least, 24 consecutive months prior to the date of the pre-application and the date of placement except for mitigating circumstances, such as, lay-off, calendar closure, or regular seasonal employment, such as construction work or teaching. The time period for change of employment due to mitigating circumstances is 30 days between full time employments.

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- Full-time employment must be an average of thirty-two (32) hours per week.
- It must be apparent that the full-time employment is not of a temporary nature, and the head of household must anticipate such continuous employment prior to the date of the application.
- Self-employed individuals would not qualify for this special preference unless the head of the household is able to demonstrate 24 months of self-employment prior the date of application; or

(c) Long-term Part-time Employment

Any head of household legally employed in a long-term part-time capacity. The head of household must:

- Work for wages, commissions or other consideration of value; and
- Have been so gainfully employed for 24 months prior to the date of application or the date of placement (in all other cases), except for mitigating circumstances, such as lay-off calendar closure, or regular seasonal employment, such as construction or teaching work. The time period for change of employment due to mitigating circumstances is 30 days between full-time employments.
- Part-time employment must be an average of twenty (20) hours per week. It must be apparent that the part-time employment is of a continuous, as opposed to a temporary nature, and the head of household must anticipate such continuous employment after the date of application.
- Self-employed individuals would not qualify for this special preference unless the head of the household was able to demonstrate on 24 months of self-employment prior to the date of application and placement.

2. Special Preference #2: Working 12 Months

(a) Working Head of Household

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- An applicant where the head of household is considered working in a long-term full-time or part-time capacity or an approved job training capacity in accordance with the following:
- Any head of household legally employed by an employer in a full-time capacity. The head of household must work for wages, commissions, or other consideration of value and have been so gainfully employed after the date of application.
- The head of household must demonstrate full-time employment for, at least, 12 consecutive months prior to the date of the pre-application and the date of placement except for mitigating circumstances, such as, lay-off, calendar closure, or regular seasonal employment.
- The time period for change of employment due to mitigating circumstances is 30 days between full-time employments.
- Full-time employment must be an average of thirty-two (32) hours per week.
- It must be apparent that the full-time employment is not of a temporary nature, and the head of household must anticipate such continuous employment prior to the date of the application.
- Self-employed individuals would not qualify for this special preference unless the head of the household is able to demonstrate one full year of self-employment prior the date of application; or

(b) Long-term Part-time Employment

Any head of household legally employed in a long-term part-time capacity. The head of household must work for wages, commissions or other consideration of value and have been so gainfully employed for, at least, 12 consecutive months prior to the date of pre-application except for mitigating circumstances, such as, lay-off calendar closure, or regular seasonal employment.

- Part-time employment must be an average of twenty (20) hours per week.
- It must be apparent that the part-time employment is of a continuous, as opposed to a temporary nature, and the head of

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household must anticipate such continuous employment after the date of application.

- Self-employed individuals would not qualify for this Special Preference unless the head of the household was able to demonstrate on 12 months of self-employment prior to the date of application and placement.

All Other Applicants

The Housing Authority will select all other applicants on the Special Preference Scattered-Site list according to local preference. Therefore, applicants who qualify under Special Preference #1 and #2 are housed first then the other applicants under the local preference.

Notice and Opportunity for a Meeting

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

HAKC will provide a notice that an applicant does not qualify for a preference containing a brief statement of the reasons for the determination, and that the applicant has or may meet with HAKC's designee to review the determination.

Federally Declared Disaster Victim (HAKC may implement through Board Action- if area designated as federal disaster)

A family participating in the public housing program from a jurisdiction declared by the President as a federal disaster area. A disaster that occurred 180 days or more before the date of application is not entitled to this preference.

Elderly/Disabled Preference and Designation

When selecting a single person at a mixed population development; elderly, disabled or displaced single persons will have priority over single persons who are not elderly, disabled or displaced, regardless of other preferences. Single applicants who are not elderly, disabled or displaced can only be admitted after all elderly or disabled families or single displaced persons have been offered units.

In the designated elderly only developments, new admission priority will be given to elderly families that qualify for the unit over non-elderly families. If no elderly families are on the waiting list, then the HAKC will prioritize the "near elderly" for the development in accordance with the elderly only designation plan.

Properties designated for disabled families: Disabled families will receive a priority for

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admission to units or buildings covered by a HUD-approved Designation Plan. Designation of housing for the elderly or disabled requires a designated housing plan approved by HUD.

Accessible Units (See Chapter 1- Other Accommodations)

Qualified families will be offered an accessible unit, upon request by the family, when an accessible unit is available. Due to the limited number of accessible units, HAKC will offer vacant accessible units with features for persons with disabilities as stated in Chapter 1.

C. COMPLETION OF A FULL APPLICATION

Preferences claimed on the preliminary application or while the family is on the waiting list will be verified after the family is selected from the pre-application waiting list.

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

Applicants on the Waiting List who will be selected in the next 10-30 days will be sent a letter to complete a full application. The letter will notify the applicant of an application interview and request the applicant to bring any documents which verify family selected preference, family composition, household income, assets, eligible expenses and residential history. The letter will provide the applicant a full and detailed list of items to bring to the interview. Documents presented at the time of full application are not in lieu of third party verification.

Applicants are required at the full application interview to:

1. Complete a Full Application Form prior to the full application interview.
2. Sign Release of Information Forms including authorization form for criminal background checks of all adult household members, and consent for verification of Immigration status.
3. All adult members must participate in a full application interview with a HAKC representative during which the applicant will be required to furnish complete and accurate information as requested by the interviewer. The applicant will sign and certify that all information is complete and accurate.

Requirement to Attend Interview

HAKC utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information that 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

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to advise the family of other HAKC services or programs that may be available.

The head, spouse, co-head and all adult family members are required to attend the interview and sign the housing application. Exceptions may be made for adult students attending school out of state or for members for whom attendance would be a hardship.

It is the applicant's responsibility to reschedule the interview if s/he misses the appointment. If the applicant does not reschedule or misses a rescheduled meeting(s), HAKC will reject the applicant unless the missed appointment is due to extreme emergency, such as hospitalization, death in immediate family, etc.

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 permission of the person with a disability. Additionally, as a possible reasonable accommodation, HAKC may conduct a home visit or complete a phone application.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review. (See Chapter 13 on Complaints, Grievances and Appeals.)

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

Information provided by the applicant will be verified, including information related to family composition, income, allowances and deductions, assets, eligible immigration status, full time student status and other factors related to preferences, eligibility and rent calculation.

If HAKC determines at or after the interview that additional information or document(s) are needed, HAKC will request the document(s) or information in writing. The family will be given **five (5)** working days to supply the information; however extensions may be given for extenuating circumstances such as information that must be obtained from out of state. If the information is not supplied in this time period, HAKC will provide the family a notification of denial for assistance. (See Chapter 13 on Complaints, Grievances and Appeals.)

D. PROCESSING APPLICATIONS

As families approach the top of the Waiting List, the following items will be verified to determine qualification for admission:

- Preference verification

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- Family composition and type (elderly/non elderly), inclusive of family status, familial/marital status when needed for Head or spouse definition, or for inclusion in the household of a minor who is not yet born to or adopted by the assisted family, or legal guardianship, or right to custody, including temporary right to custody.
- Annual Income* inclusive of tips and meals, including income that is expressly excluded by regulation where the HAKC is required verify.
- Assets and Asset Income*
- Deductions from Annual Income including but not limited to full-time student status, including students who are 18 or over, childcare expenses for children under 13 where such expenses allow an adult family member to be employed or to further his/her education or seek employment, total medical expenses of all family members in households whose Head or spouse is elderly or disabled, disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus which allow an adult family member to be employed, disability for determination of allowance or deductions.
- Social Security Numbers (SSN) of all eligible family members. Members that do not declare eligibility will be required to execute a document that member does not have Social Security Number.
- Non-economic selection criteria used in applicant screening, inclusive of criminal history report, past landlord reports, credit reports, rent payment history,
- Citizenship or eligible immigration status, including date and place of birth.
- EIV Information and background information

*In the event that the family appears to be eligible for income that is not reported to be received (i.e. TANF, unemployment compensation, child support, etc.), the absence of such income will be verified. Family members will not be required to contact the local SSA office for verification that they do not receive benefits.

Timeliness of Verifications

All verifications will be obtained prior to determination of eligibility to ensure that current and

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accurate data is being used in calculating rents and eligibility.

Certification by the appropriate staff member will be made when verification of all necessary items for each application is completed.

Verifications for the public housing program must be dated within 60 days from the date of the interview and not exceed 120 days in age, prior to admission to the unit. The family will be questioned prior to admission in regard to any change in status. If changes are reported, they will be verified to determine their effect on eligibility, preference rating (if any), rent, and unit size required.

The applicant file will contain documentation of all verifications.

Systems of Verification

Upfront Income Verification (UIV): The verification of income at admission or before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals. HUD's **Enterprise Income Verification System (EIV)** is considered to be this method.

To assure that the data upon which determinations of eligibility, preference status (if any), rent to be paid, and size of dwelling unit required are based on full, true, and complete information to the best of staff's ability, the data on each applicant will be verified and consist of the following types and systems of verification:

1. HAKC will consult the EIV system on all applicants. The EIV will be used to determine if the applicant is in the HUD system, determine if they are being assisted by other programs in the HUD data-base, and determine if they were previously be assisted by another PHA.
2. HAKC may use any of the streamlined verification systems and other streamline systems as allowed by HUD whenever possible. The simplifying the income verification process is as follows:
 - (a) Tenant reports income and provides current documents
 - (b) HAKC consults EIV system, and prints income details report (include in tenant file-except PHAs in Florida, who should print and maintain EIV ICN printout in the tenant file
 - (c) If additional information is not needed, the HAKC uses the current tenant-provided documents to calculate anticipated annual income
 - (d) 3rd party verification is only required if:

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- The tenant disputes the EIV data
- Additional information is required as determined by the HAKC, such as
 - Effective dates of employment
 - Pay rate, number of hours worked, pay frequency for new jobs
 - Confirmation of changes in circumstances (reduced hours, reduces rates of pay, etc.)
- The HAKC will use current tenant-provided documents or most current information to calculate anticipated annual income

If third party verification is not received directly from the source, HAKC staff will document the file as to why third party verification was impossible to obtain and another method was used (such as reviewing documents families provide.)

The HAKC will not delay the processing of an application beyond 10 working days because a third party information provider does not return the verification in a timely manner.

For applicants, verifications used to determine adjusted income may not be more than 60 days old at the time of the original lease. All tenant supplied documents should be dated within the last 60 days of the interview or reexamination. Pay stubs should be current and consecutive.

Regardless of these timeframes, Criminal History Reports will be useable as a valid verification for no longer than 90 days.

F. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

After the verification process is completed, HAKC will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by HAKC, and the tenant suitability determination (see Chapter 3 on Eligibility for Admission).

Because HUD can make changes in rules or regulations and family circumstances may have changed during the review process that affect an applicant's eligibility, it is necessary to make a final eligibility determination.

The household is not actually eligible for a unit offer until this final determination has been made, even though they may have been listed on the waiting list.

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Chapter 3

ELIGIBILITY FOR ADMISSION [24 CFR Part 960, Subpart B]

INTRODUCTION

This Chapter defines both HUD's and HAKC's criteria for admission and denial of admission to the program. The policy of HAKC is to strive for objectivity and consistency in applying these criteria to evaluate the qualifications of families who apply. HAKC staff will review all information provided by the family carefully and without regard to factors other than those provided with the regulation and HAKC policies. 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 HAKC pertaining to their eligibility. When permissible by HUD, the HAKC may also use units for resident/employee housing. Screening criteria will be consistent with occupancy standards, with the exception of the preferences.

Exemption from Eligibility Requirements for Police Officers and Other Security Personnel

The Authority shall be permitted to admit to Public Housing, police officers and other security personnel who are not otherwise eligible for such housing under any other admission requirements or procedures (i.e. police officers would not be required to be income eligible to qualify for admission to the Public Housing program.) HUD's objective in granting this exemption is to permit long-term residency in public housing developments of police officers and security personnel whose visible presence is expected to serve as a deterrent to criminal activity in and around housing.

Before HAKC would be permitted to house police officers or other security personnel under this provision and as contained in the five-year plan, HAKC would submit to HUD the Housing Authority's standards and criteria for approval/waiver of admission criteria in accordance with 24 CFR 960.501.

A. QUALIFICATION FOR ADMISSION

It is HAKC's policy to admit qualified applicants only. An applicant is qualified if he or she meets the following criteria:

Is a family as defined by regulation.

Where at least one member of the household is either a U.S. citizen or is an eligible non-citizen. (24 CFR Part 5, Subpart E).

Has an Annual Income at the time of admission that does not exceed the low-income limits

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for occupancy established by HUD and posted separately in the PHA offices.

The Quality Housing and Work Responsibility Act of 1998 authorizes PHAs to admit families whose income does not exceed the low-income limit (80% of median area income) and the PHA is required to meet the annual 40% targeted income requirement of extremely low-income families (families whose income does not exceed 30% of median area income or the poverty rate as established by HHS). It is the policy of the HAKC to meet the income-targeting requirement.

Provides a Social Security number (SSN) for all family members that declare eligibility. Anyone not declaring eligibility will provide written certification that they do not have Social Security numbers and are not declaring eligibility;

Meets or exceeds the standards for the criminal background check;

The head of household meets the criteria to execute an enforceable contract;

Meets or exceed the Tenant Selection and Assignment Plan (Chapter 4) as set forth in this policy.

B. FAMILY COMPOSITION

Definition of Family (PIH 2014-20)

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. For occupancy standards purposes, the applicant may claim a spousal relationship. (See Chapter 5, Occupancy Guidelines.)

A group of persons is defined by HAKC as two or more persons who intend to share residency, and whose income and resources are available to meet the family's needs, and will live together in HAKC housing.

Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:

1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
2. A group of persons residing together, and such group includes, but is not limited to:
 - (a) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);

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- (b) An elderly family;
 - (c) A near-elderly family;
 - (d) A disabled family;
 - (e) A displaced family; and
 - (f) The remaining member of a tenant family.
3. A single person who is not elderly, displaced, or a person with disabilities, or the remaining member of a tenant family;
 4. 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 are a family;
 5. Two or more near-elderly persons living together or one or more near-elderly persons living with one or more live-in aides.
 6. An expectant mother with no children will qualify for assistance as a *family*.
 7. The temporary absence of a child from the home due to placement in foster care will not be considered in determining the family composition and family size.

Sexual orientation means homosexuality, heterosexuality or bisexuality.

Gender identity means actual or perceived gender-related characteristics.

For the purposes of the definition of a qualified family and admission of a single higher education student, the restrictions on assistance to students enrolled in an institution of higher education do not apply to public housing. (24 CFR 5.612) The student rule would apply to mixed finance properties on units that are non-public housing.

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 may be recognized as head of household.

Missouri does not have a formal procedure for the emancipation of minors, in which a minor is declared an “adult” in the eyes of the law (and thus eligible for all the privileges and responsibilities of adulthood). But Missouri does allow for the emancipation of minors by court

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order in some limited circumstances, which include:

- Express parental consent (waiving parental rights)
- Implied parental consent (minor is already living apart from parents and supporting him or herself)
- Significant change in status (this may include military enlistment or marriage)

Spouse of Head

Spouse means the husband or wife of the head, real or perceived.

Co-head

An adult member of the family who is treated the same as a head of the household for purposes of determining income, eligibility, and rent. A co-head never qualifies as a dependent.

Elderly Family

A family whose head, co-head, spouse or sole member is at least 62 years of age. It may include two or more elderly persons living together, and one or more such persons living with one or more persons, including live-in aides, determined to be essential to the care and well-being of the elderly person or persons. (24 CFR 5.403)

Elderly Person

A person who is at least 62 years of age (24 CFR 5.100)

Near-elderly Family

For Admission purposes as defined- *Near elderly* households are families whose head, co-head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 year of age but below the age of 62 living with one or more live-in aide.

For Elderly only designation facilities, purposes and as defined- *Near elderly* households are families whose head, spouse, or sole member is a person who is at least 55 years of age but below the age of 62; or two or more persons, who are at least 55 years of age but below the age of 62, living together; or one or more persons who are at least 55 year of age but below the age of 62 living with one or more live-in aide.

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Disabled Family

The definition of a disabled family for purpose of eligibility, allowances, and deductions is as follows:

A disabled family means a family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

As defined in Section 24 CFR 5.403, a person with disabilities, means a person who:

1. Has a disability as defined in Section 223 of the Social Security Act (42 U.S.C.423), or
2. Is determined by HUD regulations to have a physical, mental or emotional impairment that:
 - (a) is expected to be of long, continued, and indefinite duration;
 - (b) substantially impedes his or her ability to live independently; and
 - (c) is of such a nature that such ability could be improved by more suitable housing conditions, or
3. Has a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act(42 U.S.C. 6001(5)).

The definition of a person with disabilities does not exclude persons who have the disease acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV). However, for the purpose of qualifying for low income housing, the definition does not include a person whose disability is based solely on any drug or alcohol dependence.

(Note: The definition of a person with disabilities as defined in 24 CFR 8.3 is different and must be used for purposes of reasonable accommodations and program accessibility for persons with disabilities.)

Live-In Aide

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

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

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A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program:

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

While a live-in aide or caretaker who resides in the unit may be a lawful occupant, nonetheless such individual is not a tenant and the protections of VAWA would not apply, except the live-in aide or caretaker cannot be denied assistance if he or she is a victim and independently applies for assistance.

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

Family members of a live-in aide 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 family member(s) does not overcrowd the unit. The family will be eligible to increase the bedroom size by one bedroom to accommodate the live-in aide status.

A live-in aide may only reside in the unit with the approval of HAKC. Written verification will be required from a reliable, knowledgeable medical 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, or disabled.

HAKC will screen and qualify the live-in aide and the live-in aide must be eligible under non-criminal background requirements, not owe money to the PHA, not previously been terminated by a PHA, and must also have the necessary skills to meet the needs of the individual requesting the reasonable accommodation.

HAKC has the right to disapprove a request for a live-in aide based the "suitability criteria" described in this Chapter.

Displaced Family

A family is considered to be displaced when its dwelling has been extensively damaged or destroyed as a result of a declared disaster or otherwise formally recognized under federal disaster relief laws. A person also qualifies if he or she is displaced from his or her dwelling by federal, state or local governmental action.

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Foster Children

Families will be permitted to have foster children live with them in public housing if HAKC determines that it will not result in overcrowding.

Dependents

Dependents are each member of the family residing in the household (other than the head of household, spouse, live-in aide(s), foster adult, or foster child who may be household members but not family members), who is under eighteen years of age, or who is eighteen years of age or older and disabled, or a full-time student.

Minors removed from the home:

If there is a one parent home and the children are removed from the parent by the Division of Family Services (DFS), HAKC will try to find out from DFS how long it will be and under what conditions the children will be returned to the parent. The parent will retain his/her eligibility as remaining member of the resident family. S/he may have to move to a different size apartment.

Joint custody:

Children who are subject to joint custody agreements but who will live in the housing unit at least 51% of the time will be considered members of the household. "51% of the time" means 183 days of the year, which do not have to run consecutively. Court documents will be used as the source of verification.

If the minor is in the household less than 183 days per year, the minor may be considered an eligible visitor but will not be classified as a dependent.

Military Absence

If an adult member goes into the military and leaves the household, they may be determined permanently absent.

Students

A student, other than husband or wife, who attends school away from home but lives with the family during school recesses, may be considered a part of the family.

C. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216]

Families are required to provide verification of Social Security Numbers for all family members if they have been issued a number by the Social Security Administration. 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 of admission or

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termination of tenancy.

The HAKC must request the applicant and participant (including each member of the household), who are not exempt under **SSN Disclosure**, to provide documentation of each disclosed SSN. Acceptable evidence of the SSN consists of:

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

SSN Disclosure

In accordance with 24 CFR 5.216, applicants and participants (including each member of the household) are required to disclose his/her assigned SSN, with the exception of the following individuals:

1. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.
 - (a) A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is **not eligible** for housing assistance and cannot be housed.
 - (b) A family that consists of two or more household members **and at least one** household member that has eligible immigration status, is classified as a mixed family, and **is eligible** for prorated assistance in accordance with 24 CFR 5.520. The HAKC may **not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
2. Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. The HAKC may confirm HUD's validation of the participant's SSN by viewing the household's **Summary Report** or the **Identity Verification Report** in the EIV system.
3. Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.
4. Live-in Aides and foster members must possess and disclose their SSN.
5. Unless accepted as stated above, the HAKC determines that the assistance applicant is otherwise eligible to participate in a program; the assistance applicant may retain its place

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on the waiting list for the program but cannot become a participant until it can provide the documentation as stated above to verify the SSN of each member of the household.

If a child under the age of 6 years was added to the assistance applicant household within the 6-month period prior to the household's date of admission, the assistance applicant may become a participant, so long as the documentation required is provided to the HAKC within 90 calendar days from the date of admission into the program. The HAKC must grant an extension of one additional 90-day period if the HAKC determines that, in its discretion, the assistance applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the assistance applicant. If the applicant family fails to produce the documentation required within the required time period, the processing entity must follow the provisions of termination of the assistance.

Disclosure of SSNs is considered information subject to the Federal Privacy Act (5 USC 552a, as amended). In accordance with 24 CFR 5.212, the collection, maintenance, use, and dissemination of SSNs, any information derived from SSNs and income information must be conducted, to the extent applicable, in compliance with that Act and all other provisions of Federal, State, and local law.

There is no provision under HUD regulations, which prohibit an individual (head of household with other eligible household members) with ineligible immigration status from executing a lease or other legally binding contract. However, some state laws prohibit an individual with ineligible immigration status from executing a contract (i.e. lease or other legal binding documents).

D. 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. Those categories are:

1. A noncitizen who has been lawfully admitted to the U. S. for permanent residence, as defined by Section 101(a)(20) of the Immigration and Nationality Act (INA) as an immigrant, as defined by Section 101(a)(15) of the INA (8 U.S.C. 1101(a)(20) and 2101(a)(15), respectively (immigrants). This category includes a noncitizen who has been admitted under Section 210 or 210A of the INA (8 U.S.C. 1160 or 1161), (special agricultural worker), and who has been granted lawful temporary resident status;
2. A noncitizen who entered the U. S. before January 1, 1972, or such later date as enacted by law, and who has continuously maintained residence in the U. S. since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General

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under Section 249 of the INA (8 U.S.C. 1259);

3. A noncitizen who is lawfully present in the U. S. pursuant to an admission under Section 207 of the INA (8 U.S.C. 1157) (refugee status); pursuant to the granting of asylum (which has not been terminated) under Section 208 of the INA (8 U.S.C. 1158) (asylum status); or as a result of being granted conditional entry under Section 203(a)(7) of the INA (U.S.C. 1153(a)(7) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity;
4. A noncitizen who is lawfully present in the U.S. as a result of an exercise of discretion by the Attorney General for emergent reasons or for reasons deemed strictly in the public interest under Section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) (parole status);
5. A noncitizen who is lawfully present in the U. S. as a result of the Attorney Generals' withholding deportation under Section 243(h) of the INA (8 U.S.C. 1253(h)) (threat to life or freedom); or
6. A noncitizen lawfully admitted for temporary or permanent residence under Section 245A of the INA (8 U.S.C. 1225a) (amnesty granted under INA 245A).
7. A noncitizen in the 2014 Executive Order Granting Amnesty to Illegal Citizens enrolled in Healthcare

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 families". 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 noncitizen regulations are not eligible for assistance. No individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of at least one individual or family member.

E. OTHER ELIGIBILITY or SUITABILITY CRITERIA

All applicants will be processed in accordance with HUD's regulations (24 CFR Part 960) and

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sound management practices. Applicants will be required to demonstrate the ability to comply with essential provisions of the lease as summarized below.

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

- To pay rent and other charges as required by the lease in a timely manner;
- To care for and avoid damaging the unit and common areas;
- To use facilities, appliances and equipment in a reasonable way;
- To create no health or safety hazards, and to report maintenance needs in a timely manner;
- Not to interfere with the rights and peaceful enjoyment of others and to avoid damaging the property of others;
- Not to engage in criminal activity or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents or staff and not to engage in drug-related criminal activity on or off HAKC premises;
- Not to have ever been convicted of manufacturing or producing methamphetamine, also known as "speed," on the premises of assisted housing;
- Not to be subject to lifetime sex offender registration requirement;
- Not owe debts to other landlords or public utilities;
- To not commit fraud against any assisted housing program;
- To comply with necessary and reasonable rules and program requirements of HUD and HAKC;
- To comply with local health and safety codes; and
- Is not on the HAKC Trespass list.

In the event of the receipt of unfavorable information with respect to an applicant, the HAKC must consider the time, nature and extent of the applicant's conduct (including the seriousness of the offense). As discussed in Chapter 3-G, the HAKC may also need to consider whether the cause of the unfavorable information may be that the applicant is a victim of domestic violence, dating violence or stalking or disability that may be corrected through a reasonable accommodation.

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Denial of Admission for Previous Debts to This or Any Other PHA

Previous outstanding debts to HAKC or any Public Housing Authority (PHA) resulting from a previous tenancy in the public housing, HCV, or assisted housing program must be paid in full prior to unit offer. No payment agreement will be accepted at move-in.

Spouse, co-head or adult member twenty-one (21) or over, or recognized as an adult are responsible for the entire debt incurred as a previous PHA tenant. Children of the head or spouse who had incurred a debt will not be held responsible for the parent's previous debt. In no case will the debt be forgiven.

Denial of Admission for Past Performance in Meeting Financial Obligations Especially Rent and Utilities.

The HAKC will gather a minimum of three years information from previous PHAs and landlords about past performance meeting rental obligations such as the rent payment record, late payment record, whether the PHA/landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. HAKC will consider patterns of negative residential history, mitigating circumstances, and unverifiable information in its determination for suitability. Previous outstanding debts to public utilities must be paid before the applicant is processed by HAKC for a unit to be occupied that requires the resident to obtain utility service. The standard will be that utilities can be turned on in the name of the head of household, co-head, spouse or other adult member on the lease. NOTE: Outstanding utility debt will not prevent admission to properties where resident are not required to pay utilities. Applicants with previous PHA debts will be permitted to execute a payment agreement at the time of pre-application, but 100% of the debt must be paid prior to offer of a unit.

HAKC reserves the right, in the case of extreme hardship, i.e. homelessness, to enter into a Payment Agreement. Full documentation of the hardship will be required. In no case will the debt be forgiven.

F. NON-ECONOMIC ELIGIBILITY and SUITABILITY CRITERIA (Including Criminal/Drug)

In developing its admission policies, the aim of HAKC is to attain a resident body composed of families with a broad range of incomes and to avoid concentrations of the most economically deprived families and families with serious social problems. Therefore, it is the policy of HAKC to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood or on the quality of life for its residents.

As part of eligibility determination, the Authority will screen each applicant household to assess its suitability as renters. Factors not related to economics to be considered are housekeeping habits, prior history as a tenant, criminal records, and the ability of the applicant to maintain the responsibilities of tenancy.

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Considerations for Determining Qualifications

In determining qualifications for tenancy, HAKC will consider the following items:

Whether the conduct of the applicant in present or prior housing has been such that admission to the program would adversely affect the health, safety, or welfare of other residents, or the physical, environmental, or financial stability of the development.

HAKC will rely upon sources of information which may include, but not limited to, HAKC records, the records of other housing authorities, personal interviews with the applicant or tenant, home visits, interviews with previous landlords, employers, family social workers, parole officers, criminal and court records, clinics, physicians, or the police department. This will be done in order to determine whether the individual attributes, prior conduct, and behavior of a particular applicant or tenant is likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety, or welfare.

In making a decision to deny assistance, the HAKC will consider factors discussed in Chapter 3-G, **PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [VAWA 2013]**

An authorized representative of HAKC will document any pertinent information relative to the following:

1. **Criminal Activity** – including the activities further defined herein as of a criminal nature.
2. **Pattern of Violent Behavior** – includes evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to neighbors' peaceful enjoyment of their premises. HUD defines violent criminal activity as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity was/is being engaged in by any family member.
3. A pattern of conduct reflected by several violations of Federal, State or local law indicative of disregard for the law and the rights of others. Examples include, but are not limited to, violations for trespassing, disturbing the peace, disorderly conduct, prostitution or public drunkenness on or near Public Housing property.
4. Was convicted of prostitution within the past five (5) years in accordance with Section 99.103 RsMo.
5. **Pattern of Drug Use** – includes a determination by HAKC that the applicant has exhibited a pattern of illegal use of a controlled substance that might interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

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6. **Drug Related Criminal Activity** – includes a determination by HAKC that the applicant has been involved in the illegal manufacture, sale, distribution, use or possession of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).
7. **Pattern of Alcohol Abuse** – includes a determination by HAKC that the applicant’s pattern of alcohol abuse might interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.
8. **Initiation of Threats or Harassment**– or behaving in a manner indicating intent to assault or harassment of employees or other residents.
9. **Abandonment of a Public Housing Unit or Other Assisted Housing Unit (“skipped”)** – any abandonment of a unit assisted by HUD without advising the administering housing authority’s personnel of intent to vacate so that the unit may be properly secured and protected from any vandalism.
10. **Non-payment of Rightful Obligations** – including rent and/or utilities and other charges owed to HAKC or another housing authority.
11. **Intentionally Falsifying an Application for Leasing** – including providing false information about family income and family composition, using an alias on the application for housing, or making any other material false statement or omission intended to mislead.
12. **Record of Serious Disturbances of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior** – consists of patterns of behavior which endanger the life, safety, or welfare of other persons by physical violence, gross negligence or irresponsibility, which damage the equipment or premises in which the applicant resides, or which are seriously disturbing to neighbors or disrupt sound family and community life, indicating the applicant’s inability to adapt to living in a multi-family setting. Includes judicial termination of tenancy in previous housing on grounds of nuisance or objectionable conduct, or frequent loud parties, which have resulted in serious disturbances of neighbors.
13. **Unsanitary Housekeeping** – includes the creation of a fire hazard through acts such as hoarding rags, papers, or other materials; severe damages to premises and equipment caused by the family or persons under control of the family; seriously affecting neighbors by causing infestations, foul odors, depositing garbage outside of normal trash receptacles, or serious neglect of the premises. This category does not include families whose housekeeping is found to be superficially unclean or due to lack of orderliness, where such conditions do not create a problem for neighbors or a threat to health and safety.
14. **Destruction of Property** – **Material** damage to any previous rentals or property that the family has resided in the amount of which was adjudicated and resulted in a judgment against the family.

HAKC will not use a record of an arrest as the sole basis to deny a housing opportunity;

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however, HAKC may make an adverse housing decision based on the conduct underlying an arrest if the conduct indicates that the individual is not suitable for tenancy and the HAKC has sufficient evidence, other than the arrest, that shows the individual engaged in the conduct. The conduct, not the arrest, is relevant for admissions and tenancy decisions.

However, an arrest record may trigger an inquiry into whether there is sufficient evidence for HAKC to determine that a person engaged in disqualifying criminal activity, but an arrest itself will not be sufficient evidence on which to base a determination. HAKC may utilize other evidence, such as police reports detailing the circumstances of the arrest, witness statements, and other relevant documentation to assist it in making a determination that disqualifying conduct occurred. Reliable evidence of a conviction for criminal conduct that would disqualify an individual for tenancy may also be the basis for determining that the disqualifying conduct in fact occurred.

In the event an individual has outstanding warrants or other negative court records, the HAKC may suspend the admissions and tenancy decision and offer the individual 60 days to resolve the issue(s). Failure on the individual's part to provide mitigating circumstances or documentation supporting satisfactory resolution of the issue(s) may result in an adverse housing decision.

An exception to the consideration of warrants or other negative criminal history applies to the following circumstance:

- If an applicant's **only** basis for denial is due to non-criminal traffic violations, that applicant will be allowed to continue in the admissions and tenancy process.

Whether Applicant or Tenant is Capable of Maintaining the Responsibilities of Tenancy –

In the case of applicants for admission, the person's present living arrangements and a statement obtained from the applicant's physician or social worker will be among factors considered in making this determination. The availability of a Live-In Aide will be considered also in making this determination.

In the event of the receipt of unfavorable information with respect to an applicant, consideration will be given to the time, nature, and extent of the applicant's conduct, and to factors that might indicate a reasonable probability of favorable future conduct. Generally, the HAKC will consider the aforementioned items relating to suitability within the prior five (5) years of the date of the screening of such application for public housing benefits.

The HAKC will not admit persons evicted from public housing, Indian housing, Section 23, or any Housing Choice Voucher (HCV) program because of drug related criminal activity within the past three (3) years preceding date of interview. The HAKC may waive this requirement if the person demonstrates that he/she:

- Has successfully completed a supervised drug or alcohol rehabilitation program approved by HAKC;

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- Has otherwise been rehabilitated successfully;
- Is participating in a supervised drug or alcohol rehabilitation program; or,
- The circumstances leading to the eviction no longer exists (i.e. the individual involved in drugs is no longer in the household because the person is incarcerated).

Permanent Ban on Admissions

1. Persons convicted of methamphetamine production - Any member of the household who has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
2. Persons subject to sex offender registration requirement - Any member of the household subject to a lifetime registration requirement under a State sex offender registration program. NOTE: The HAKC will perform necessary criminal history background checks in all States where household members are known to have resided.

Denial of admission for persons convicted of crimes of prostitution and/or sale or possession of controlled substances. (Section 99.103 RSMo)

The HAKC will deny the application for housing benefits of any person who has been convicted of a crime of prostitution or the possession or sale of a controlled substance listed in Schedule I and II of Section 195.017 RSMo., or whose dwelling unit is known to have been the site of such crimes within the preceding five (5) years of the date of screening of such application.

If in the past the HAKC initiated a lease termination, which may or may not have resulted in eviction for any reason cited under the One Strike Notice (PIH 96-27) or amended changes, for a family, as a prior resident of public housing, the family will be ineligible for admission to Public Housing for a three (3) year period beginning on the date of such eviction

Persons evicted for drug-related criminal activity. Applicants will be prohibited from admission to the public housing program for three (3) years from the date of the eviction if any household member has been evicted from federally assisted housing for drug-related criminal activity. However, HAKC may admit the household if it is determined:

- (a) The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by HAKC; or
- (b) The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).

Persons engaging in illegal use of a drug. The HAKC will prohibit admission of a

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household to the HAKC's public housing program if:

- (a) The HAKC determines that any household member is currently engaging in illegal use of a drug (For purposes of this section, a household member is “currently engaged in” the criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current); or
- (b) The HAKC determines that it has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

Persons that abuse or show a pattern of abuse of alcohol. The HAKC will prohibit admission to the HAKC's public housing program if the HAKC determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol within the preceding three (3) years of the date of screening of the person’s application may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

Eviction – Defined: A person/family will be considered evicted once a landlord has obtained an order/judgment from the court, regardless of whether the person/family moved from the residence prior to physical enforcement of the judgment order.

Use of criminal records. Before HAKC denies admission to the public housing program on the basis of a criminal record, the HAKC will notify the household of the proposed action to be based on the information and will provide the subject of the record and the applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

Other Offenses and Provisions to Deny

If on probation or parole for any conviction, assistance will be denied until the member has been discharged from probation or parole.

- An exception to the consideration of probation applies to the following circumstance: If an applicant’s **only** basis for denial is probation due to non-criminal traffic violations, that applicant will be allowed to continue in the admissions and tenancy process

The HAKC will not admit persons whose conduct in present or prior housing has been such that admission to the program would adversely affect the health, safety, or welfare of other residents, or the physical environment, or the financial stability of the development.

In determining the criminal background for admission, the HAKC will not deny the family if the member is a “victim” of domestic violence as stated and protected under the Violence Against Women Act.

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Administration

All screening procedures will be administered fairly and in such a way as not to discriminate on the basis of race, color, nationality, religion, sex, familial status, sexual orientation, disability or against other legally protected groups, and not to violate right to privacy.

To the maximum extent possible, the HAKC will involve other community and governmental entities in the promotion and enforcement of this policy.

In evaluating evidence of negative past behavior, the HAKC will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

In order to obtain access to the records the HAKC must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903]. The HAKC will perform criminal background checks through local law enforcement, applicant or resident personal information, or other sources for all adult household members.

The HAKC is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].

The HAKC may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

If the results of the criminal background check indicate there may have been past criminal activity, but the results are inconclusive, the HAKC may request the applicant to be fingerprinted and may request the information from the National Crime Information Center (NCIC). If the HAKC proposes to deny admission based on a criminal record or on lifetime sex offender registration information, the HAKC must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)].

The HAKC will ensure that any criminal record received is maintained confidentially, not misused, or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished. The HAKC may require additional information from other sources to validate the criminal background requirements.

Hearings

If information is revealed that would cause the HAKC to deny admission to the household and the person disputes the information, he/she will be given an opportunity for an informal hearing according to HAKC's hearing procedures outlined in Chapter 13 on Complaints, Grievances and

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Appeals.

G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING [VAWA 2013 and Final Rule]

The Violence against Women Reauthorization Act of 2013 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. The victim can be male or female, and both are protected under the Act. Specifically, Section 607(2) of VAWA adds the following provision to Section 6 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the public housing program:

Every contract for contributions will provide that “. . . the public housing agency will not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section will be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.”

Definitions

As used in VAWA:

1. The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
2. The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship will be determined based on a consideration of the following factors:
 - (a) The length of the relationship
 - (b) The type of relationship
 - (c) The frequency of interaction between the persons involved in the relationship
3. The term *stalking* means:
 - (a) To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass,

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or intimidate; or

- (b) To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
 - (c) In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.
4. The term “*Affiliated Individual*” means and is defined as with respect to an individual, as a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis, or any individual, tenant, or lawful occupant living in the household of that individual.
 5. “Sexual assault” is defined as “any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent” (42 U.S.C. 13925(a)).

Notification and Victim Documentation

HAKC Policy

The HAKC acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history that would warrant denial under the HAKC’s policies. Therefore, if the HAKC makes a determination to deny admission to an applicant family on the basis of an unfavorable history, the HAKC will include in its notice of denial a statement of the protection against denial provided by VAWA and will offer the applicant the opportunity to provide documentation affirming that the cause of the unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

The documentation may include one of the two elements:

A signed statement (HUD-5382) by the victim that provides the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, or stalking or

One of the following:

- A police or court record documenting the actual or threatened abuse
- A statement signed by an employee, agent, or volunteer of a victim service

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provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The applicant must submit the required documentation with her or his request for an informal hearing or must request an extension in writing at that time. If the applicant so requests, the HAKC will grant an extension of 10 business days, and will postpone scheduling the applicant's informal hearing until after it has received the documentation or the extension period has elapsed. If after reviewing the documentation provided by the applicant the HAKC determines the family is eligible for assistance, no informal hearing will be scheduled and the HAKC will proceed with admission of the applicant family.

Perpetrator Removal or Documentation of Rehabilitation

HAKC Policy

In cases where an applicant family includes the perpetrator as well as the victim of domestic violence, dating violence, or stalking, the HAKC will proceed as above but will require, in addition, either (a) that the perpetrator be removed from the applicant household and not reside in the public housing unit or (b) that the family provide documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment.

If the family elects the second option, the documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

This additional documentation must be submitted within the same time frame as the documentation required above from the victim.

HAKC Confidentiality Requirements

All information provided to the HAKC regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

H. SCREENING FOR SUITABILITY [24 CFR 960.204, 960.205]

It is the policy of HAKC to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or

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neighborhood or on the quality of life for its residents.

HAKC will conduct a detailed interview of all applicants. The interview form will contain questions designed to evaluate the qualifications of applicants to meet the essential requirements of tenancy. All information will be subject to third party verification.

An applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent will result in denial of admission.

Applicants must be able to demonstrate the ability and willingness to comply with the terms of the lease, either all or with assistance which they can demonstrate that they have or will have at the time of admission. (24 CFR 8.2 Definition: Qualified Individual with Handicaps) The availability of assistance is subject to verification by HAKC.

The HAKC's minimum age for admission as head of household is 18. This requirement is to avoid entering into leases that would not be valid or enforceable under applicable law. Exception to the age requirement may be granted to those with emancipation status as granted by a court of law. HAKC will not allow under any circumstances a parent or legal guardian to co-sign a lease on behalf of an applicant in order to bypass the age requirement.

As a part of the final eligibility determination, HAKC will screen each applicant household to assess their suitability as renters.

HAKC will complete a credit check of each applicant so as to determine past rental history, including any possibility of bad debts to any federally assisted housing programs.

HAKC will rely upon sources of information which may include, but not be limited to, HAKC records, personal interviews with the applicant or tenant, interviews with previous landlords, employers, family social workers, parole officers, criminal and court records, clinics, physicians or the police department.

This will be done in order to determine whether the individual attributes, prior conduct, and behavior of a particular applicant is likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare.

Factors to be considered in the screening are:

- Housekeeping habits
- Rent paying habits
- Prior history as a tenant
- Criminal records

HAKC's examination of relevant information pertaining to past and current habits or practices will include, but is not limited to, an assessment of:

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- The applicant's past performance in meeting financial obligations especially rent.
- Eviction or a record of disturbance of neighbors sufficient to warrant a police call, destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors.
- Any history of criminal activity on the part of any applicant family member involving criminal acts, including drug-related criminal activity.
- Any history or evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy by neighbors.
- Any history of initiating threats or behaving in a manner indicating intent to assault employees or other tenants.
- Any history of alcohol or substance abuse that would threaten the health, welfare, or right to peaceful enjoyment of the premises by other residents.
- History of recent serious criminal activity including cases in which a member of the family who is expected to reside in the household was or is engaged in prostitution, sale of narcotics, or other serious criminal activity provided that involvement in such activities shall not be a ground for ineligibility if it occurred more than five years ago.
- The ability and willingness of an applicant to comply with the essential lease requirements will be verified and documented by HAKC. The information to be considered in the screening process will be reasonably related to assessing the conduct of the applicant and other family members listed on the application in present and prior housing.

The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:

- Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare.
- Adversely affect the physical environment or financial stability of the project.
- Violate the terms and conditions of the lease. [24CFR 8.3].
- Require services from PHA staff that would alter the fundamental nature of the PHA's program. [24 CFR 8.3]

Rent Paying Habits

HAKC will examine any Housing Authority records from a prior tenancy (Public Housing and/or

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HCV), and will request written references from the applicant's current landlord and may request written references from former landlords (for up to the past 3 years).

Based upon these verifications, HAKC will determine if the applicant was chronically late with rent payments, was evicted at any time (during the past 3 years) for nonpayment of rent, or had other legal action initiated against him/her for debts owed. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

Applicants will not be considered to have a poor credit history if they were late paying rent because they were withholding rent due to substandard housing conditions in a manner consistent with a local ordinance.

The lack of credit history will not disqualify a family, but a poor credit history will, with the exceptions noted above.

Screening Applicants Who Claim Mitigating Circumstances

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

If unfavorable information is received about an applicant, consideration will be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. In order to be factored into the PHA's screening assessment of the applicant, mitigating circumstances must be verifiable.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, HAKC will have the right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. HAKC will also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

Examples of Mitigating Circumstances

Examples of mitigating circumstances include:

- Evidence of successful rehabilitation;
- Evidence of the applicant family's participation in and completion of social service or other appropriate counseling service approved by HAKC; and/or

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- Evidence of the applicant family's successful and sustained modifications of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. HAKC will consider such circumstances in light of:

- The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and
- The applicant's overall performance with respect to all the screening requirements.

Qualified and Unqualified Applicants

Information that has been verified by HAKC will be analyzed and a determination will be made with respect to:

- The eligibility of the applicant as a family;
- The eligibility of the applicant with respect to income limits for admission;
- The eligibility of the applicant with respect to citizenship or eligible immigration status;
- The eligibility of the family for suitability, non-criminal requirements, etc.;
- Preference category to which the family is entitled (i.e. Veteran, Non-Veteran).

Assistance to a family may not be delayed, denied or terminated on the basis of the family's ineligible immigration status unless and until the family completes all the verification and appeals processes to which they are entitled under both INS and HAKC procedures, except for a pending HAKC hearing.

Applicants who are determined to be unqualified for admission will be promptly notified with a Notice of Denial of Admission stating the reason for the denial. In the case of criminal status denial for admissions, the HAKC will provide the opportunity to review the documents prior to the denial. HAKC will provide applicant an opportunity for an informal hearing (see Chapter 13 "Complaints, Grievances, and Appeals.")

Applicants who have requested a reasonable accommodation as a person with a disability and who have been determined eligible, but fail to meet the Applicant Selection Criteria, will be offered an opportunity for a second meeting to have their cases examined to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the screening procedures.

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HAKC will make every effort to accurately estimate an approximate date of occupancy. However, the date given by HAKC does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by HAKC, such as turnover rates, and market demands as they affect bedroom sizes and project location.

Documenting Findings

An authorized representative of HAKC will document any pertinent information received relative to the admission and eligibility requirements.

In the event of the receipt of unfavorable information with respect to an applicant, consideration will be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects.

Prohibited Criteria for Denial of Admission

Applicants will NOT be rejected because they:

- Have no income, but will still need to demonstrate they do have the means to comply with all terms and conditions of the lease and program requirements;
- Are not employed;
- Do not participate in a job-training program;
- Will not apply for various welfare or benefit programs;
- Have children;
- Have children born out of wedlock;
- Are on welfare;
- Are eligible students.

I. HEARINGS

If information is revealed that would cause HAKC to deny admission to the household and the person disputes the information, s/he will be given an opportunity for an informal hearing according to HAKC's hearing procedures outlined in Chapter 13, Complaints, Grievances and Appeals.

J. CRITERIA FOR DECIDING TO DENY ASSISTANCE OR TERMINATION

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HAKC Policy

The HAKC will use the concept of the preponderance of the evidence as the standard for making all admission and termination decisions.

Preponderance of the evidence is defined as the greater weight of the evidence; that is, evidence that you believe because it outweighs or overbalances in your mind the evidence opposed to it. A preponderance means evidence that is more probable, more persuasive, or of greater probative value. It is the quality of the evidence that must be weighed. Quality may, or may not, be identical with quantity (the greater number of witnesses).

Consider all evidence. In determining whether an issue has been proved by a preponderance of the evidence, you should consider all of the evidence, regardless of who produced it.

Equally balanced. If the weight of the evidence is equally balanced, or if you are unable to determine which side of an issue has the preponderance, the party who has the burden of proof has not established such issue by a preponderance of the evidence.

K. ADDITIONAL PROVISIONS

HAKC will terminate housing assistance for drug-related criminal activity, other criminal activity, and alcohol abuse in public housing and assisted housing communities. Drug-related and criminal activity increases resident fear and decrease unit marketability. Therefore, the Housing Authority will not tolerate such behavior from its applicants or residents. **UNLESS OTHERWISE PROVIDED BY LAW, PROOF OF VIOLATION WILL NOT REQUIRE CRIMINAL CONVICTION, BUT WILL BE BY PREPONDERANCE OF EVIDENCE.**

Definitions

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

Procedures for Applicants

1. The Housing Authority will screen out and deny admission to any applicant whereby either the applicant or authorized occupants proposed by applicants:
 - a. Has a recent history of criminal activity involving crimes to persons and/or other criminal acts that affect the health, safety, or right to peaceful enjoyment of the premises by other residents;
 - b. Was evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity. This requirement may be waived if:
 - i. The person demonstrates successful completion of a rehabilitation program approved by the Housing Authority; or

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- ii. 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;
 - c. The Housing Authority has determined the applicant to be illegally using a controlled substance; the Housing Authority has determined the applicant to be abusing alcohol in a way that may interfere with the health, safety or right of peaceful enjoyment of the premises by other residents;
 - d. The Housing Authority has determined that there is a reasonable cause to believe the applicant'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.
 2. The Housing Authority may waive policies prohibiting admission in these circumstances if, the applicant demonstrates to the Housing Authority's satisfaction that the applicant is no longer engaging in illegal use of a controlled substance or abuse of alcohol, and;
 - a. The applicant has successfully completed a supervised drug or alcohol rehabilitation program; or,
 - b. The applicant has otherwise been rehabilitated successfully.

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Chapter 4

TENANT SELECTION AND ASSIGNMENT PLAN

(Includes Preferences and Managing the Waiting List)

[24 CFR 960.204]

INTRODUCTION

It is HAKC's policy that each applicant will be assigned an appropriate place on a jurisdiction-wide Waiting List unless the applicant has applied for a development subject to a site-based preference and other determinations. Applicants will be listed in sequence based upon size and type of unit required, Preference, date and time the application is received. In filling actual or expected vacancies, HAKC will offer the dwelling unit to an applicant in the appropriate sequence, with the goal of filling units timely, and accomplishing deconcentration of poverty and income-mixing objectives. HAKC will offer the unit in the proper applicant sequence until it is accepted. This chapter describes HAKC's policies with regard to the number of unit offers that will be made to applicants selected from the Waiting List.

HAKC's Objectives

HAKC policies will be followed consistently and will affirmatively further HUD's fair housing goals.

It is HAKC's objective to ensure that families are placed in the proper order on the waiting list so that the offer of a unit is not delayed to any family unnecessarily or made to any family prematurely. This chapter explains the policies for the management of the waiting list.

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

By maintaining an accurate waiting list, HAKC will be able to perform the activities that ensure that an adequate pool of qualified applicants will be available to fill unit vacancies in a timely manner. Based on the HAKC's turnover and the availability of appropriate sized units, groups of families will be selected from the waiting list to form a final eligibility "pool."

Site-Based Waiting Lists

Per the Quality Housing and Work Responsibility Act of 1998, HUD does allow a PHA to implement site-based waiting lists upon approval of the Annual Plan or upon HUD's approval to the PHA's request before the submission of the Annual Plan. HAKC currently does not use site-based waiting lists at this time- however HAKC does allow for site preferences during the application process.

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A. MANAGEMENT OF THE WAITING LIST

HAKC will administer its waiting list as required by 24 CFR Part 5, Subparts E and F, Part 945 and 960.201 through 960.208. The waiting list will be maintained in accordance with the following guidelines:

- The preliminary and full applications will be a permanent part of the file.
- Applications equal in preference will be maintained by date and time sequence.
- All applicants must meet applicable income and other eligibility requirements as established by HUD and HAKC.
- All applicants in the pool (eligible and verified families) will be maintained in order of preference and in order of date and time of application receipt.

Opening and Closing the Waiting Lists

HAKC, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part.

The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit, and the ability of HAKC to house an applicant in an appropriate unit within a reasonable period of time.

When HAKC opens the waiting list, HAKC will advertise through public notice in the following newspapers, minority publications and media entities. Location and program for which applications are being accepted in the local paper of record, "minority" newspapers, and other media, but not limited to:

- Kansas City Star
- The Call
- Dos Mundos
- The Globe

To reach persons with disabilities, HAKC will provide notice to local organizations representing the interests and needs of the disabled. Local organizations serving the disabled population include, but are not limited to, the following:

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- Local disability organizations
- Social Service Agencies
- Churches or Areas of Worship

The notice at a minimum will contain:

- The dates, times, and the locations where families may apply.
- Any system of site-based waiting list offered by HAKC.
- The programs 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. They will provide potential applicants with information that includes the HAKC address and telephone number, how to submit an application, and information on eligibility requirements.

Upon request from a person with a disability, additional time, not to exceed 30 days, will be given as an 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 Intake is Suspended

HAKC may suspend the acceptance of applications if there are enough applicants to fill anticipated openings for the next twenty four (24) months.

The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

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

Suspension of application taking is announced in the same way as opening the waiting list. The open period will be long enough to achieve a waiting list adequate to cover projected turnover over the next twenty four (24) months. HAKC will give at least five (5) days' notice prior to opening or closing the list. HAKC will add the new applicants to the list by unit size, local preferences, priority and date and time of application receipt. HAKC will update the waiting list at least annually by removing the names of those families who

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are no longer interested, no longer qualify for housing, or cannot be reached by mail. At the time of initial intake, HAKC will advise families of their responsibility and requirement to notify HAKC when mailing address or telephone numbers change.

Reopening the List

If the waiting list is closed and HAKC decides to open the waiting list, HAKC will publicly announce the opening. Any reopening of the list is done in accordance with the HUD requirements. (PIH 2012-34 Waiting List Management)

Limits on Who May Apply

When the waiting list is open any family asking to be placed on the waiting list for Public Housing rental assistance will be given the opportunity to complete an application.

When the application is received by HAKC it establishes the family's date and time of application for placement order on the waiting list.

Multiple Families in Same Household

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

B. SITE BASED WAITING LISTS

Per the Quality Housing and Work Responsibility Act of 1998, HAKC is now allowed to implement site-based waiting lists upon approval of the Annual Plan or upon HUD's approval to the PHA's request before the submission of the Annual Plan.

HAKC does not have site-based waiting lists but has a central waiting list and allows for site preferences.

Every reasonable action will be taken by HAKC to assure that applicants can make informed choices regarding the development(s) in which they wish to reside. HAKC will disclose information to applicants regarding the location of available sites.

C. WAITING LIST PREFERENCES

See Chapter 2-C for the HAKC preference types and system of selection

Broad Range of Income/Deconcentration of Poverty

HAKC's preference system will work in combination with requirements to match the characteristics of the family to the type/size of unit available. Order of preference of applications on the Waiting List will be applied to selection as follows, except those persons requiring units

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with accessibility features for person with disabilities. (See Chapter 1, E, Other Accommodations.)

HAKC will assure a mixed range of incomes and deconcentration of its public housing units by selecting from the list of qualified applicants, households whose incomes would promote deconcentration of poverty. As such, HAKC will select from the list of qualified applicants, those applicants whose income reflect a Broad Range of Income as defined by HAKC's most current Broad Range of Income/Rent Range policy promoting deconcentration and income targeting requirements.

HAKC will admit to public housing in each fiscal year, at least forty percent (40%) of households whose income does not exceed 30% of the area median income, except as may be documented through "fungibility credits," further defined in the Quality Housing and Work Responsibilities Act of 1998, which permits HAKC to lower the number of households admitted at the 30% threshold by the lowest of one of the following amounts.

If admissions to HAKC's HCV Program during the fiscal year exceeds the 75% minimum targeting requirement for the HCV Program, HAKC's public housing program may reduce the minimum targeting requirement for this program. The fiscal year credit will not exceed:

Ten percent of the public housing waiting list admissions during the HAKC's fiscal year;

Ten percent of the waiting list admissions to the HAKC's tenant-based assistance program during the fiscal year;

The number of qualifying low income families who commence occupancy during the fiscal year of HAKC's units that (a) are located in housing developments located in census tracts having a poverty rate of 30% or more, and (b) are made available for occupancy by and actually occupied in that year by very low income families.

This fungibility provision discretion is also reflected in HAKC's Administrative Plan for the Section 8 Voucher Program.

Fungibility will only be utilized if HAKC anticipates a shortfall of its 40% goal for new admissions to public housing.

Gross annual income is used for income limits at admission, income targeting, and for income-mixing purposes.

Skipping a family on the Waiting List specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met and in order to comply with HAKC's Broad Range of Income Policy.

Admission policies related to the deconcentration efforts do not impose specific quotas since Broad Range of Income imposes specific quotas aimed at maintaining a mix of incomes within each development in order to achieve budgetary viability.

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Singles Preference and Designated Senior Units

Although no longer mandated by statute, HAKC will continue to select applicants from the Waiting List in the following order in regard to single person households preference for available units will be given to:

A family whose Head or spouse or single member is an elderly or disabled person over a single person who is not elderly or disabled.

Furthermore, HAKC will not admit single person households consisting of non-elderly, non-disabled persons before other single person households in designated senior units within family public housing developments. (*Example: A family public housing development, has 30 designated senior units consisting of 14 studio and 16 1BR apartments, and is thus defined by HUD as a “mixed population development.” A mixed population development is a public housing development, or portion of a development, that is reserved for elderly families and disabled families at its inception and has retained that character.*) In accordance with a local preference, elderly families whose Head, spouse or sole member is at least 62 years of age, and disabled families whose Head, co-head, spouse, or sole member is a person with disabilities, will receive preference to such units.

HAKC has the following properties that have been or will be designated elderly only or have sections for elderly only properties:

Cardinal Ridge

Designated senior public housing developments and units are subject to HUD’s definition of “senior” and may include (1) age-qualified elderly, and (2) disability qualified “elderly”.

In the designated elderly only developments, new admission priority will be given to Elderly Families that qualify for the unit over non-elderly families. If no Elderly Families are on the waiting list, then the HAKC will prioritize the “near elderly” for the development in accordance with the elderly only designation plan. [24 CFR 945]

D. DENIAL OF PREFERENCE

HAKC will not give preference and will permanently deny admission to public housing units and other federally assisted housing programs, individuals convicted of manufacturing or producing methamphetamine (“speed”) as required by the Quality Housing and Work Responsibilities Act of 1998.

Furthermore, if HAKC denies a preference, HAKC will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review. The applicant will have three (3) business days to request the meeting in writing. 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. If the applicant disagrees with the HAKC’s decision to deny the preference, they may request a formal grievance hearing within seven (7) calendar days after the summary of the informal review. All requests for informal reviews and formal grievance hearings must be made in accordance with the HAKC’s Complaints, Grievances and Appeals Policy (Chapter 13). Applicants may exercise

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other rights if they believe they have been discriminated against.

If an applicant falsifies documents or makes false statements in order to qualify for a preference, they will be denied housing and withdrawn from the Waiting List with notification to the family.

E. INCOME TARGETING

HAKC will monitor its admissions to ensure that at least 40 percent of families admitted to public housing in each fiscal year will have incomes that do not exceed 30% of area median income of HAKC's jurisdiction or the poverty rate.

Hereafter families whose incomes do not exceed 30% of area median income will be referred to as "extremely low income families."

Extremely low-income family. A very low-income family whose annual income does not exceed the higher of:

The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved (except in the case of families living in Puerto Rico or any other territory or possession of the United States); or

Thirty (30) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes

HAKC will have the discretion, at least annually, to exercise the "fungibility" provision of the QHWRA by admitting less than 40 percent of "extremely low income families" to public housing in a fiscal year, to the extent that HAKC has provided more than 75% percent of newly available vouchers to "extremely low income families." This fungibility provision discretion by HAKC is also reflected in HAKC's Administrative Plan.

If admissions to HAKC's HCV Program during the fiscal year exceeds the 75% minimum targeting requirement for the HCV Program, HAKC's public housing program may reduce the minimum targeting requirement for this program. The fiscal year credit will not exceed:

Ten percent of the public housing waiting list admissions during the HAKC's fiscal year;

Ten percent of the waiting list admissions to the HAKC's tenant-based assistance program during the fiscal year;

The number of qualifying low income families who commence occupancy during the fiscal year of HAKC's units that (a) are located in housing developments located in census tracts having a poverty rate of 30% or more, and (b) are made available for occupancy by and actually occupied in that year by very low income families.

The Fungibility Floor: Regardless of the above amounts, in a fiscal year, at least 30% of

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HAKC's admissions to public housing will be to extremely low-income families. The fungibility floor is the number of units that cause HAKC's overall requirement for housing extremely low-income families to drop to 30% of its newly available units.

Fungibility will only be utilized if HAKC is anticipated to fall short of its 40% goal for new admissions to public housing.

Very Low-Income Family Admissions

As long as HAKC has met the 40% targeted income requirement for new admissions of extremely low-income families, HAKC will fill the remainder of its new admission units with families whose incomes do not exceed 80% of the HUD approved area median income.

F. MIXED POPULATION UNITS

A mixed population development is a public housing development, or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character). In accordance with local preferences, elderly families whose head spouse or sole member is at least 62 years of age, and disabled families whose head, co-head or spouse or sole member is a person with disabilities, will receive equal preference to such units.

No limit will be established on the number of elderly or disabled families that may occupy a mixed population property. HAKC does not maintain a mixed population units.

G. GENERAL OCCUPANCY UNITS

General occupancy units are designed to house all populations of eligible families. In accordance with HAKC's occupancy standards, eligible families not needing units designed with special features or units designed for special populations will be admitted to HAKC's general occupancy units.

All families with children, elderly families and disabled families will have an admission preference over "Other Singles."

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H. MIXED FINANCED or TAX CREDIT PROPERTIES

For the properties, the public housing units will be governed by the ACOP. The Project-based Voucher units will be governed by the Administrative Plan. The tax-credit units will be governed by the tax credit rules.

For HAKC sites using tax credits, the following rules apply:

1. Persons with incomes above 60% of the Area Median Income (AMI) will not be admitted for occupancy in tax credit properties.
2. Persons whose income increases beyond 60% of AMI *during* their residency in HAKC tax credit properties will not be evicted from said properties due to the income increase.
3. Adult full-time students may not reside in tax credit properties.

I. DECONCENTRATION OF POVERTY AND INCOME-MIXING

HAKC's admission policy is designed to provide for deconcentration of poverty and income-mixing. [24 CFR 903.1 and 903.2]

Gross annual income is used for income limits at admission, income targeting, and for income-mixing purposes.

Skipping of a family on the waiting list specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met and in order to comply with HAKC's Broad Range of Income policy.

Deconcentration and Income-Mixing Goals

HAKC's deconcentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to "extremely low-income families", will be to admit higher income families to lower income developments, and lower income families to higher income developments.

Project Designation Methodology

HAKC will determine and compare tenant incomes at all general occupancy developments. Skipping of families for deconcentration purposes will be applied uniformly to all families.

J. PROMOTION OF INTEGRATION

Beyond the basic requirement of nondiscrimination, HAKC will affirmatively further fair

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housing to reduce racial and national origin concentrations. HAKC will not require any specific income or racial quotas for any development or developments.

HAKC will not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for purposes of segregating populations.

K. OFFER OF PLACEMENT ON THE SECTION 8 WAITING LIST

HAKC does not maintain a merged Waiting List for the public housing and Section 8 program. Per 24 CFR 982.205. Applicants will be placed on both wait lists (PH and HCV) unless otherwise requested.

L. REMOVAL FROM WAITING LIST AND PURGING

The waiting list will be purged at least once a year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing, which requires a response within ten (10) working days, will ask for current information and confirmation of continued interest.

If an applicant fails to respond to the request for confirmation and continued interest, s/he 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.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a person with a disability requests a reasonable accommodation for being unable to reply with the prescribed period and verification of such is received by HAKC.

Notices will be made available in accessible format upon the request of a person with a disability. An extension to reply to the purge notification will be considered as an accommodation if requested by a person with a disability.

M. OFFER OF ACCESSIBLE UNITS

(See Accessible units in Chapter 1 on Fair Housing)

N. CHANGES PRIOR TO UNIT OFFER

Changes that occur during the period between certification of eligibility and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment and **must be re-verified prior to making the offer**. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal review when applicable (See Chapter 13 on Complaints, Grievances, and Appeals)

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O. PLAN FOR UNIT OFFERS

The HAKC will select up to the first 10 applicants from the waiting list and offer the next available unit. The first responding family with financial resources for rent and deposits will be assigned the unit. If the other families respond, they will retain their position on the waiting list, and be made an offer on the next available unit. If a family demonstrates that they have the financial resources, but are not the first to respond for the available unit, then this will not be considered one of the two offers. The HAKC plan for selection of applicants and assignment of dwelling units is to assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, sexual orientation or national origin.

- The HAKC will make two (2) unit offers to applicants
- The applicant will have two (2) business days to accept the unit offer
- The offer will be made by telephone contact and the followed up with a written letter of offer.

Percentage of Applicants Selected from Each Preference Category

Until forty percent (40%) of occupied units in public housing are occupied by working families, sixty percent (60%) of applicants on the HAKC waiting list will be selected from Preference #1 (Working and Work Training Program). After such occupancy is reached, not more than fifty percent (50%) of applicants housed by HAKC on an annual basis will be selected from Preference Category #1.

Applicant Status After Final Offer

When an applicant rejects the second unit offer without “good cause” they will be removed from the waiting list and must reapply. If the applicant has good cause, their unit refusal date will become their new application date.

Families may reject units for “good cause”. “Good Cause” reasons include proximity to work, school (must be school providing a reasonable accommodation that is not available at another school), child care; or health related issues.

Time Limit for Acceptance and Move-In

Applicant must accept a unit offer within 48 hours working day of the date the unit is shown and execute lease within two (2) working days from the date the unit is shown. If additional time is needed an extension must be approved by the Executive Director or Designee.

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Applicants Unable to Take Occupancy

If an applicant is willing to accept the unit offered, but is unable to take occupancy at the time of the offer for "good cause," the applicant will not be removed from the waiting list.

Examples of "good cause" reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

- An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing. [24 CFR 945.303(d)]
- Inaccessibility to source of employment or children's day care such that an adult household member must quit a job, drop out of an educational institution or a job training program;
- The family demonstrates to HAKC's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. The reasons offered must be specific to the family. Refusals due to the location of the unit alone are not considered to be good cause.
- A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member.
- The unit is inappropriate for the applicant's disabilities.

Applicants With a Change in Family Size or Status

Changes in family composition, status, or income between the time of the interview and the offer of a unit will be processed. HAKC will not lease a unit to a family whose occupancy will overcrowd or underutilize the unit.

The family will take the appropriate place on the waiting list according to the date they first applied.

P. REFUSAL OF OFFER

If the unit offered is inappropriate for the applicant's disabilities, the family will retain their position on the waiting list.

If the unit offered is refused for other reasons, HAKC will follow the applicable policy as listed in the "Plan for Unit Offers" section and the "Applicant Status After Final Offer" section.

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Q. OFFER OF PLACEMENT ON THE HCV (SECTION 8) WAITING LIST

All programs owned, operated, managed by HAKC do not maintain a common Waiting List. Applicants will be chosen and positioned by the programs priorities and preferences. When waiting lists are open, during application, applicants will be placed on both wait lists (PH and HCV) unless otherwise indicated by the applicant.

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Chapter 5

OCCUPANCY GUIDELINES

INTRODUCTION

The Occupancy Guidelines are established by HAKC to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. This Chapter explains the Occupancy Guidelines used to determine minimum and maximum unit sizes for various sized families when they are selected from the waiting list, or when a family's size changes, or when a family requests an exception to the occupancy guidelines.

A. DETERMINING UNIT SIZE

HAKC does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. HAKC's Occupancy Guideline standards for determining unit size will be applied in a manner consistent with Fair Housing guidelines.

For occupancy standards, an adult is person 18 years or older, or an emancipated minor. All guidelines in this section relate to the number of bedrooms in the unit. Dwelling units will be assigned using the following guidelines:

Generally, HAKC will assign one bedroom to two people with the following exceptions:

- Adults of different generations, persons of the opposite sex (other than spouses), and unrelated adults will not be required to share a bedroom.
- Separate bedrooms should be allocated for children of the opposite sex over the age of 5.
- Foster children will be included in determining unit size only if they will be in the unit for more than 6 months.
- Live-in attendants (aides) will generally be provided a separate bedroom. No additional bedrooms are provided for the attendant's family or children. Overcrowding will not be allowed for accommodation.
- Space will be provided for a family member who is away at college.

The living room will not be used as a bedroom except at the determination of the family and so

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long as it does not constitute an overcrowded unit.

GUIDELINES FOR DETERMINING BEDROOM SIZE

Bedroom(s) Size	Persons in Household: (Minimum #)	Persons in Household: (Maximum #)
Studio	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	5	10

B. EXCEPTIONS TO OCCUPANCY STANDARDS

HAKC will grant exceptions from the guidelines in cases where it is the family’s request or the HAKC determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances, and there is a vacant unit available. If an applicant requests to be listed on a smaller or larger bedroom size waiting list, the following guidelines will apply:

In all cases, where the family requests an exception to the general occupancy standards, HAKC will evaluate the relationship and ages of all family members and the overall size of the unit.

The family may request to be placed on a larger bedroom size waiting list than indicated by the HAKC’s occupancy guidelines. The request must explain the need or justification for a larger bedroom size, and must be verified by HAKC before the family is placed on the larger bedroom size list. HAKC will consider these requests:

Person with Disability

HAKC will grant an exception upon request as a reasonable accommodation for persons with disabilities if the need is appropriately verified.

Other Circumstances

1. The HAKC will grant exceptions from the guidelines in cases where it is the family’s request or the HAKC determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances, and there is a

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vacant unit available in the appropriate size. If an applicant requests to be listed on a smaller or larger bedroom size waiting list, the following guidelines will apply:

- Applicants may request, in writing, to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, (as long as the unit is not overcrowded according to UPCS or local codes). Management is not obligated to transfer the family to a larger unit until an appropriate sized unit becomes available.
 - For a three-person family that includes two adults and an infant, the HAKC may allow the family to lease a one-bedroom unit in a desired general occupancy development.
 - However, the HAKC will not lease a one-bedroom unit to a three-person family that includes two adults and a member above the age of 4.
2. In cases such as those above, a family that voluntarily accepts a unit that is smaller than what the family is eligible for will be required to sign a statement stating that unless there is an increase in family size the family agrees that they are not eligible for transfer to a larger unit for at least 2 years.
 3. The HAKC may offer a family a unit that is larger than required by the HAKC's occupancy standards, if there is no waiting list for families large enough to fill the vacancy, or the HAKC determines that the common area for the project is insufficient for accommodating any additional large families.
 4. In all cases, where the family requests an exception to the general occupancy standards, the HAKC will evaluate the relationship and ages of all family members and the overall size of the unit.
 5. The family may request to be placed on a larger bedroom size waiting list than indicated by the HAKC's occupancy guidelines. The written request must explain the need or justification for a larger bedroom size, and must be verified by the HAKC before the family is placed on the larger bedroom size list. The HAKC will consider these requests:

(a) Person with Disability

- The HAKC will grant an exception upon request as a reasonable accommodation for persons with disabilities if the need is appropriately verified and meets requirements in the "Service and Accommodations Policy" section of Chapter 1.

(b) Other Circumstances

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- Circumstances may dictate a larger size than the occupancy standards permit when:
 - Persons cannot share a bedroom because of a need for medical equipment due to its size and/or function. Requests for a larger bedroom due to medical equipment must be verified by a doctor.
 - Requests based on health-related reasons must be verified by a medical professional.
 - At least on an annual basis HAKC will verify that the space is being used for the intended purpose and the live-in aide remains qualified to perform the function.
- 6. The HAKC will not assign a larger bedroom size due to additions of family members other than by live-in aide, birth, adoption, marriage, court awarded custody and care or custody pursuant to a durable power of attorney and guardianship of minor children.
- 7. All individuals occupying the unit and members of the family residing in the unit must be approved by the HAKC. 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 and care or custody pursuant to a durable power of attorney, in which case the family must inform the HAKC within **ten (10) working** days.
 - To avoid vacancies, the HAKC may provide a family with a larger unit than the occupancy standards permit. The family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is a suitable smaller unit available. This requirement is a provision of the lease.

Live-in Aides

One reason HAKC allows an additional bedroom is related to live-in aides. Although a health care provider must document the need for a live-in aide (which would result in the issuance of an additional bedroom size), the live-in aide must be identified by the family and approved by the HAKC first.

The definition of a live-in aide is recorded in HUD policy which states that a live-in aide is a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities and who is: (1) determined to be essential to the care and well-being of the persons; (2) is not obligated for the support of the persons; and (3) would not be living in the unit except to provide the necessary supportive services. It should be noted that the definition applies to a specific person. In accordance with this definition, a live-in aide is not a member of the assisted family and is not entitled to the unit as the remaining member of the tenant family.

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The HAKC must approve the person identified as the live-in aide. The HAKC will disapprove such a person if s/he has: (1) committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; (2) committed drug-related criminal activity or violent criminal activity; (3) currently owes rent or other amounts to the HAKC or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act; or (4) demonstrated the inability to comply with HAKC conditions for suitable occupancy. Additionally, the HAKC must establish standards to determine the number of bedrooms needed for families of different sizes and compositions. Consequently, HAKC may not approve an unidentified live-in aide, nor a larger unit than the family qualifies for under the HAKC's standards for an unidentified live-in aide.

Occasional, intermittent, multiple or rotating care givers typically do not reside in the unit and would not qualify as live-in aides. Therefore, an additional bedroom should not be approved for these circumstances.

Other Reasonable Accommodation Issues. A family may always request a reasonable accommodation to permit program participation by individuals with disabilities. A family's composition or circumstances may warrant the provision of an additional bedroom to permit disability-related overnight care and allow the family equal use and enjoyment of the unit. The HAKC must consider requests for an exception to the established subsidy standards on a case-by-case basis and provide an exception, where necessary, as a reasonable accommodation. The HAKC will document the justification for all granted exceptions.

Medical Equipment. Although HAKC may approve an additional bedroom for medical equipment if the need is documented by a health care provider, the actual equipment in the extra bedroom should be verified by the HAKC during the annual inspection of the unit. If the extra bedroom is not being used for the intended purpose, the HAKC must reduce the bedroom standard. However, the HAKC may take further action, if it believes any lease or family obligations were violated.

C. ACCESSIBLE UNITS

(See Fair Housing Disability Unit Provisions in Chapter 1)

Preference for occupancy of these units will be given to families with disabled family members who require the modifications or facilities provided in the units.

No non-mobility-impaired families will be offered these units until all eligible mobility-impaired tenants and then applicants have been considered.

Accessible units will be offered and accepted by non-mobility impaired applicants only with the understanding that such applicants/tenants must accept a transfer to a non-accessible unit at a later date if a person with a mobility impairment requiring the unit applies for the accessible unit and is determined eligible.



Chapter 6

DETERMINATION OF TOTAL TENANT PAYMENT [24 CFR 5.609, 5.611, 5.613, 5.615]

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. HAKC may use any streamlined and abbreviated systems as allowed by HUD.

This Chapter defines the allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subpart F and further instructions set forth in HUD Notices, Memoranda and Addenda. However, the Quality Housing and Work Responsibility Act provide PHA's broader flexibility. HAKC's policies in this Chapter address those areas that 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. MINIMUM RENT

The minimum rent for HAKC is **\$50**. The minimum rent refers to a minimum total tenant payment and not a minimum tenant rent.

The Total Tenant Payment is the greater of:

30% of the adjusted monthly income

10% of the monthly income

The minimum rent as established by HAKC

The Total Tenant Payment does not include other charges.

HAKC recognizes that in some instances even the minimum rent may create a financial hardship for families. HAKC will review all relevant circumstances brought to the HAKC's attention regarding financial hardship as it applies to minimum rent.

HAKC Procedures for Notification to Families of Hardship Exceptions

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

Requests for minimum rent exception must state the family circumstances that qualify the family for an exception. The HAKC may request documentation from family to justify or support the request for hardship exception

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Exceptions to Minimum Rent

HAKC will immediately grant the minimum rent exception to all families who request it.

The minimum Rent will be suspended until HAKC determines whether the hardship is:

Covered by statute

Temporary or long term

If HAKC determines that the minimum rent is not covered by statute, HAKC will impose a minimum rent including payment for minimum rent from the time of suspension. HAKC will use its standard verification procedures to verify circumstances that have resulted in financial hardship, such as loss of employment, death in the family, etc.

HUD Criteria for Hardship Exception

In order for a family to qualify for a hardship exception the family's circumstances must fall into one of the following criteria:

The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or local assistance;

The family would be evicted as a result of the imposition of the minimum rent requirement;

The income of the family has decreased because of changed circumstances, including:

- Loss of employment
- Death in the family
- Other circumstances as determined by HAKC or HUD

Temporary Hardship

If HAKC determines that the hardship is temporary, a minimum rent will be imposed, including back payment from time of suspension, but the family will not be evicted for nonpayment of rent during the 90-day period commencing on the date of the family's request for exemption.

HAKC defines temporary as less than 90 days.

Repayment Agreements for Temporary Hardship

HAKC will offer a repayment agreement to the family for any such rent not paid during the temporary hardship period.

If the family owes HAKC money for rent arrears incurred during the minimum rent period,

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HAKC will calculate the total amount owed and divide it by 3 to arrive at a reasonable payment increment that will be added to the family's regular monthly rent payment. The family will be required to pay the increased amount until the arrears are paid in full.

Minimum rent arrears that are less than \$50 will be required to be paid in full the first month following the end of the minimum rent period.

If the family goes into default on the repayment agreement for back rent incurred during a minimum rent period, HAKC will reevaluate the family's ability to pay the increased rent amount and:

- Determine whether the family has the means to meet the obligation and, if so determined, initiate eviction proceedings for nonpayment of rent; or
- Determine that the repayment agreement is a financial hardship to the family and if so, restructure the existing repayment agreement.

HAKC's policies regarding repayment agreements are further discussed in the chapter entitled "Family Debts to the PHA."

B. INCOME AND ALLOWANCES

Income: Includes all monetary and non-monetary income or benefit amounts that are received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines what is to be calculated and what is to be excluded in the federal regulations. In accordance with this definition, all income that is not specifically excluded in the regulations is counted.

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Annual Income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual Income is used to determine whether or not applicants are within the applicable income limits.

Adjusted Income is defined as the Annual Income minus any HUD allowable expenses and deductions.

HUD has six allowable deductions from Annual Income:

1. \$480 for each dependent;
2. \$400 for any elderly family or disabled family;
3. For any family that is a disabled family, or has a member (other than the head or spouse) who is a person with a disability. A disability assistance expenses for unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities, including the disabled member, where such expenses are necessary to permit an adult family member to be employed. The

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allowable expenses must be in excess of 3% of annual income. This allowance may not exceed the employment income received by the family members that is freed to go to work, who is at least 18 years of age.

4. For any elderly or disabled family:
 - That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;
 - That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
 - That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that are equal to the total of these expenses less 3% of annual income.
5. Childcare expenses. Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted will reflect reasonable charges for childcare for furthering education or seeking employment. In the case of childcare necessary to permit employment, the amount deducted will not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(b)).
6. The HAKC does not provide for any optional deductions or allowances in the public housing program.

C. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS
[24 CFR 960.255]

The annual income for qualified families may not be increased as a result of increases in earned income of a family member beginning on the date on which the increase in earned income begins and continuing for a cumulative 12-month period. For calculation purposes, the disallowance will begin the first of the month after the employment begins. After the family receives 12 cumulative months of the full exclusion, annual income will include a phase-in of half the allowable earned income exclusion from annual income.

A family qualified for the earned income exclusion is a family that is receiving assistance under the public housing program; and

- Whose annual income increases as a result of employment of an adult family member

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and who was previously unemployed for one or more years prior to employment;

- Whose annual income increases as a result of increased earnings by an adult family member during participation in any economic self-sufficiency or other job training program; or
- Whose annual income increases, as a result of new employment or increased earnings of an adult family member during or within six months after receiving assistance, benefits or services under any State program for TANF provided that the total amount over a six-month period is at least \$500. The qualifying TANF assistance may consist of any amount of monthly income maintenance, and/or at least \$500 in such TANF benefits and services as one-time payments, wage subsidies and transportation assistance.

The HUD definition of "previously unemployed" includes a person who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage (\$3,625 per year). Minimum wage is the prevailing minimum wage in the State or locality if it is higher than the federal minimum wage.

The HUD definition of economic self-sufficiency program is any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Qualifying increases are any earned income increases of a family member during participation in an economic self-sufficiency or job training program and may include increases that occur after participation provided the training provides assistance, placement, training or mentoring after the training that leads to employment.

The amount that is subject to the disallowance is the amount of incremental increase in income of a family member. The incremental increase in income is calculated by comparing the amount of the family member's income before the beginning of qualifying employment (baseline) to the amount of such income after the employment.

Initial Twelve-Month Exclusion

During the cumulative 12-month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the HAKC will exclude from annual income of a qualified family member any increase in income of the family member as a result of employment over the prior income of that family member (baseline).

Second Twelve-Month Exclusion and Phase-in

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During the second cumulative twelve-month period after the expiration of the initial cumulative twelve-month period referred to above, the HAKC must exclude from Annual Income of a qualified family member, at least 50 percent of any increase in income of such family member as a result of employment over the family member's baseline income.

Maximum Two-Year Disallowance

Families eligible for and participating in the disallowance of earned income under the disallowance prior to May 9, 2016 will continue to be governed by a 48-month window of opportunity. Families eligible for the earned income disallowance after May 9, 2016 will be governed by a 24-month window of opportunity.

The earned income disallowance is limited to a lifetime 24-month period for each family member. For each family member, the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of phase-in exclusion during the 24-month period starting from the date of the initial exclusion.

If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 24-month period, and continued until the disallowance has been applied for a total of 12 months of each disallowance (the initial 12-month full exclusion and the balance of the second 12-month phase-in exclusion).

No earned income disallowance will be applied after the 24-month period following the initial date the exclusion was applied.

Applicability to Child Care Expense Deductions

The amount deducted for childcare necessary to permit employment will not exceed the amount of employment income that is included in annual income. Therefore, for families entitled to the earned income disallowance, the amounts of the earned income that is included in the Annual Income after the application of the earned income disallowance will be used in determining the cap for childcare deduction in the case of the deduction that is allowed due to employment.

Applicability to Disability Expense Deductions

The amount deducted for disability expense deduction that is necessary to permit employment will not exceed the amount of employment income that is included in Annual Income. Therefore, for families entitled to the earned income disallowance, the amounts of the earned income that is included in the Annual Income after the application of the earned income disallowance will be used in determining the cap for the disability expense deduction.

Applicability to Families that Receive both Child Care Expense and Disability Deductions

The amount deducted for both childcare and disability expense deductions necessary to permit employment will not exceed the amount of employment income that is included in Annual Income. Therefore, for families entitled to the earned income disallowance, the amounts of the

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earned income that is included in the Annual Income after the application of the earned income disallowance will be used in determining the cap for childcare deduction and disability expenses combined in the case of the deduction that is allowed due to employment.

Tracking the Earned Income Exclusion

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be included in the family's file to show the reason for the reduced increase in rent.

*Such documentation will include:

- Date the increase in earned income was reported by the family
- Name of the family member whose earned income increased
- Reason (new employment, participation in job training program, within 6 months after receiving TANF) for the increase in earned income
- Amount of the increase in earned income (amount to be excluded)
- Date the increase in income is first excluded from annual income
- Date(s) earned income ended and resumed during the initial cumulative 12-month * period of exclusion (if any)
- Date the family member has received a total of 12 months of the initial exclusion
- Date the 12-month phase-in period began
- Date(s) earned income ended and resumed during the second cumulative 12-month period (phase-in) of exclusion (if any)
- Date the family member has received a total of 12 months of the phase-in exclusion
- Ending date of the maximum 24-month (two-year) disallowance period (24 months from the date of the initial earned income disallowance)

The HAKC will maintain a tracking system to ensure correct application of the earned income disallowance.

It is a HAKC policy decision to conduct an interim reexamination for income increases for the purpose of calculating the earned income disallowance.

Inapplicability to Admission

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The earned income disallowance is only applied to determine the Annual Income of families who are participants in the public housing program, and therefore does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

D. INDIVIDUAL SAVINGS ACCOUNTS

HAKC chooses not to establish a system of individual savings accounts for families who qualify for the earned income disallowance. (24 CFR 960.255 (d).)

E. TRAINING PROGRAMS FUNDED BY HUD

All training income from a HUD sponsored or HUD funded training program, whether incremental or not, is excluded from the resident's Annual Income while the resident is in training. Income from a Resident Services training program, which is funded by HUD, is excluded.

Upon employment with HAKC, the full amount of employment income received by the person is counted, but subject to the earned income disallowance provisions.

F. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, HAKC will:

Annualize current income and conduct an interim reexamination if income changes.

If there are bonuses or overtime that the employer cannot anticipate for the next twelve months, then the HAKC will anticipate the income based upon previous years' income including the bonuses and overtime.

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, type of income and verification.

G. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income or extremely low income will have the income be re-verified through EIV every 90 days for income changes and are further required to complete a written no/low income certifications every 90 days and undergo an interim recertification every 90 days.

If any increases in income are indicated in any of the above information or other verification at any time, then the family will be reviewed for an interim and the rent will be adjusted

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accordingly.

Families that report zero or extremely low income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.

HAKC may request additional credit checks for all adult members of families that report zero or extremely low income.

Where credit reports show credit accounts open and payments current, HAKC may take action to investigate the possibility of unreported or underreported income, fraud or program abuse.

H. INCOME OF PERSON PERMANENTLY/TEMPORARILY CONFINED TO NURSING HOME

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, HAKC will calculate the Total Tenant Payment by:

Excluding the income of the person permanently confined to the nursing home and not giving the family deductions for medical expenses of the confined family member.

If the family member is temporarily confined in a hospital or nursing home, HAKC will calculate the TTP by:

Including the income of the person temporarily confined to the nursing home and giving the family the medical deductions allowable on behalf of the person in the nursing home, if they are an elderly or disabled family.

I. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609(b)(7)]

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 every two months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than \$100 per year. 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. (See Chapter on "Verification Procedures," for further definition.)

If the family's expenses exceed their known income, HAKC will make inquiry of the family about regular contributions and gifts.

J. ALIMONY AND CHILD SUPPORT [24 CFR 5.609(b) (7)]

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

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Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, HAKC will use the amount that is determined to be received by the family*.

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

HAKC receives verification from the agency responsible for enforcement or 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 documentation and a copy of the divorce decree.

*HAKC will use the following guidelines for calculating amounts when less than award amount:

- If the amounts received are consistent within the past 3-6 months, then the amounts will be used to calculate the next 12 months (i.e. started 3 months ago at \$250 per month equals \$250 times 12 months).
- If the amounts are sporadic during the past 12 months, then the total amount received during the past 12 months will be used.
- If the amount(s) received have completely stopped, the family must furnish the information outlined above along with a statement that the support is not being received and that they understand they must report the change if it starts again.

K. LUMP-SUM RECEIPTS [24 CFR 5.609(b) (5), (c)]

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, if the amount has been invested in an allowable asset.

Lump-sum payments caused by delays in processing periodic payments (unemployment or welfare assistance) are counted as income. Lump sum payments from Social Security, VA or SSI are excluded from income, but any amount remaining that is invested will be considered an asset. Deferred periodic payments that 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 the lump sum receipt:

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- HAKC uses a calculation method that calculates retroactively or prospectively depending on the circumstances.
- HAKC will calculate prospectively if the family reported the payment within 10 days and retroactively to date of receipt if the receipt was not reported within that time frame.

Prospective Calculation Methodology

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim adjustment calculated as follows:

- The entire lump-sum payment will be added to the annual income at the time of the interim.
- HAKC will determine the percent of the year remaining until the next annual recertification as of the date of the interim (three months would be 75% of the year).
- At the next annual recertification, HAKC will apply the percentage balance (25% in this example) to the lump sum and add it to the rest of the annual income.
- The lump sum will be added in the same way for any interims that occur prior to the next annual recertification.

Retroactive Calculation Methodology

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

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

At HAKC's option, HAKC 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 lump-sum compensation and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

L. CONTRIBUTIONS TO RETIREMENT FUNDS – ASSETS

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



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

M. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

HAKC must count assets disposed of for less than fair market value during the two years preceding the date of divestiture. HAKC will count the difference between the market value and the actual payment received for less than market value in calculating total assets.

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

HAKC's minimum threshold for counting assets disposed of for less than Fair Market value is \$4,000. If the total value of assets disposed of within the two-year period is less than \$4,000, they will not be considered an asset.

N. CHECKING AND SAVINGS ACCOUNTS

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

- In determining the value of a checking account, the HAKC will use the average balance.
- In determining the value of a savings account, the HAKC will use the average balance.
- In determining the anticipated income from an interest-bearing checking or savings account, the HAKC will multiply the value of the account by the current rate of interest paid on the account.

In lieu of the calculation described above, the HAKC can use the actual received over the last calendar year in determining the anticipated amount of interest if it is anticipated that the average balance will remain constant (similar to the balance for the last twelve months).

O. CHILD CARE EXPENSES

Child-care expenses for children under 13 may be deducted from annual income, to determine adjusted income, if they enable an adult to work or attend school, or to actively seek employment. In the case of a child attending private school, only after-hours care can be counted as child-care

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expenses.

Childcare expenses must be reasonable. Reasonable is determined by what the average child care rates that have been determined by the TANF Agency in the HAKC's jurisdiction.

Allowance of deductions for child-care expenses is based on the following guidelines:

Child-care to work: The maximum child-care expense allowed cannot exceed the amount of earned income by the person enabled to work which is included in the family's annual income. **The "person enabled to work" will be the adult member of the household that is now released to perform work.**

Child-care for school: The number of hours claimed for child-care may not exceed the number of hours the family member is attending school and study time, including reasonable travel time to and from school.

For determining reasonable child-care expenses for education, training or seeking employment: The HAKC will determine reasonable limits to be the amount determined by the state welfare agency. If the rate per child verified by the family exceeds the guideline, the HAKC may use the state welfare agency's determination for the area to be the cap in order to calculate the allowance. Family's seeking employment will be limited to 60 days of child-care each year, and must provide additional documentation (verification) of where the family member has sought employment.

Child Care Expense Verification Information/Form

The form to be completed by the childcare provider that will be used to verify childcare expense will include:

- The name of the care provider;
- The address of the care provider;
- The telephone number of the care provider;
- The Social Security number or EIN of the care provider;
- The names and ages of the children for whom care is being provided;
- The hours of care provided for each child for each day of the week;
- The amount actually paid by the family;
- The amount reimbursed from other sources for the child care expenses.

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HAKC may also require additional verification from a relative or other person claiming receipt of child care payments through a tax-return, 1099, or other third-party document.

P. MEDICAL EXPENSES [24 CFR 5.603]

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

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

Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts with identification of the type of purchase.

Chiropractic services are included under IRS Publication 502 and will be considered allowable medical expenses.

Q. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

Applicability

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.

An applicant mixed-family is entitled to prorated assistance. Tenant families that become mixed families by the addition of an ineligible member are entitled to prorated assistance.

Prorated Assistance Calculation

Prorated assistance will be calculated by subtracting the Total Tenant Payment from the applicable Flat Rent for the unit the family occupies to determine the Family Maximum Subsidy.

The specific method of prorating assistance for Public Housing covered programs is as follows:

Step 1. Determine the total tenant payment in accordance with section 5.628. (Annual income includes income of all family members, including any family member who has not established eligible immigration status.)

Step 2. Subtract the total tenant payment from the HAKC-established flat rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible ("family maximum subsidy").

Step 3. Divide the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status ("eligible family member"). The subsidy per eligible family member is the "member maximum subsidy."

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Step 4. Multiply the member maximum subsidy by the number of family members who have citizenship or eligible immigration status (“eligible family members”).

The product of steps 1 through 4 of this section is the amount of subsidy for which the family is eligible (“eligible subsidy”).

The family’s rent is the HAKC- established flat rent minus the amount of the eligible subsidy.

Method of prorating assistance when the mixed family’s total tenant payment (TTP) is greater than the public housing flat rent.

When the mixed family’s TTP is greater than the flat rent, the HAKC must use the TTP as the mixed family TTP. The HAKC subtracts from the mixed family TTP any established utility allowance, and the sum becomes the mixed family rent.

Mixed families with the TTP is less than the Flat rent can pay the flat rent. In the case of paying the flat rent, they shall not receive a prorated rent calculation. An adult member that is ineligible for assistance in a mixed family is also ineligible for an earned income disallowance.

R. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

QHWRA revised the situations in which a PHA is required to reduce rent for special cases. In order to comply with the requirement, HAKC will make income revisions for changes resulting from Welfare program requirements as follows:

The HAKC will not reduce the rental contribution for families whose welfare assistance is reduced specifically because of:

- fraud by a family member in connection with the welfare program; or
- failure to participate in an economic self-sufficiency program; or
- noncompliance with a work activities requirement

However, the HAKC will reduce the rental contribution if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where a family member has not complied with a general welfare agency requirement; or
- A situation where a family member has complied with welfare agency economic self-sufficiency or work activities requirements but cannot or has not obtained employment,

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such as the family member has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits; or

- A situation of an inadvertent overpayment.

Imputed welfare income is the amount of annual income not actually received by a family as a result of a specified welfare benefit reduction that is included in the family's income for rental contribution.

Imputed welfare income is not included in annual income if the family was not an assisted resident at the time of sanction.

The amount of imputed welfare income is offset by the amount of additional income (new income) a family receives that begins after the sanction was imposed.

When additional income is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

Verification Before Denying a Request to Reduce Rent

HAKC will not obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance before denying the family's request for rent reduction. Final determination will be made based on final documentation from the welfare department.

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Cooperation Agreements

HAKC does not have a written cooperation agreement in place with the local welfare agency that assists the PHA in obtaining the necessary information regarding welfare sanctions.

S. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

If the cost of utilities (excluding telephone) is not included in the Tenant Rent, a utility allowance will be deducted from the total tenant payment. The Utility allowance is intended to help defray the cost of utilities not included in the rent. The allowances are based on the monthly cost of reasonable consumption utilities in an energy conservative household, not on a family's actual consumption.

When the Utility Allowance exceeds the family's Total Tenant Payment, HAKC will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the family or utility company (electric or gas). [CFR 24 Part 5.632 (b)(2)]

If at any time the HAKC changes its utility payout and if the HAKC elects to pay the utility supplier, the HAKC must notify the family of the amount of utility reimbursement paid to the utility supplier. This is done through the notice of rent adjustments that are sent out at the time of annual or interim recertification and the rent adjustments.

The HAKC may elect at any time to establish policies regarding the frequency of utility reimbursement payments for payments made to the family.

The HAKC maintains the option of making utility reimbursement payments not less than once per calendar-year quarter, for reimbursements totaling \$45 or less per quarter. In the event a family leaves the program in advance of its next quarterly reimbursement, the HAKC must reimburse the family for a prorated share of the applicable reimbursement.

If HAKC exercises this option, it must have a hardship policy in place for tenants. Hardship policies include loss of income for a period of greater than 90 days due to no fault of the family.

Resident-Paid Utilities

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

If a resident or applicant is unable to get utilities connected because of a previous balance owed to the utility company, the resident/applicant will not be permitted to move into a unit with resident paid utilities. This may mean that a current resident cannot transfer to a property or be admitted to a unit with resident-paid utilities.

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

Reasonable Accommodations in Adjusting the Utility Allowances

It is the policy of the HAKC to adjust the amount of tenant-paid utilities or HAKC consumption levels for tenant allowances in documented situations when a qualified family is entitled to the adjustments. Such adjustments will be made based on the qualification of the disabled individual's special need, and will be no more than the difference of the usage of the reasonable cost of a reasonable increased consumption level for the additional required apparatus used to address the need.

T. EXCESS UTILITY PAYMENTS

Residents in units where HAKC pays the utilities will be charged for excess utilities if additional appliances or equipment are used in the unit. When there is a check meter, if the tenant uses in excess of the consumption allowance, the tenant will pay the excess. This charge will be applied as specified in the lease. [24 CFR 966.4(b) (2)] Residents that are paying flat rent and in units that are individually metered will be charged for the excess utilities used above the allowable level.

U. FAMILY CHOICE IN RENTS

Authority for Family to Select

HAKC will provide for each family residing in a public housing unit to elect annually whether the rent paid by such family will be 1) determined based on family income or 2) the flat rent. HAKC may not at any time fail to provide both such rent options for any public housing unit owned, assisted or operated by HAKC.

Annual choice: HAKC will provide for families residing in public housing units to elect annually whether to pay income-based or flat rent at the time of the annual recertification. The choice information is provided at the time of the annual recertification and the family provides the decision to the HAKC at that time. The documentation is retained in the tenant file.

Allowable Rent Structures

Flat Rents (PIH 2015-13 and Streamlining Rule March 8, 2016)

The Streamlining rule of 2016 amended the public housing rent requirements for flat rents. Specifically, the regulation was amended to require that flat rents must be set at no less than the lower of 80 percent of:

1. the applicable fair market rental established under section 8(c) of the; or

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2. at the discretion of the Secretary, such other applicable fair market rental established by the Secretary that the Secretary determines more accurately reflects local market conditions and is based on an applicable market area that is geographically smaller than the applicable market area used for purposes of the applicable fair market rental under section 8(c);

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

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

As flat rents are fully implemented, the higher rent levels will ensure that families with higher incomes pay an appropriate market-based rent. It is an important policy goal to provide scarce public resources to those most in need of deeply affordable housing. HAKC is therefore reminded that they have the discretion, in accordance with federal law and regulations (24 CFR 960.261; FR-4824-F-02), to establish occupancy policies that include the eviction of public housing tenants who are above the income limits for eligibility to participate in public housing programs. HUD encourages HAKC to provide a balance between the important goals of supporting the sustained self-sufficiency of families with the ever-increasing demand for affordable housing units among families on their waiting lists.

Flat Rent, FMRs AND Utility Payments

Fair Market Rents (FMRs) are gross rent estimates that cover the shelter rent plus the cost of all necessary utilities regardless of who actually pays the utilities. Although the inclusion of utilities in the FMR is an accurate estimate of the cost of renting a unit in a particular area, their inclusion for purposes of setting Public Housing flat rents may lead to families paying more in gross rent if the shelter rent is not adjusted to reflect utility payments. Specifically, families that pay a flat rent for public housing units and that pay their own utilities would pay more in gross rent (i.e., shelter rent plus utilities) than a family in a similarly situated unit where the HAKC pays the utilities.

For example, if HAKC sets the flat rent for 1-BR units at exactly 80 percent of the FMR, totaling (\$400), a family renting a unit where the HAKC pays the utilities would pay \$400, and a family that rents a unit where they are responsible for paying utilities would pay \$400 plus the cost of utilities. In this case, the family paying for utilities directly pays more because they are renting a unit where they are responsible for their own utility payments.

To address this issue when establishing flat rents, HAKC must consider who is responsible for direct utility payments to the utility company, and adjust the flat rent accordingly.

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Specifically, if the HAKC is responsible for paying for utilities to the utility company, no adjustment is necessary when setting flat rents. However, if the family is responsible for making direct utility payments to the utility company, the HAKC must adjust the flat rent amount downward, using a utility allowance, to account for reasonable utility costs of an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. For flat rents that are set at 80 percent of FMR, the HAKC must first determine 80 percent of FMR for each bedroom-size, and then reduce that amount by the utility allowance. For example, if 80 percent of FMR for a 1-BR unit is \$400, then the resulting rent after a reasonable utilities reduction of \$50 per month would be \$350. HAKC should also consider utility payments where flat rents are set above 80 percent of FMR and incorporate such adjustments as necessary.

HAKC will adjust fair market rents downward to account for reasonable utility cost by subtracting the utility allowance allowed for the appropriate size apartment from the published fair market rent to establish the flat rate rent that will be charged to the family.

HAKC shall review the income of families paying flat rent not less than once every three years.

Effective no later than October 31, 2014 all new admissions will be charged FMR (fair market rents) and all current families at the time of their annual re-certifications will be phased in at a rate not to exceed 35 percent until they have reached the new flat rate rents.

HAKC shall review the income of families paying flat rent not less than once every three years.

Exceptions to Flat Rent

The regulation permits HAKC to request an exception flat rent that is lower than either 80 percent of the lower of the FMR or SAFMR/unadjusted rent if the HAKC can demonstrate that these FMRs do not reflect the market value of a particular property or unit.

In order to demonstrate the need for an exception flat rent, HAKC is required to submit a market analysis methodology that demonstrates the value for the unit. While HUD does not prescribe a particular formula for determining the market analysis, HAKC must compare the public housing unit to unassisted units in the area using the following factors:

- Location, quality, size, unit type, age of the unit, and
- Amenities, housing services, maintenance, and utilities the PHA will provide under the lease.

These criteria are meant to assist HAKC in developing a common-sense approach to valuing a unit. It remains important to note that HUD places a high priority on accurate rent determinations and requires that such determinations be performed in a documented, reasonable, and consistent manner. It is not, however, necessary or cost-effective to try to quantifiably document or separately evaluate each of these criteria. To the extent possible, rent valuation should be based on rents paid for similar units in the same general location that are also generally similar in terms of the overall quality of housing services provided.

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Any procedures or documentation used should reflect this approach.

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

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

HAKC must receive written HUD approval to utilize an exception flat rent prior to implementing the exception flat rent. When HAKC utilizes exception flat rents, they must conduct a new market analysis, and obtain HUD approval, annually.

If HUD denies an exception flat rent request, HUD will provide a detailed written response regarding the reasons for the denial. If, after reviewing HUD's written denial, HAKC believes that HUD's decision was in error, HAKC may appeal the decision in writing to their local HUD field office no later than 30 days after receiving notification of the denial. The appeal should include any new information the HAKC believes is necessary to supplement the original submission. If HUD denies the appeal, HAKC must immediately set flat rents at no less than the lower of 80 percent of the FMR or SAFMR pursuant to the regulations. While awaiting HUD response for any exception request or the appeal for an exception request, flat rents must be set at no less than 80 percent of the lower of the FMR or SAFMR, or at the exception flat rent level previously approved by HUD.

Flat Rent Increase Phase-in Requirements

The FY 2015 Appropriations Act provides HAKC additional flexibility to establish flat rents at lower amounts, thereby eliminating the need for the three-year phase-in of all flat rent increases. Therefore, pursuant to PIH 2015-13, the only flat rent increases that may be phased-in are those where a family's rent will increase by more than 35 percent. PHAs that began phase-ins for families with rent increases at 35 percent or less do not need to take any immediate action to update the flat rents for such families, but at the family's next annual rent option, the requirements outlined below shall apply.

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

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

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- b. If the HAKC determines that the updated flat rent amount would increase a household's rental payment by more than 35 percent, the family may choose to pay the phased-in flat rent amount resulting from the flat rent impact analysis or the previously calculated income-based rent.

Income-Based Rents

The monthly Total Tenant Payment amount for a family will be an amount, as verified by the PHA that does not exceed the greatest of the following amounts:

- 30 percent of the family's monthly adjusted income;
- 10 percent of the family's monthly income; or
- HAKC's Minimum Rent of \$50

Switching Rent Determination Methods Because of Hardship Circumstances

In the case of a family that has elected to pay HAKC's flat rent, HAKC will immediately provide for the family to pay rent in the amount determined under income-based rent, during the period for which such choice was made, upon a determination that the family is unable to pay the flat rent because of financial hardship, including:

- Situations in which the income of the family has decreased because of changed circumstances, loss of or reduction of employment, death in the family, and reduction in or loss of income or other assistance; or
- An increase, because of changed circumstances, in the family's expenses for medical costs, child care, transportation, education, or similar items; or
- Such other situations as may be determined by HAKC.

All hardship situations will be verified.

Annual Reexamination

120 days in advance of annual reexamination, the family will be notified of their annual reexamination. During this reexamination period, the family will be given the option to choose flat rent or income-based rent. HAKC will provide a form that states what the flat rent would be and what the family's income-based rent would be. The family will be required to make a choice and sign the form prior to the effective date of their reexamination. The form will be retained in the tenant's file. (See Chapter 11 for further details).

Whether the family indicates they choose income-based or a flat rent, a reexamination

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appointment will be scheduled according to HAKC policy. The family during the reexamination will be provided information on the anticipated rent and may choose to pay flat rent prior to the new rent going into effect.

V. HAKC'S FLAT RENT METHODOLOGY (Streamlining Rule 2016)

In order to comply with the flat rent requirements annually, no later than 90 days after issuance of new FMRs or SAFMRs by HUD, the HAKC must:

- 1) Compare the current flat rent amount to the applicable FMR and SAFMR/unadjusted rent:
 - a) If the flat rent is at least 80 percent of the lower of the FMR or SAFMR/unadjusted rent, the HAKC is in compliance with the law, and no further steps are necessary;
 - b) If the flat rent is less than 80 percent of the lower of the FMR and SAFMR, the HAKC must set flat rents at no less than 80 percent of the lower of the FMR or SAFMR/unadjusted rent, subject to the utilities adjustment in section 5 of PIH 2015-13, or the PHA may request an exception flat rent pursuant to the requirements of Section 4 of this notice;
- 2) Update the flat rent policies in the Admissions and Continued Occupancy Policies (ACOP) as necessary;
- 3) At all new admissions, permit the family to choose between the flat rent amount and the income-based rent; and
- 4) For families that are current public housing residents, offer the updated flat rent amount at the next annual rent option, and permit the family to choose between the flat rent amount and the income-based rent, subject to the requirements of Section 7 of PIH 2015-13.

The Schedule of Flat Rents is posted at the public housing developments and designated posting areas within the HAKC.

W. ANNUAL INCOME INCLUSIONS AND EXCLUSIONS DEFINITION

Annual Income Includes:

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (2) The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is

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reimbursement of cash or assets invested in the operation by the family;

(3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as a deduction in determining net income. An allowance for depreciation is permitted only as authorized within this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

(4) The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, lotteries, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment (but see No. 13 under Income Exclusions);

(5) Payments in lieu of earnings, such as unemployment, worker's compensation, and severance pay (but see No. 3 under Income Exclusions);

(6) Welfare Assistance.

- a. Welfare assistance received by the household.
- b. The amount of reduced welfare income that is disregarded specifically because the family engaged in fraud or failed to comply with an economic self-sufficiency or work activities requirement.
- c. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustments by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare income to be included as income shall consist of:
 - (i) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - (ii) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage;

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling; and

(8) All regular pay, special pay, and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other person whose dependents are residing in the unit (but see paragraph (7)) under Income Exclusions.

(9) For the section 8 programs only and as provided under the restrictions on assistance to students enrolled in an institution of higher education, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965, from private sources, or

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from an institution of higher education, shall be considered income to the individual, except that financial assistance described in this income inclusion is not considered income for persons over the age of 23 with dependent children. Financial assistance does not include loan proceeds for determining income.

Annual Income Excludes:

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone);
- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses (but see No. 5 under Income Inclusions);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide (as defined by regulation);
- (6) Except for the required income inclusions in the Section 8 Program as stated income inclusions #9, the full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8) Certain amounts received that are related to participation in the following programs
 - (a) Amounts received under training programs funded by HUD;
 - (b) Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - (c) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
 - (d) A resident service stipend. This is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the owner, on a part-

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time basis, that enhances the quality of life in the development. This may include, but is not limited to fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time; or

(e) Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program.

(9) Temporary, nonrecurring, or sporadic income (including gifts). For example, amounts earned by temporary census employees whose terms of employment do not exceed 180 days (Notice PIH 2000-1).

(10) Reparations 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;

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

(12) Adoption assistance payments in excess of \$480 per adopted child;

(13) Deferred periodic payments of supplemental security income and social security benefits that are received in a lump-sum payment or in prospective monthly payments;

(14) 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;

(15) Amounts paid by a state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; and.

(16) Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. A notice will be published in the *Federal Register* and distributed to PHAs identifying the benefits that qualify for this exclusion. Updates will be distributed when necessary. The following is a list of income sources that qualify for that exclusion:

a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b));

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- b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
- c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
- d) Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
- e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
- f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);
- g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L- 94-540, 90 Stat. 2503-04);
- h) The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);
- i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
- j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));
- k) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *Re Agent-product liability litigation*, M.D.L. No. 381 (E.D.N.Y.);
- l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
- m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);

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- n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));
- o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);
- p) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
- q) Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spinal bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);
- r) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and
- s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).
- t) Incentive payments received under the Medicare Discount Program
- u) Kin Care or Guardian Care
- v) Assistance from the Richard B Russell National School Lunch Program Payments Under the Seneca Nation Settlement Act
- w) Compensation on behalf of a veteran for service connected disability, death, dependency, or indemnity compensation in programs authorized under the Native American Assistance and Self-Determination Act of 1996
- x) Federal major disaster and emergency assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance

(17) Earned Income Disallowance

- (a) Initial Twelve-Month Exclusion
- (b) Second Twelve-Month Exclusion and Phase-In
- (c) Maximum Two-Year Disallowance



X. ASSET INCLUSIONS AND EXCLUSIONS

Assets Include:

- a) Amounts in savings and checking accounts.
- b) Stocks, bonds, savings certificates, money market funds and other investment accounts.
- c) Equity in real property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the assets and reasonable costs (such as broker fees) that would be incurred in selling the assets.
- d) The cash value of trusts that may be withdrawn by the family.
- e) IRA, Keogh and similar retirement savings accounts, even though withdrawal would result in a penalty.
- f) Some contributions to company retirement/ pension funds. Note the discussion below on accessibility of the funds.
- g) Assets, which although owned by more than one person, allow unrestricted access by the applicant.
- h) Lump sum receipts such as inheritances, capital gains, lottery winnings, insurance settlements, and other claims.
- i) Personal property held as an investment such as gems, jewelry, coin collections, antique cars, etc.
- j) Cash value of life insurance policies.
- k) Assets disposed of for less than fair market value during the two years preceding certification or re-certification.

Assets Exclude-

- a) Necessary personal property, except as noted in assets inclusions.
- b) Interest on Indian trust lands.
- c) Assets that are part of an active business or farming operation.
 - o *NOTE:* Rental properties are considered personal assets held as an investment rather than business assets unless real estate is the applicant's/tenant's main occupation.

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- d) Assets not controlled by or accessible to the family and which provide no income for the family
 - e) Vehicles especially equipped for the disabled.
 - f) Equity in owner-occupied cooperatives and manufactured homes in which the family lives.

NOTE: A key factor in whether or not to include an asset in the calculation of annual income is whether any member of the family has access to the asset

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Chapter 7

VERIFICATION

[24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230]

INTRODUCTION

The HAKC must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain the family's consent to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. The HAKC must not pass on the cost of verification to the family.

The HAKC will follow the verification guidance provided by HUD in PIH Notice 2004-01, PIH 2010-19 Verification Guidance, PIH 2012-26, PIH 2013-3, PIH 2013-4, PIH 2013-23, PIH 2013-26, PIH 2015-02, PIH 2015-04, streamlining verification, and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary HAKC policies. Part I describes the general verification process. More detailed requirements related to individual factors are provided in subsequent parts including family information (Part II), income and assets (Part III), and mandatory deductions (Part IV).

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies of the HAKC.

PART 1. GENERAL VERIFICATION REQUIREMENTS

A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 982.516 AND 982.551, 24 CFR 5.230]

The family must supply any information that the HAKC or HUD determines is necessary to the administration of the program and must consent to HAKC verification of that information [24 CFR 982.551].

Consent Forms

It is required that all adult applicants and participants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and the HAKC may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. HUD is authorized to collect information directly from the Internal

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Revenue Service (IRS) and the Social Security Administration (SSA). All adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

Penalties for Failing to Consent [24 CFR 5.232]

If any family member who is required to sign a consent form fails to do so, the HAKC will deny admission to applicants and terminate assistance of participants. The family may request an informal review (applicants) or informal hearing (participants) in accordance with HAKC procedures.

B. OVERVIEW OF VERIFICATION REQUIREMENTS

Overview

On December 29, 2009, HUD issued the final rule entitled *Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification (EIV) System-Amendments*, which requires PHAs to use the EIV system in its entirety to verify tenant employment and income information during mandatory reexaminations of family composition and income; and reduce administrative and subsidy payment errors in accordance with 24 CFR §5.236 and administrative guidance issued by HUD.

Using EIV as an upfront income verification (UIV) technique is valuable in validating tenant-reported income during interim and annual reexaminations of family income; as well as streamlining the income verification process. This will result in less administrative burden in complying with third party verification requirements. Additionally, EIV will help to identify and cure inaccuracies in housing subsidy determinations, which will benefit PHAs, tenants, and taxpayers by ensuring that the level of benefits provided on behalf of families is proper and will prevent fraud and abuse within Public and Indian Housing (PIH) rental assistance programs.

HAKC Policy

The HAKC is required to use the EIV system in its entirety. This means the HAKC must use all features of the EIV system to:

- Verify tenant employment and income information during mandatory reexaminations of family composition and income in accordance with 24 CFR §5.236, and HUD administrative guidance; and
- Reduce administrative and subsidy payment errors in accordance with HUD administrative guidance.

Streamlining Verification of Assets

The HAKC has elected to use the streamlining verification of assets. For a family with net assets equal to or less than \$5,000, the HAKC may accept, for purposes of recertification of

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income, a family's declaration that it has net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration.

- The declaration must state the amount of income the family expects to receive from such assets; this amount must be included in the family's income.
- The HAKC must obtain third-party verification of all family assets every 3 years.

Streamlining Verification of Income

HAKC has elected to use the streamlining verification of income. For any family member with a fixed source of income, the HAKC may elect to determine that family member's income by means of a streamlined income determination. A streamlined income determination must be conducted by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

The "Family member with a fixed source of income" is defined as a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources:

- Social Security, Supplemental Security Income, Supplemental Disability Insurance;
- Federal, state, local, or private pension plans;
- Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts; or
- Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.

In using the streamlining, the HAKC must use a COLA or current rate of interest specific to the fixed source of income in order to adjust the income amount. The HAKC must verify the appropriate COLA or current rate of interest from a public source or through tenant-provided, third party-generated documentation. If no such verification is available, then the HAKC must obtain third-party verification of income amounts in order to calculate the change in income for the source.

For any family member whose income is determined pursuant to a streamlined income determination, the HAKC must obtain third-party verification of all income amounts every 3 years.

C. THE EIV SYSTEM

The EIV System is a web-based application, which provides HAKC with employment, wage, unemployment compensation and social security benefit information of tenants who participate in the Public Housing and various Section 8 programs under the jurisdiction of the Office of Public and Indian Housing (PIH). This system is available to HAKC. Information in EIV is derived from computer matching programs initiated by HUD with the Social Security

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Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all program participants with valid personal identifying information (name, date of birth (DOB), and social security number (SSN) reported on the form HUD-50058.

HAKC is required to review the EIV Income Report of each family before or during mandatory annual and interim reexaminations of family income and/or composition to reduce tenant under reporting of income and improper subsidy payments. EIV is classified as an UIV technique (or automated written third-party verification), which helps to identify income sources and/or amounts that the tenant may not have disclosed. This UIV technique in many instances will reduce the need to mail or fax third party verification request forms to an income source. EIV also provides various reports to assist HAKC with the following:

- Identifying tenants whose reported personal identifiers do not match the SSA database;
- Identifying tenants who need to disclose a SSN;
- Identifying tenants whose alternate identification number (Alt ID) needs to be replaced with a SSN;
- Identifying tenants who may not have reported complete and accurate income information;
- Identifying tenants who have started a new job;
- Identifying tenants who may be receiving duplicate rental assistance;
- Identifying tenants who are deceased and possibly continuing to receive rental assistance;
- Identifying former tenants of PIH rental assistance programs who voluntarily or involuntarily left the program and have a reportable adverse status and/or owe money to a PHA or Section 8 landlord.

HAKC Policy

All HAKC staff (including HAKC-hired management agents), who have a need to access the EIV system, are required to complete and submit the EIV Access Authorization Form & Rules of Behavior and User Agreement to their designated EIV Coordinator in the local HUD office. The form is available online at:

<http://www.hud.gov/offices/pih/programs/ph/rhiip/uivsystem.cfm>.

The user's access must be approved by the HAKC Executive Director or designee in order for the local HUD office to process all EIV access requests. Individuals who will not directly access the EIV system, but will have access to the EIV data in printed or electronic form are also required to complete the EIV Access Authorization Form & Rules of Behavior and User Agreement and maintain on file (do not submit the form to the local HUD office).

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The Verification Hierarchy

HAKC Policy

The HAKC will begin with the highest level of verification techniques. The HAKC is required to access the EIV system and obtain an Income Report for each household. The HAKC are required to maintain the Income Report in the tenant file along with the form HUD-50058 and other supporting documentation to support income and rent determinations for all mandatory annual reexaminations of family income and composition.

If the Income Report does not contain any employment and income information for the family, the HAKC will attempt the next lower level verification technique, as noted in the below chart.

Level Verification Technique Ranking

Level	Verification Technique	Ranking
6	Upfront Income Verification (UIV) using HUD’s Enterprise Income Verification (EIV) system (not available for income verifications of applicants)	Highest (Mandatory)
5	Upfront Income Verification (UIV) using non-HUD system	Highest (Optional)
4	Written third Party Verification	High (Mandatory to supplement EIV-reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV- reported employment and income information and is unable to provide acceptable documentation to support dispute)
3	Written Third Party Verification Form	Medium-Low (Mandatory if written third party verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation) Low (Mandatory if written third party verification is not available)
2	Oral Third-Party Verification	Low (Mandatory if written third party verification is not available)

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1	Tenant Declaration	Low (Use as a last resort when unable to obtain any type of third party verification)
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This verification hierarchy applies to income determinations for applicants and participants. However, EIV is not always available for verifying income of applicants. The HAKC is still required to use EIV for applicants to determine other factors as relates to eligibility and maintain a copy of the record in the file.

Verification Technique Definitions Third Party Verification Techniques

Upfront Income Verification (UIV) (Level 6/5)

The verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals.

The EIV system is available to the HAKC as a UIV technique. The HAKC is encouraged to continue using other non-HUD UIV tools, such as The Work Number (an automated verification system) and state government databases, to validate tenant-reported income when available.

Written Third Party Verification (Level 4)

An original or authentic document generated by a third-party source dated either within the 60-day period preceding the reexamination or the HAKC request date. Such documentation may be in the possession of the tenant (or applicant), and is commonly referred to as tenant-provided documents.

These tenant-provided documents are considered written third-party verification since they originated from a third-party source. The HAKC may, at its discretion reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information.

Examples of acceptable tenant-provided documentation (generated by a third-party source) include, but are not limited to:

- Pay stubs,
- Payroll summary report,
- Employer notice/letter of hire/termination,
- SSA benefit verification letter,
- Bank statements,
- Child support payment stubs,
- Welfare benefit letters and/or printouts, and;
- Unemployment monetary benefit notices.

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- Current acceptable tenant-provided documents must be used for income and rent determinations.

The PHA is required to obtain at a minimum, two current and consecutive pay stubs for determining annual income from wages. For new income sources or when two pay stubs are not available, the PHA should project income based on the information from a traditional written third-party verification form or the best available information.

Documents older than 60 days (from the PHA interview/determination or request date) are acceptable for confirming effective dates of income.

Written Third Party Verification Form (Level 3)

Also, known as traditional third-party verification, a standardized form to collect information from a third-party source. The third party completes the form by hand (in writing or typeset). The HAKC sends the form directly to the third-party source by mail, fax, or email.

HAKC Policy

It is the HAKC's position that the administrative burden and risk associated with use of the traditional third-party verification form may be reduced by the HAKC relying on acceptable documents that are generated by a third party, but in the possession of and provided by the tenant (or applicant). Many documents in the possession of the tenant are derived from third party sources (i.e. employers, federal, state and/or local agencies, banks, etc.).

The HAKC recognizes that third party verification request forms sent to third party sources often are not returned. In other instances, the person who completes the verification form may provide incomplete information; or some tenants may collude with the third-party source to provide false information; or the tenant intercepts the form and provides false information.

Documents must originate from a third-party source's computerized system and/or database, as this process reduces the likelihood of incorrect or falsified information being provided on the third-party verification request form. The use of acceptable tenant-provided documents, which originate from a third-party source, will improve the integrity of information used to determine a family's income and rent and ultimately reduce improper subsidy payments. This verification process will also streamline the income verification process.

Oral Third-Party Verification (Level 2)

Independent verification of information by contacting the individual income/expense source(s), as identified through the UIV technique or identified by the family, via telephone or in-person visit. PHA staff should document in the tenant file, the date and time of the telephone call (or visit to the third party), the name of the person contacted and telephone number, along with the

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confirmed information.

HAKC Policy

This verification will be used in the event that the independent source does not respond to the HAKC's faxed, mailed, or e-mailed request for information in a reasonable time frame, (i.e., ten (10) business days).

Non-Third-Party Verification Technique Tenant Declaration (Level 1)

The tenant submits an affidavit or notarized statement of reported income and/or expenses to the PHA. This verification method should be used as a last resort when the HAKC has not been successful in obtaining information via all other verification techniques. When the HAKC relies on tenant declaration, the PHA must document in the tenant file why third-party verification was not available.

Third party verification requirements 24 CFR §960.259(c)(1) and 24 CFR §982.516(a)(2)

In accordance with the Public Housing and the HCV programs, respectively, the HAKC must obtain and document in the tenant file third party verification of the following factors, or must document in the tenant file why third-party verification was not available:

- Reported family annual income
- The value of assets
- Expenses related to deductions from annual income
- Other factors that affect the determination of adjusted income.

Exceptions to Third Party Verification Requirements 24 CFR §960.259(c)(1) and §982.516(a)(2)

The exception to third party verification is, "The PHA must obtain and document in the family file third party verification of the following factors, **or must document in the file why third-party verification was not available.**"

If third party verification may not be available for a variety of reasons these reasons include:

- The HAKC may have made numerous attempts to obtain the required verifications with no success, or
- It may not be cost effective to obtain third party verification of income, assets, or expenses, when the impact on total tenant payment is minimal.

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In these cases, the HAKC is **required to document in the family file the reason(s) why third-party verification was not available.**

The exception to third party verification can be found at 24 CFR §960.259(c)(1) and §982.516(a)(2).

Compliance and reduction of the administrative burden of third party verification requirements of family annual income

HAKC can comply with and reduce administrative burden of third party verification requirements for employment, wage, unemployment compensation and social security benefits, and any other information that is verifiable using EIV by all of the following:

- Reviewing the EIV Income Report to confirm/validate tenant-reported income
- Printing and maintaining an EIV Income Report (or an EIV Individual Control Number (ICN) page for interim reexaminations) in the tenant file
- Obtaining current acceptable tenant-provided documentation to supplement EIV information
- Using current tenant-provided documentation and/or third-party verification to calculate annual income.

Note: Social Security benefit information in EIV is updated every three months. If the tenant agrees with the EIV-reported benefit information, HAKC does not need to obtain or request a benefit verification letter from the tenant. See PIH Notice 2010-03 for guidance on verifying Social Security benefit income through the EIV system.

The HAKC may also reduce the administrative burden of obtaining third party verification by relying on acceptable documents that are generated by a third party, but provided by the tenant. Many documents in the possession of the tenant are derived from third party sources (i.e. employers, federal, state and/or local agencies, banks, etc.).

The HAKC must request written third-party verification under the following circumstances:

- When the tenant disputes the EIV information and is unable to provide acceptable documentation to support his/her dispute (24 CFR §5.236(b))

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- When the HAKC requires additional information that is not available in EIV and /or the tenant is unable to provide the HAKC with current acceptable tenant-provided documentation.

Examples of additional information, includes but is not limited to:

- Effective dates of income (i.e. employment, unemployment compensation, or social security benefits)
- For new employment: pay rate, number of hours worked per week, pay frequency, etc.
- Confirmation of change in circumstances (i.e. reduced hours, reduced rate of pay, temporary leave of absence, etc.)

Note: 24 CFR §5.236(a), prohibits HAKC from taking adverse action based solely on EIV information.

Types of file documentation required to demonstrate HAKC compliance with mandated use of EIV as a third-party source to verify tenant employment and income information (24 CFR §5.233(a)(2)(i)).

1. For each new admission (form HUD-50058 action type1), the HAKC is required to do the following:
 - (a) Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
 - (b) Print and maintain a copy of the EIV Income Report in the tenant file; and
 - (c) Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.
2. For each historical adjustment (form HUD-50058 action type 14), the HAKC is required to do the following:
 - (a) Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
 - (b) Print and maintain a copy of the EIV Income Report in the tenant file;
 - (c) Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.

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3. For each interim reexamination (form HUD-50058 action type 3) of family income and composition, HAKC is required to have the following documentation in the tenant file:

- (a) Review the EIV Income Report to confirm/validate family-reported income; and
- (b) Print and maintain a copy of the EIV Income Report in the tenant file; and
- (c) Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.

EIV Income Report when there is an income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report.

For each annual reexamination of family income and composition, the HAKC is required to have the following documentation in the tenant file:

- **No Dispute of EIV Information:** EIV Income Report, current acceptable tenant-provided documentation, and *if necessary* (as determined by the HAKC), traditional third-party verification form(s).
- **Disputed EIV Information:** EIV Income report, current acceptable tenant- provided documentation, and/or *traditional* third-party verification form(s) for disputed information.
- **Tenant-reported income not verifiable through EIV system:** Current tenant-provided documents, and *if necessary* (as determined by the HAKC), traditional third-party verification form(s).

Tenants That Do Not Provide the HAKC with Requested Information

If the tenant does not provide the requested information, the HAKC may mail or fax a third-party verification request form to the third-party source. The HAKC is *required* to request third party verification when the tenant disputes EIV information and the tenant is unable to provide acceptable documentation to support disputed information. However, the HAKC will remind the tenant that s/he is required to supply any information requested by the HAKC for use in a regularly scheduled annual or interim reexamination of family income and composition.

The HAKC may determine that the tenant is not in compliance with program requirements and terminate tenancy or assistance, or both, if the tenant fails to provide the requested information in a timely manner,

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Using the EIV to Reduce Administrative and Subsidy Payment Errors.

EIV has the ability to identify other potential issues, which may impact a family's level of assistance. EIV contains stand-alone reports, which the HAKC may generate at any time i.e.;

- Deceased Tenants Report,
- New Hires Report,
- Multiple Subsidy Report,
- Identity Verification Report,
- Income Discrepancy Report (Not currently Available)
- Debts Owed to PHAs & Termination Report, and Immigration Report

However, it should be noted that the information from these stand-alone reports are contained in the Income Report for each household. The HAKC is **required** to address any and all potential issues at the time of the annual or interim reexam, as conveyed in the Income Report.

The HAKC may use the stand-alone reports to monitor staff's progress in reducing the following administrative and subsidy payment errors by using the listed reports:

- Incorrect/invalid SSNs/name/date of birth – Identity Verification Report
- Follow-up with families who need to disclose a SSN – Immigration Report
- Duplicate rental assistance – Multiple Subsidy Report
- Unreported increase in income – Income discrepancy Report
- Improper payments on behalf of deceased tenants – Deceased Tenants Report
- Unreported new employment (PHAs with interim increase policy) – New Hires Report
- Adverse Termination/Outstanding Debt to PHA – Debts Owed to PHAs & Termination Search

In order to ensure the HAKC is aware of potential subsidy payment errors, the HAKC is **required** to monitor the following EIV reports on a **monthly** basis:

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- Deceased Tenants Report
 - Identity Verification Report
 - Immigration Report

In order to ensure the HAKC is aware of potential subsidy payment errors, the HAKC is **required** to monitor the following EIV reports on a quarterly basis:

- Income Discrepancy Report (Not Currently Available)
- Multiple Subsidy Report
- New Hires Report (if HAKC has an interim increase policy)

EIV Requirements for Recertification

To minimize tenant underreporting of income, the HAKC is required to obtain an EIV Income Report for each family any time the PHA conducts an annual or interim reexamination of family income and composition.

In accordance with 24 CFR §5.236(b)(2)(3), HAKC is required to compare the information on the EIV report with the family-reported information. If the EIV report reveals an income source that was not reported by the tenant or a substantial difference in the reported income information, the HAKC is required to take the following actions:

- Discuss the income discrepancy with the tenant
- Request the tenant to provide any documentation to confirm or dispute the unreported or underreported income and/ or income sources;
- In the event the tenant is unable to provide acceptable documentation to resolve the income discrepancy, the HAKC is required to request from the third-party source, any information necessary to resolve the income discrepancy
- If applicable, determine the tenant's underpayment of rent as a result of unreported or underreported income, retroactively*
- Take any other appropriate action as directed by HUD or the HAKC's administrative policies.

* The HAKC is required to determine the retroactive rent as far back as the existence of complete file documentation (form HUD-50058 and supporting documentation) to support such retroactive rent determinations.

Note: A substantial difference is defined as an amount equal to or greater than \$2,400, annually.

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When there is an unsubstantial or no disparity between tenant-reported and EIV-reported income information, the HAKC is required to obtain from the tenant, any necessary documentation to complete the income determination process. As noted previously, the HAKC may reject any tenant-provided documentation, if the HAKC deems the documentation unacceptable. The HAKC may reject documentation provided by the tenant for only the following HUD-approved reasons:

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

The HAKC will explain to the tenant, the reason(s) the submitted documents are not acceptable and request the tenant to provide additional documentation. If at any time, the tenant is unable to provide acceptable documentation that the HAKC deems necessary to complete the income determination process, the HAKC is required to submit a traditional third-party verification form to the third-party source for completion and submission to the HAKC.

If the third-party source does not respond to the HAKC's request for information, the HAKC is required to document the tenant file of its attempt to obtain third party verification and that no response to the third-party verification request was received.

The HAKC should then pursue lower level verifications in accordance with the verification hierarchy.

Tenant Actions for HAKC Underpayments of Rent

HAKC Policy

The tenant must be provided an opportunity to contest the HAKC's determination of tenant rent underpayment. HUD regulations require the HAKC to promptly notify tenants in writing of any adverse findings made on the basis of the information verified through the aforementioned income discrepancy resolution process. The tenant may contest the findings in accordance with the HAKC's established grievance procedures, as required by HUD. The HAKC may not terminate, deny, suspend, or reduce the family's assistance until the expiration of any notice or grievance period.

Tenant Repayment Agreement and Failure to Report Income

Tenants are required to reimburse the HAKC if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income. The tenant is required to reimburse the HAKC for the difference between the tenant rent that should have been paid and the tenant rent that was charged. This rent underpayment is commonly referred to as retroactive rent.

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If the tenant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the HAKC **must** terminate the family's tenancy or assistance, or both. HUD does **not** authorize any HAKC-sponsored amnesty or debt forgiveness programs; therefore, no amnesty or debt forgiveness program will be provided.

All repayment agreements must be in writing, dated, signed by both the tenant and the HAKC, include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, repayment agreements must contain the following provisions:

- Reference to the paragraphs in the Public Housing lease or Section 8 information packet whereby the tenant is in non-compliance and may be subject to termination of tenancy or assistance, or both.
- The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the HAKC.
- The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
- Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.
- The HAKC is required to determine retroactive rent amount as far back as they have documentation of family reported income. For example, if the HAKC determines that the family has not reported income for a period of five years and only has documentation for the last three years, the HAKC is only able determine retroactive rent for the three years for which documentation is available.

The monthly retroactive rent payment plus the amount of rent the tenant pays at the time the repayment agreement is executed should be affordable and not exceed 40 percent of the family's monthly adjusted income. However, PHAs have the discretion to establish thresholds and policies for repayment agreements in addition to HUD required procedures. (See Chapter 14 on Repayment Agreements)

EIV Record Retention

HAKC Policy

The HAKC's record retention policy will determine the length of time the PHA should maintain EIV printouts in a tenant file. HAKCs are authorized to maintain the EIV Income Report in the tenant file for the duration of tenancy and no longer than three years from the end of participation (EOP) date. In accordance with revised regulation, 24 CFR §908.101, the HAKC is required to maintain at a minimum, the last three years of the form HUD-50058, and supporting documentation for all annual and interim reexaminations of family

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income. All records are to be maintained for a period of at least three years from the effective date of the action.

Disclosure of an Individual's EIV Information

The Federal Privacy Act (5USC§552a, as amended) prohibits the disclosure of an individual's information to another person without the written consent of such individual. As such, the EIV data of an adult household member may not be shared (or a copy provided or displayed) with another adult household member, unless the individual has provided written consent to disclose such information.

However, the HAKC is not prohibited from discussing with the head of household (HOH) and showing the HOH how the household's income and rent were determined based on the total family income reported and verified.

HAKC Policy

EIV information and any other information obtained by the HAKC for the purpose of determining eligibility and level of assistance for a PIH rental assistance program may not be disclosed to third parties for any reason (even for similar verifications under other programs, such as eligibility for low income housing tax credit units, other federal or state assistance programs), unless the tenant has authorized such disclosure in writing.

Incorrect EIV Information

Sometimes the source or originator of EIV information may make an error when submitting or reporting information about tenants. HUD cannot correct data in the EIV system. Only the originator of the data can correct the information. When the originator corrects the data, HUD will obtain the updated information with its next computer matching process. Below are the procedures tenants and the HAKC will follow regarding incorrect EIV information.

Employment and wage information reported in EIV originates from the employer. The employer reports this information to the local State Workforce Agency (SWA), who in turn, reports the information to HHS' (Health and Human Services) National Directory of New Hires (NDNH) database.

If the tenant disputes this information, s/he should contact the employer directly, in writing to dispute the employment and/or wage information, and request that the employer correct erroneous information.

The tenant should provide the HAKC with this written correspondence so that it may be maintained in the tenant file. If employer resolution is not possible, the tenant should contact the local SWA for assistance.

Unemployment benefit information reported in EIV originates from the local SWA. If the

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tenant disputes this information, s/he should contact the SWA directly, in writing to dispute the unemployment benefit information, and request that the SWA correct erroneous information. The tenant should provide the HAKC with this written correspondence so that it may be maintained in the tenant file.

SS and SSI benefit information reported in EIV originates from the SSA. If the tenant disputes this information, s/he should contact the SSA at (800) 772-1213, or visit the local SSA office. SSA office information is available in the government pages of the local telephone directory or online at <http://www.socialsecurity.gov>.

Note: The tenant may also provide the HAKC with third party documents, which are in the tenant's possession to support their dispute of EIV information. The HAKC, with the tenant's consent, is required to submit a third-party verification form to third party sources for completion and submission to the HAKC, when the tenant disputes EIV information and is unable to provide documentation to validate the disputed information. **The tenant's failure to sign the consent form is grounds for termination of tenancy and/or assistance in accordance with 24 CFR §5.232.**

Debts owed to HAKC and termination information reported in EIV originates from the PHA. If a current or former tenant disputes this information, s/he should contact the PHA (who reported the information) directly in writing to dispute this information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV.

Former tenants may dispute debt and termination information for a period of up to three years from the end of participation date in the PIH program.

Identity Theft

Seemingly incorrect information in EIV may be a sign of identity theft. Sometimes someone else may use an individual's SSN, either on purpose or by accident. SSA does not require an individual to report a lost or stolen SSN card, and reporting a lost or stolen SSN card to SSA will not prevent the misuse of an individual's SSN.

However, a person using an individual's SSN can get other personal information about that individual and apply for credit in that individual's name. So, if the tenant suspects someone is using his/her SSN, s/he should check their Social Security records to ensure their records are correct (call SSA at (800) 772-1213); file an identity theft complaint with the local police department and/or Federal Trade Commission (call FTC at (877) 438-4338, or visit their website at: <http://www.ftc.gov/bcp/edu/microsites/idtheft/>); and s/he should also monitor their credit reports with the three national credit reporting agencies (Equifax, TransUnion, and Experian). The tenant should provide the HAKC written documentation of filed identity theft complaint. (Refer back to paragraph on Employment and wage information regarding disputed EIV information related to identity theft).

Tenants may request their credit report and place a fraud alert on their credit report with the three national credit reporting agencies at: www.annualcreditreport.com or by contacting the credit

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reporting agency directly. Each agency's contact information is listed below.

National Credit Reporting Agencies Contact Information

Equifax Credit Information Services, Inc.

P.O. Box 740241 Atlanta, GA 30374

Website: www.equifax.com

Telephone: (800) 685-1111

Experian

P.O. Box 2104 Allen, TX 75013

Website: www.experian.com

Telephone (888) 397-3742

TransUnion

P.O. Box 6790 Fullerton, CA 92834

Website: www.transunion.com

Telephone: (800) 680-7289 or (800) 888-4213

Security of EIV Data

The data in EIV contains personal information on individual tenants, which is protected under the Federal Privacy Act. The information in EIV may only be used for limited official purposes, as noted below

Official Purposes Include:

- The HAKC, in connection with the administration of PIH programs, for verifying the employment and income at the time of interim and annual reexaminations.
- HUD staff for monitoring and oversight of HAKC compliance with HUD program requirements.
- Independent Auditors hired by the HAKC or HUD to perform a financial audit for use in determining the HAKC's compliance

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with HUD program requirements, including verifying income and determining the accuracy of the rent and subsidy calculations.

Restrictions on disclosure requirements for Independent Auditors

Independent Auditors:

- May only access EIV income information within family files and only within the offices of the HAKC or a HAKC- hired management agent;
- May not transmit or transport EIV income information in any form;
- May not enter EIV income information on any portable media;
- Must sign non-disclosure oaths that the EIV income information will be used only for the purpose of the audit; and
- May not duplicate EIV income information or re-disclose EIV income information to any user not authorized by Section 435(j)(7) of the Social Security Act to have access to the EIV income data.

Official Purposes for Disclosure of EIV Do NOT Include:

Sharing the information with governmental or private entities not involved in the reexamination process specifically used for PIH rental assistance programs.

Disclosing the EIV information to other private or public entities for purposes other than determining eligibility and level of assistance for PIH rental assistance programs is prohibited since these entities are not a party to the computer matching agreements with the HHS and SSA.

The fact that these entities may find the EIV beneficial for similar eligibility and determination purposes for other low- income housing programs or public benefits, does not permit these entities to use or view information in the EIV system that is covered by the computer matching agreements.

The computer matching agreements are governed by the Privacy Act and the Social Security Act. Specifically, sections 453(j)(7)(E)(ii) and (iv) of the Social Security Act (42 USC §653j) limit disclosure of the data matched between HUD and HHS' National Directory of New Hires (NDNH) database to PHAs, Independent Auditors, the Inspector General (IG) and Attorney General, private owners, management agents, and contract administrators of Multifamily Housing programs.

Penalties for Willful Disclosure or Inspection of EIV Data

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- **Unauthorized Disclosure** – felony conviction and fine up to \$5,000 or imprisonment up to five (5) years, as well as civil damages.
- **Unauthorized Inspection** – misdemeanor penalty of up to \$1,000 and/or one (1) year imprisonment, as well as civil damages.

Penalties for Noncompliance with Mandated EIV System Use

The HAKC may be subject to sanctions and/or the assessment of disallowed costs associated with any resulting incorrect subsidy or tenant rent calculation or both. HUD may impose a sanction on:

- The HAKC if it does not have access to the EIV system or;
- The HAKC has access to the system, however, has not used the system within the last six months.

To avoid sanctions or disallowed costs, the HAKC will follow all formal and informal guidance provided to PHAs via webcast trainings, PIH Rental Housing Integrity Improvement Project (RHIP) periodic electronic mailings, and any other HUD Headquarters'-generated guidance.

Updating of PHA Policies and Procedures

HAKC Policy

The HAKC is required to implement all new and modified regulatory requirements of the *Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System-Amendments*.

Notice to Applicants and Tenants

HUD PIH 2010-19 is providing PHAs with the attached EIV system information guide that the HAKC may provide to applicants and tenants of PIH rental assistance programs. The HAKC is **not** required to distribute this document. However, the HAKC will provide applicants and tenants with the *What You Should Know About EIV Guide* to educate families about EIV and inform them of how it affects their family.

There are two versions of the document: 1) with a signature block; and 2) without a signature block. It is not required for applicants or tenants to acknowledge receipt of the document; however, the HAKC may, at their discretion, require the family to acknowledge receipt of the guide. HAKC requires families to acknowledge receipt of the guide, provide the family with a copy of the guide to take with them, and maintain a signed copy in the family file folder.

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D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

Reasonable Effort and Timing

Unless third-party verification is not required as described below, HUD requires the HAKC to make at least two unsuccessful attempts to obtain third-party verification before using another form of verification [VG, p. 15].

HAKC Policy

The HAKC will diligently seek third-party verification using a combination of written and oral requests to verification sources. Information received orally from third parties may be used either to clarify information provided in writing by the third party or as independent verification when written third-party verification is not received in a timely fashion.

The HAKC may mail, fax, e-mail, or hand deliver third-party written verification requests and will accept third-party responses using any of these methods. The HAKC will send a written request for verification to each required source within 5 business days of securing a family's authorization for the release of the information and give the source 10 business days to respond in writing. If a response has not been received by the 11th business day, the HAKC will request third-party oral verification.

The HAKC will make a minimum of two attempts, one of which may be oral, to obtain third-party verification. A record of each attempt to contact the third-party source (including no-answer calls) and all contacts with the source will be documented in the file. Regarding third-party oral verification, HAKC staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.

When any source responds verbally to the initial written request for verification the HAKC will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided.

If a third party agrees to confirm in writing the information provided orally, the HAKC will wait no more than 5 business days for the information to be provided. If the information is not provided by the 6th business day, the HAKC will use any information provided orally in combination with reviewing family-provided documents.

When Third-Party Information Is Late

When third-party verification has been requested and the timeframes for submission have been exceeded, the HAKC will use the information from documents on a provisional basis. If the HAKC later receives third-party verification that differs from the amounts used in income and rent determinations and it is past the deadline for processing the reexamination, the HAKC will conduct an interim reexamination to adjust the figures used for the reexamination, regardless of the HAKC's interim reexamination policy.

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When Third-Party Verification Is Not Required

Primary Documents

Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

Certain Assets and Expenses

The HAKC will accept a self-certification from a family as verification of assets disposed of for less than fair market value.

The HAKC will determine that third-party verification is not available if the asset or expense involves an insignificant amount, making it not cost-effective or reasonable to obtain third-party verification.

HAKC Policy

The HAKC will use review of documents in lieu of requesting third-party verification when the market value of an individual asset or an expense is less than \$500 annually *and* the family has original documents that support the declared amount.

Certain Income, Asset and Expense Sources

The HAKC will determine that third-party verification is not available when it is known that an income source does not have the ability to provide written or oral third-party verification. For example, the HAKC will rely upon review of documents when the HAKC determines that a third party's privacy rules prohibit the source from disclosing information.

HAKC Policy

The HAKC also will determine that third-party verification is not available when there is a service charge for verifying an asset or expense *and* the family has original documents that provide the necessary information.

If the family cannot provide original documents, the HAKC will pay the service charge required to obtain third-party verification, unless it is not cost effective in which case a self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family.

The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost.

E. REVIEW OF DOCUMENTS

Using Review of Documents as Verification

HAKC Policy

If the HAKC has determined that third-party verification is not available or not required, the HAKC will use documents provided by the family as verification.

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The HAKC may also review documents when necessary to help clarify information provided by third parties. In such cases the HAKC will document in the file how the HAKC arrived at a final conclusion about the income or expense to include in its calculations.

F. SELF-CERTIFICATION

HAKC Policy

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the HAKC.

The HAKC may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made in a format acceptable to the HAKC and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a HAKC representative.

PART 2. VERIFYING FAMILY INFORMATION

A. VERIFICATION OF LEGAL IDENTITY

HAKC Policy

The HAKC will require families to furnish verification of legal identity for each household member.

Verification of Legal Identity for Adults	Verification of Legal Identity for Children
Certificate of birth, naturalization papers Church issued baptismal certificate Current, valid driver's license or Department of Motor Vehicles identification card U.S. military discharge (DD 214) U.S. passport Employer identification card	Certificate of birth Adoption papers Custody agreement Health and Human Services ID School records

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If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

If none of these documents can be provided and at the HAKC's discretion, a third party who knows the person may attest to the person's identity. The certification must be provided in a format acceptable to the HAKC and be signed in the presence of a HAKC representative or HAKC notary public.

Legal identity will be verified on an as needed basis.

B. SOCIAL SECURITY NUMBERS [24 CFR 5.216]

For every eligible family member, the family must provide documentation of a valid social security number (SSN). A self-certification stating that no SSN has been issued for a person that is not declaring eligibility of that member is acceptable only for those members of a mixed-family that do not declare eligibility. The self-certification must be executed personally by any family member 18 or older, or by a parent or guardian for a minor.

HAKC Policy

The HAKC requires review of the original; however, HAKC will also accept the following documents as evidence if the SSN is provided on the document:

Other identification letter that includes the SSN issued by a federal, state, or local agency.

If the family reports an SSN but cannot provide acceptable documentation of the number, the HAKC will require a self-certification stating that documentation of the SSN cannot be provided at this time. The HAKC will require documentation of the SSN within 60 calendar days from the date of the family member's self-certification mentioned above. If the family is an applicant, assistance cannot be provided until proper documentation of the SSN is provided. Unless excepted under the regulation, if the family is an applicant, assistance cannot be provided until proper documentation of the SSN is provided.

HAKC Policy

The HAKC will instruct the family to obtain a duplicate card from the local Social Security Administration (SSA) office.

For individuals who are at least 62 years of age and are unable to submit the required documentation of their SSN within the initial 60-day period, the HAKC will grant an additional 60 calendar days to provide documentation.

Social Security Numbers must be verified only once during continuously assisted occupancy.

If any family member obtains an SSN after admission to the program, the new SSN must be disclosed at the next regularly scheduled reexamination. If required by the law enforcement entity for the purpose of conducting criminal background verification, the social security

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numbers of household members, such as live-in aids, must be verified for the purpose of conducting criminal background checks.

C. DOCUMENTATION OF AGE

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

HAKC Policy

If an official record of birth, the HAKC will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and/or to provide a self-certification.

Age must be verified only once during continuously assisted occupancy.

D. FAMILY RELATIONSHIPS

Applicants and program participants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

HAKC Policy

Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

Marriage

HAKC Policy

Certification by the head of household is normally sufficient verification.

Separation or Divorce

HAKC Policy

Certification by the head of household is normally sufficient verification.

No verification is required on prior relationships that are not part of the current family.

Absence of Adult Member

HAKC Policy

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no

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longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

Foster Children and Foster Adults

HAKC Policy

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required. Social Security Numbers are required on foster children and adults.

E. VERIFICATION OF STUDENT STATUS

HAKC Policy

The HAKC requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

The family claims full-time student status for an adult other than the head, spouse, or co-head, or

The family claims a childcare deduction to enable a family member to further his or her education.

The family claims income exclusion because the student is receiving earned income and only the first \$480 is included as income.

F. DOCUMENTATION OF DISABILITY

The HAKC must verify the existence of a disability in order to allow certain income disallowances and deductions from income. The HAKC is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. The HAKC may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the HAKC receives a verification document that provides such information, the HAKC will not place this information in the tenant file. Under no circumstances will the HAKC request a participant's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services' website at www.os.dhhs.gov.

The above-cited regulation does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they are persons with disabilities [VG, p. 24]:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy

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- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability
 - Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability
 - Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance
 - Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance

Family Members Receiving SSA Disability Benefits

Verification of the receipt of disability benefits from the Social Security Administration (SSA) is sufficient verification of disability for the purpose of qualifying for waiting list preferences (if applicable) or certain income disallowances and deductions [VG, p. 23].

HAKC Policy

For family members claiming disability who receive disability benefits from the SSA, the HAKC will attempt to obtain information about disability benefits through the HUD Enterprise Income Verification (EIV) system, when it is available. If documentation from HUD's EIV System is not available, the HAKC will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the HAKC will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the applicant or participant receives the benefit verification letter they will be required to provide it to the HAKC.

Family Members Not Receiving SSA Disability Benefits

Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.603.

HAKC Policy

For family members claiming disability who do not receive disability benefits from the SSA, a professional must provide third-party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

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G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

Overview

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. A detailed discussion of eligibility requirements is in the Eligibility chapter. This verifications chapter discusses HUD and HAKC verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously assisted occupancy. Verification of non-citizens having temporary status will need to be re-verified prior to the expiration date. [24 CFR 5.508(g)(5)]

U.S. Citizens and Nationals

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.

The HAKC may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

HAKC Policy

Family members who claim U.S. citizenship or national status will be required to provide additional documentation such as a birth certificate.

Eligible Immigrants

Documents Required

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

The documentation required for eligible non-citizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance.

Verification

For family members age 62 or older that claim to be eligible immigrants, proof of age is required.

For family members under the age of 62 who claim to be eligible immigrants, the HAKC must verify immigration status with the United States Citizenship and Immigration Services (USCIS).

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The HAKC will follow all USCIS protocols for verification of eligible immigration status.

H. VERIFICATION OF PREFERENCE

Any preferences must be properly verified.

PART 3. VERIFYING INCOME AND ASSETS

Chapter 6, Part I of this plan describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides HAKC policies that supplement the general verification procedures specified in Part I of this chapter.

A. EARNED INCOME

HAKC Policy

When paystubs or employer printouts are used to verify earnings, two (2) current consecutive paystubs will be required to calculate annual income from earnings. This method will be used regardless of frequency (i.e. weekly, bi-weekly, semi-monthly, monthly). Income will be annualized using these paystubs or employer records. Exceptions to this method will be documented in the tenant file.

Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year. Lacking verification of tips, the anticipated income will be the minimum wage multiplied by the number of hours anticipated for the next 12 months.

Interruption of employment due to temporary leave of absence (i.e. maternity leave, short-term disability): upon verification that earnings have stopped, an interim will be conducted to remove the income. The family may be required to complete a Zero/Extremely Low-Income Questionnaire/Certification. The family is required to report any other income received in lieu of earnings. The family will be required to report when the income starts again. At that time an interim will be conducted to add the income back into the family budget.

B. BUSINESS AND SELF-EMPLOYMENT INCOME

HAKC Policy

Business owners and self-employed persons will be required to provide:

An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses

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must be submitted and the business owner or self-employed person must certify to its accuracy.

All schedules completed for filing federal and local taxes in the preceding year.

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.

The HAKC will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.

At any reexamination the HAKC may request documents that support submitted financial statements such as manifests, appointment books, cashbooks, or bank statements.

If a family member has been self-employed less than three (3) months, the HAKC will accept the family member's certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months the HAKC will require the family to provide documentation of income and expenses for this period and use that information to project income.

C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

Social Security/SSI Benefits

HAKC Policy

To verify the SS/SSI benefits of applicants, the HAKC will request a current (dated within the last 60 days) SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s), the HAKC will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the applicant has received the benefit verification letter they will be required to provide it to the HAKC.

To verify the SS/SSI benefits of participants, the HAKC will obtain information about social security/SSI benefits through the HUD EIV System. If benefit information is not available in HUD systems, the HAKC will request a current SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s) the HAKC will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the participant has received the benefit verification letter they will be required to provide it to the HAKC.

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D. ALIMONY OR CHILD SUPPORT

HAKC Policy

The way the HAKC will seek verification for alimony and child support differs depending on whether the family declares that it receives regular payments.

If the family declares that it *receives regular payments*, verification will be sought in the following order.

If payments are made through a state or local entity, the HAKC will request a record of payments for the past 12 months and request that the entity disclose any known information about the likelihood of future payments

Verification of Child Support payments may be obtained electronically from the Child Support enforcement web site. The HAKC must have the participant's case number and along with entering the case number the last four digits of the participants Social Security number must be entered. This is only for court support payments in the State.

Third-party verification from the person paying the support

Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules

Copy of the latest check and/or payment stubs

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

If the family declares that it *receives irregular or no payments*, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts

If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

Note: Families are not required to undertake independent enforcement action.

E. ASSETS AND INCOME FROM ASSETS

Assets Disposed of for Less than Fair Market Value

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The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. The HAKC needs to verify only those certifications that warrant documentation.

HAKC Policy

The HAKC will verify the value of assets disposed of only if:

The HAKC does not already have a reasonable estimation of its value from previously collected information, or

The amount reported by the family in the certification appears obviously in error.

Example 1: An elderly participant reported a \$10,000 certificate of deposit at the last annual reexamination and the HAKC verified this amount. Now the person reports that she has given this \$10,000 to her son. The HAKC has a reasonable estimate of the value of the asset; therefore, re-verification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately 5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, the HAKC will verify the value of this asset.

F. NET INCOME FROM RENTAL PROPERTY

HAKC Policy

The family must provide:

A current executed lease for the property that shows the rental amount or certification from the current tenant

A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, the HAKC will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

G. RETIREMENT ACCOUNTS

HAKC Policy

Effective: February 12, 2018



When third-party verification is not available the type of original document that will be accepted depends upon the family member's retirement status.

Before retirement, the HAKC will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 6 months from the effective date of the examination.

Upon retirement, the HAKC will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

After retirement, the HAKC will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

H. INCOME FROM EXCLUDED SOURCES

Income that is fully excluded means the entire amount qualifies to be excluded from the annual income determination. For fully excluded income, the HAKC is **not required** to:

- Verify the income in accordance with the HUD-prescribed verification hierarchy;
- Document in the tenant file why third-party verification was not available as required by 24 CFR 960.259(c)(i) and 24 CFR 982.516(a)(2); and
- Report the income in Section 7 of the form HUD-50058.

HAKC may accept an applicant or participant's self-certification as verification of fully excluded income. The HAKC's application and reexamination documentation, which is signed by all adult family members, may serve as the self-certification of the fully excluded income. HAKC has the option of elevating the verification requirements if necessary, to determine if a source of income qualifies for a full exclusion.

Examples of common fully excluded income categories that are verifiable through applicant or participant self-certification are:

- Supplemental Nutrition Assistance Program (SNAP) benefits, formerly known as food stamps.
- Income from a live-in aide.

For a complete list of income exclusions, see 24 CFR 5.609(c).

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Income that is partially excluded means that only a certain portion of the income reported by the family qualifies to be excluded, while the remainder must be included when determining the family's annual income. For partially excluded income,

HAKC is required to:

- Comply with HUD-prescribed verification requirements and all applicable regulations pertaining to the determination of annual income; and
- Report the income in Section 7 of the form HUD-50058.

Examples of partially excluded income that are subject to regular verification requirements include:

- The Department of Veterans Affairs "Aid and Attendance" benefits – in accordance with 24 CFR 5.609(c)(4), these benefits may be excluded from income if they are used "specifically for, or in reimbursement of, the cost of medical expenses for any family member." Live-in or periodic medical assistance and services of doctors and health care professionals are among the services that may be counted as medical expenses. The HAKC must verify the amount provided for aid and attendance medical expenses and the amount actually being used by the veteran for such expenses. Any portion of the benefit not used for such expenses would continue to be counted as income by the HAKC when determining the family's annual income.
- Earnings in excess of \$480 for full-time students 18 years old or older (24 CFR 5.609(c) (11) – in order to determine the amount of earnings to include in the calculation of the family's annual income, the HAKC must verify the amount of employment income for these family members.

HAKC Policy

The HAKC will not verify nor report fully excluded income. The HAKC will verify and report partially included/excluded income.

I. ZERO/EXTREMELY LOW ANNUAL INCOME STATUS

Families claiming to have no or extremely low annual income will be required to execute verification forms and HAKC executes an EIV search to determine that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

PART 4. VERIFYING MANDATORY DEDUCTIONS

A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

Effective: February 12, 2018



The dependent and elderly/disabled family deductions require only that the HAKC verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

Dependent Deduction

See Chapter 6 for a full discussion of this deduction. The HAKC will verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse, or co-head of the family and is not a foster child
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full-time student

Elderly/Disabled Family Deduction

See Eligibility chapter for a definition of elderly and disabled families and Chapter 6 for a discussion of the deduction. The HAKC will verify that the head, spouse, or co-head is 62 years of age or older or a person with disabilities.

B. MEDICAL EXPENSE DEDUCTION

Policies related to medical expenses are found in chapter 6. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

HAKC Policy

The HAKC will provide a third-party verification form directly to the medical provider requesting the needed information.

Medical expenses will be verified through:

EIV

Third-party verification form signed by the provider, when possible

If third party is not possible, copies of cancelled checks used to make medical expense payments and/or printouts or receipts from the source will be used. In this case the HAKC will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The HAKC will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months

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In addition, the HAKC must verify that:

- The household is eligible for the deduction.
- The costs to be deducted are qualified medical expenses.
- The expenses are not paid for or reimbursed by any other source.
- Costs incurred in past years are counted only once.

Eligible Household

The medical expense deduction is permitted only for households in which the head, spouse, or co-head is at least 62, or a person with disabilities. The HAKC will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter and as described in Chapter 7 of this plan.

Qualified Expenses

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 6 for the HAKC's policy on what counts as a medical expense.

Unreimbursed Expenses

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

HAKC Policy

The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

Expenses Incurred in Past Years

HAKC Policy

When anticipated costs are related to on-going payment of medical bills incurred in past years, the HAKC will verify:

The anticipated repayment schedules

The amounts paid in the past, and

Whether the amounts to be repaid have been deducted from the family's annual income in past years

C. DISABILITY ASSISTANCE EXPENSES

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

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Attendant Care

HAKC Policy

The HAKC will provide a third-party verification form directly to the care provider requesting the needed information.

Expenses for attendant care will be verified through:

Third-party verification form signed by the provider, when possible

If third-party is not possible, copies of cancelled checks used to make attendant care payments and/or receipts from care source

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months

Auxiliary Apparatus

HAKC Policy

Expenses for auxiliary apparatus will be verified through:

Third-party verification of anticipated purchase costs of auxiliary apparatus.

If third-party are not possible, billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months

If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months

In addition, the HAKC must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described above).
- The expense permits a family member, or members, to work.
- The expense is not reimbursed from another source.
- The expense does not exceed the amount of the earned income of the individual freed for work.

Family Member is a Person with Disabilities

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The HAKC will verify that the expense is incurred for a person with disabilities.

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Family Member(s) Permitted to Work

The HAKC must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

HAKC Policy

The HAKC will seek third-party verification from a Rehabilitation Agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work (See 6-II.E.).

If third-party and document review verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

HAKC Policy

An attendant care provider will be asked to certify that, to the best of the provider's knowledge, the expenses are not paid by or reimbursed to the family from any source.

The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

C. CHILD CARE EXPENSES

Policies related to childcare expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I of this chapter. In addition, the HAKC must verify that:

- The child is eligible for care.
- The costs claimed are not reimbursed.
- The costs enable a family member to pursue an eligible activity.
- The costs are for an allowable type of childcare.

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- The costs are reasonable if seeking employment or furthering education.

Eligible Child

To be eligible for the childcare deduction, the costs must be incurred for the care of a child under the age of 13. The HAKC will verify that the child being cared for (including foster children) is under the age of 13.

Unreimbursed Expense

To be eligible for the childcare deduction, the costs must not be reimbursed by another source.

HAKC Policy

The childcare provider will be asked to certify that, to the best of the provider's knowledge, the childcare expenses are not paid by or reimbursed to the family from any source.

The family will be required to certify that the childcare expenses are not paid by or reimbursed to the family from any source.

If the childcare provider is a relative, the HAKC will need additional verification that the expense that is claimed for a deduction is properly claimed as income by the relative to the IRS or other proper governmental entity.

Pursuing an Eligible Activity

The HAKC must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

HAKC Policy

Information to be Gathered

The HAKC will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

Whenever possible the HAKC will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the HAKC will request verification from the agency of the member's job seeking efforts to

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date and require the family to submit to the HAKC any reports provided to the other agency.

In the event third-party verification is not available, the HAKC will provide the family with a form on which the family member must record job search efforts. The HAKC will review this information at each subsequent reexamination for which this deduction is claimed.

Furthering Education

The HAKC will ask that the academic or vocational educational institution verify that the person permitted to further his or her education by the childcare is enrolled and provide information about the timing of classes for which the person is registered.

Gainful Employment

The HAKC will seek verification from the employer of the work schedule of the person who is permitted to work by the childcare. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified.

Allowable Type of Child Care

The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

HAKC Policy

The HAKC will verify that the type of childcare selected by the family is allowable, as described in Chapter 6.

The HAKC will verify that the fees paid to the childcare provider cover only childcare costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

The HAKC will verify the childcare provider is not a family member residing in the household. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

Reasonableness of Expenses

Only reasonable childcare costs can be deducted for seeking employment or furthering education.

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The actual costs the family incurs will be compared with the HAKC's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable. HAKC will use local welfare agency guidelines.

If the family presents a justification for costs that exceed typical costs in the area, the HAKC will request additional documentation, as required, to support a determination that the higher cost is appropriate.

The HAKC will use the local HHS determinations as the limit on what is reasonable for the area.

Additional Provisions for Verification if Child Care Provided by Non-Agency Provider

In cases where verification is provided through non-agency providers through a self-affidavit, and if the child care deduction exceeds \$600, the HAKC will require the participant/tenant to provide verification of the 1099-Misc provided to the individual providing the care, and a copy of the provider's tax return indicating the income was properly documented for taxing purposes.



Chapter 8

TRANSFER POLICY

INTRODUCTION/GENERAL TRANSFER POLICY

1. Transfers will be made without regard to race, color, national origin, sex, religion, sexual orientation or familial status. Residents may be transferred to accommodate a disability.
2. Residents will not be transferred to a dwelling unit of equal size except to alleviate hardship of the resident or other undesirable conditions as determined by the Executive Director or designee.
3. Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfers or the removal of the household from the transfer list for voluntary transfers.
4. The HAKC will transfer (1) one resident for every (2) new applicants housed from the waiting list.

It is the policy of HAKC to permit a resident to transfer under certain conditions and to fulfill operational or regulatory requirements.

HAKC will consider a request to transfer as a reasonable accommodation for a person with a disability. Except in emergency situations, property management may deny transfers when the family is not in good standing with HAKC due to serious or repeated lease violations. Serious or repeated violations may include, but are not limited to non-payment of rent, poor housekeeping, and history of disturbances, failure to fulfill community service requirements, destruction of property or lease violations.

It is the policy of the HAKC not to grant a unit transfer simply to accommodate neighbors who "cannot get along." Activities of the neighbors that impede the rights of others to the peaceful enjoyment of their unit will be treated as a lease violation and cause for termination of tenancy.

For purposes of this transfer policy the "sending development" refers to the unit the family is leaving and the "receiving development" refers to the unit to which the family is transferring.

A. TYPES OF TRANSFERS

The order in which families are transferred will be subject to the hierarchy by category set forth below.

Category 1: Emergency Transfers are **mandatory** when HAKC determines that conditions

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pose an **immediate threat to resident life, health or safety.**

Emergency transfers may be made to:

- permit repair of unit defects hazardous to life, health, or safety;
- alleviate verified disability problems of a life-threatening nature; or
- Provide housing options to residents who are **victims** of domestic violence, dating violence, sexual assault, or stalking (VAWA 2013: See Emergency Transfer Policy for VAWA)

HAKC will authorize an emergency transfer for a participant family when the resident's unit has been damaged by fire, flood, or other cause to such degree that the unit is not habitable, provided that the damage was not the result of an intentional or negligent act on the part of the resident, resident's family, or guests of the resident.

These transfers will take priority over new admissions.

Category 2 Administrative transfers include **mandatory** transfers to:

- Alleviate verified **medical** problems of a serious (but not life-threatening) nature;
- Permit a family that requires a unit with **accessible** features to occupy such a unit.
- Remove residents who are **witnesses** to crimes and may face reprisals;
- Provide housing options to residents who are **victims** of hate crimes or extreme harassment; or
- Permit **modernization, lead hazard reduction, permit lead hazard intervention or demolition** of units;

These transfers will take priority over new admissions.

Requests for these transfers will be made to the HAKC with necessary documentation to substantiate the need for such transfers. Transfers may also be initiated by HAKC (e.g. moving a person with mobility problems to a unit with accessible features).

Category 3 Administrative transfers include **mandatory transfers** to correct **serious** occupancy standards problems.

These transfers may take priority over new admissions.

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Category 3 transfers will only be made if the family size is so small that it includes fewer persons than the number of bedrooms, or so large that the household members over age 4 would equal more than two persons per bedroom.

If a family's size is between the smallest and largest size permissible for the unit, the family may request a transfer, but it will be considered a Category 4 transfer.

Category 3 or 4 transfers to correct occupancy standards may be recommended by the property manager at time of annual re-examination or an interim redetermination.

When a head of a household, is housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for a Category 3 transfer until the child is four (4) years of age.

Split-family transfers

HAKC does not allow split family transfers. The member of the household who desires to establish their own household must apply for a unit and proceed through the admission process. (Refer to Chapter 2)

Category 4 Administrative transfers may be made to:

- Avoid concentration of the most economically and socially deprived families;
- Correct minor occupancy standards; or
- Address situations that interfere with peaceful enjoyment of the premises.

These transfers will not take priority over new admissions.

They will be processed at a rate that does not impose an administrative or maintenance burden on HAKC.

Category 5, Incentive Transfers:

Incentive Transfers: An "incentive transfer" is considered for a resident who meets the conditions set forth below. Incentive Transfers will be offered to residents without regard to their race, color, religion, sex, disability, familial status or protected class.

Incentive transfer to NEWLY MODERNIZED UNITS, NEW CONSTRUCTION or SCATTERED SITES:

- Depending on HAKC's vacant unit status, modernized units will be filled with incentive transfers, new applicants, or a combination of both. HAKC reserves the right to fill modernization units in a

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manner that has the least impact on vacant units.

- Prior to newly modernized units being completed, residents may be notified of the opportunity to request a transfer to the specified units. Property Managers may also recommend a resident for this incentive transfer.
- In order to be considered for an incentive transfer to a modernized/scattered site unit the following conditions must be met for the **past two years**:
 - Residency in a HAKC development.
 - Has the income profile as stated in the admission and occupancy preference criteria.
 - Resident does not owe back rent or other charges, or evidence a pattern of late payment;
 - No delinquent repayment agreement or delinquent charges.
 - No history of disturbances that resulted in lease violations or violence toward staff or neighbors as indicated by notices of lease violations in the applicant's file. This includes criminal activity that threatens the health and safety of residents and staff;
 - Good housekeeping record, including no housekeeping lease violations.
 - Can get utilities turned on in the name of the head of household (applicable only to those select properties with tenant-paid utilities).
 - Compliance with community service.
- There will be no exceptions granted to these conditions.

B. TRANSFER WAITLIST MANAGEMENT

Transfers will be coordinated through Tenant Selection. A designated Tenant Selection staff person will communicate with Property Management, Eligibility and Maintenance, initiating the offer process and assuring all the necessary documentation is completed.

1. In certain circumstances, transfers will be considered first before referral from the waiting list. However, due consideration will be given to the number of vacant units prior to any transfer.
2. If for any reason the number of vacancies is significant to the extent that the transfers would place the Authority in a position of operational instability, restrictions such as a two to one (2:1) ratio of new move-ins from the waiting list to transfer from within will

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be imposed to maintain financial stability of the program and operations (98% lease-up to be used as a guideline).

3. The nature of transfers will also be considered even under these restrictions, as it is recognized that certain life endangering conditions, as may be cause for transfer cannot be restricted by operational objectives.
4. Property Managers are responsible for submitting transfer requests including necessary documentation, to the Transfer List Coordinator.

Transfers will be classified into their appropriate categories by HAKC. Admissions will be made in the following order:

- **Category 1**-Emergency Transfers (*immediate threat to resident life, health or safety*), then
 - **Category 2**-Administrative Transfers, (*i.e. medical, reasonable accommodations, crime related or modernization*), then
 - **Category 3**-Administrative Transfers, (*i.e. serious occupancy std. problems*), then
 - **Category 4**-Administrative Transfers (*i.e. de-concentration, occupancy standards or peaceful enjoyment*), then
 - **Category 5** – Incentive Transfers
5. Within each category, transfer applications will be considered on a “first in first out basis” according to the date that it is considered by HAKC.

C. TRANSFER REQUEST AND APPROVAL PROCEDURE

Residents applying for a transfer will submit a **Transfer Request Form** to their Property Manager stating the reason a transfer is being requested. Forms are not to be submitted for possible future events such as birth of a child or may get a live-in aide. The Transfer Request Form will also be used to document requests initiated by the HAKC (i.e.: to correct occupancy standard problem at reexaminations/interims).

ACCEPTING AN OFFER

The resident will be notified either by phone or in writing to view an available unit. Residents on the transfer list will be notified no more than 30 days in advance of a unit being identified for their transfer. This advance notice allows the family time begin packing for their move. The family will be contacted by phone or in writing for an appointment to see a unit. After the resident views the unit, they will be given **24 hours to accept or decline the unit.**

The family will be given two full weeks after accepting the unit to move.

REFUSING AN OFFER

If a family is on the transfer list and refuses an offered unit, they will be removed from the transfer list unless HAKC determines that the refusal was made for good cause. If so, the family will be allowed to remain in their unit and will remain on the transfer list until another unit is

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offered. All offers will be documented and reason for refusal will be documented. If the family refuses a second offer, their name will be removed from the Transfer Wait List.

If the family has been approved for a transfer under one of the mandatory transfer categories (Category 1, 2, or 3), only one unit will be offered the family unless there is good cause or a hardship situation as determined by the PHA. If the resident refuses the offered unit, for other than good cause, the lease **may** be terminated by the HAKC by giving a 30-day notice to the resident.

Good cause may be any of the following reasons:

- The new unit is more than 5 miles from the place of employment of at least one member of the family.
- The new unit is more than 5 miles from the school or job training program that at least one adult member of the family is attending.
- Travel to the doctor from the new unit would create a hardship for an elderly or disabled person.
- Or as determined by the Director of Housing Operations

Verification must be provided for good cause and the approval/disapproval by HAKC will be in writing. Residents refusing units for good cause will be given 24 hours to provide verification.

The inconvenience or undesirability of changing schools for any minor child will not be considered good cause.

D. PROCESSING IN AND OUT OF DEVELOPMENTS (If Applicable)

A transfer will require good coordination and communication between the receiving and sending developments. Both sending and receiving developments involved must have a definite agreement as to when the receiving development will “transfer” the resident. *(Note: The receiving development is responsible for completing the “transfer process” in the computer).*

A transfer between developments will not be considered a move-out.

- There will be no lapsed time between move-out and move-in. Effective dates must not overlap nor will both developments carry the resident on their books at the same time.
- The resident's records will show a continuous residence in public housing in one development or the other, but not in both developments at the same time.

The transferred resident, between public housing developments, does not have to meet the admission eligibility requirements pertaining to income or preference.

Rent Adjustments

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HAKC will notify the resident of the rent and/or security deposit change by use of a new Lease. The rent will be pro-rated as outlined in the Lease Agreement.

Reexamination Date

The date of the transfer does not change the reexamination date. The receiving development should be certain that the annual review is properly scheduled to give the staff time to re-determine rent in order to meet the established reexamination date. If the reexamination is in process, the receiving development will assume responsibility for completion.

The sending development will send the family's file to the receiving development once they have been notified that the family has accepted the unit and before the family is leased up. The receiving development will not attempt to lease up a family without possession of the family's file.

E. GRIEVANCE RIGHTS

Families disagreeing with the HAKC transfer determination may grieve the decision. See Chapter 13, Complaints, Grievances and Appeals.

F. EXTRAORDINARY CIRCUMSTANCES

Placement on Section 8 Waiting List: Current residents of Public Housing who must be relocated from a unit, due to documented health and safety issues, as well as modernization activities, or other special circumstances as approved by the Executive Director, where no suitable unit is available within the next thirty (30) days within the HAKC inventory. Preference is given regardless of the status of the waiting list (open or closed). All applicants qualifying for this preference must be placed on the waiting list and their eligibility properly documented.

G. COST OF TRANSFERS

Residents shall bear the cost of transfers to correct occupancy standards, resident requested transfers, incentive transfers, and other voluntary transfers.

HAKC will bear the reasonable cost of transfers HAKC requests for demolition, disposition, rehabilitation, building system failures, or emergency conditions due to no fault of the tenant. HAKC will bear the reasonable cost of transfers needed as a reasonable accommodation for residents with disabilities. The reasonable cost of transfers includes not just the cost of packing, moving, and unloading, but also the cost of connecting and reconnecting any existing resident-paid services such as telephone and cable. [Public Housing Occupancy Guidebook Chapter 11.7; page 150]

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Chapter 9

LEASING [24 CFR 966.4]

INTRODUCTION

It is HAKC's policy that all units must be occupied pursuant to a dwelling lease agreement that complies with HUD's regulations [24 CFR Part 966]. This Chapter describes pre-leasing activities and the HAKC's policies pertaining to lease execution, security deposits, other charges, and additions to the lease.

GENERAL LEASING POLICY

General Terms

1. All units must be occupied pursuant to a lease that complies with HUD's regulations.
2. No lease will have an effective date before the unit is ready for occupancy¹.
3. The lease will be signed by the head, spouse, co-head, and all adult members of the unit and by the authorized representative of HAKC, prior to actual admission.²
4. If a resident transfers from one HAKC unit to another, a new lease will be executed for the dwelling into which the family moves.
5. If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:
 - (a) A new lease agreement will be executed, or
 - (b) A Notice of Rent Adjustment will be executed, or
 - (c) An appropriate rider will be prepared and made a part of the existing lease. All copies of such riders or insertions are to be dated and signed by the Resident and by the authorized representative of HAKC.

A. LEASE ORIENTATION

All adult household members are required to attend a New Resident Orientation session at move in. Failure to attend the Orientation may be grounds for termination of the lease.

The purpose of the Orientation will be to familiarize all new residents with rules, regulations, policies, and procedures pertinent to successful occupancy in HAKC's public housing program. The Lease, House Rules, Maintenance Policies, Housekeeping Policies, Community Service requirement and Earned Income Disallowance (public housing only) will be among the topics reviewed at Orientation.

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At the time of lease signing, the family will be provided with copies of the:

- Lease
- Grievance Policy and Procedures
- Community Service Requirements and Policy
- Pet Policy
- VAWA Policy
- Other HAKC Lease Addenda

Topics to be discussed will include, but are not limited to:

- Applicable deposits and other charges
- Provisions of the Lease
- Unit maintenance and work orders
- Terms of occupancy
- Community Service Requirements
- Pet Policy
- Lead-based paint provisions
- Smoke Free Policy
- HUD Form HUD-92006
- Etc.

Form HUD-92006, Supplement to Application for Federally Assisted Housing

Form HUD-92006 must be included as an attachment to the HAKC's application.

Prior to execution of the lease, the following must be discussed:

1. Applicants must be provided the opportunity to complete the information on form HUD-92006, Supplement to Application for Federally Assisted Housing. The form gives applicants the option to identify an individual or organization that the HAKC may contact and the reason(s) the individual or organization may be contacted. The applicants, if they choose to provide the additional contact information, must sign and date the form.
2. Applicants who are currently on the HAKC's waiting list and who have not been provided the opportunity to complete form HUD-92006, Supplement to Application for Federally Assisted Housing, must be provided the opportunity at the time of admission.
3. HAKC **cannot** require any individual or family applying for occupancy to provide the contact information as providing contact information is optional on

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the part of the individual or family. Those applicants who choose not to provide the contact information should check the box indicating that they “choose not to provide the contact information” and sign and date the form.

4. HAKC should provide applicants the opportunity at time of admission to update, remove or change contact information provided at the time of application, particularly if a long period of time has elapsed between the time of application and actual admission to the program.
5. If the applicant chooses to have more than one contact person or organization, the applicant must make clear to HAKC the reason each person or organization may be contacted. The HAKC should accommodate the applicant by allowing the applicant to complete a form HUD-92006 for each contact and indicating the reason the HAKC may contact the individual or organization. For example, the applicant may choose to have a relative as a contact for emergency purposes and an advocacy organization for assistance for tenancy purposes.

B. LEASE REQUIREMENTS

The initial term of the lease will be for 12 months. A new lease will be executed for 12-month terms with the following exception:

- HAKC will not renew the lease if the family has violated the community service requirement (24 CFR 966.4).
- Because of the community service requirements, the lease does not automatically renew for terms of 12 months, and an annual signing process is required.
- The lease further provides for termination and eviction at the end of any 12-month lease term for non-compliance with the community service requirements at 24 CFR Part 960, in the following action- 24 CFR 966.4 (D) Failure of a family member to comply with service requirement provisions of part 960, subpart F, —as grounds only for non-renewal of the lease and termination of tenancy at the end of the twelve-month lease term; Chapter 15 of this Admissions and Continued Occupancy Policy.

Failure to comply with HAKC or HUD community service requirements for continued eligibility will result in termination of the lease. Refer to Chapter 15 Community Service Policy/Self-Sufficiency.

C. EXECUTION OF LEASE

The lease will be executed by the head of household and all adult members of the dwelling unit, and by an authorized representative of HAKC, prior to admission.

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The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

An appointment will be scheduled for the parties to execute the lease. One executed copy of the lease will be given to the tenant, and HAKC will retain the original in the tenant's file. The lease is incorporated into this policy by reference. The lease document will reflect current HAKC policies as well as applicable Federal, State and Local law.

The following provisions govern lease execution and amendments:

- A lease is executed at the time of admission for all new tenants.
- A new lease is executed at the time of the transfer of a tenant from one HAKC unit to another (with no change in reexamination date).
- If, for any reason, any signer of the lease ceases to be a member of the household, the lease will be terminated and a new lease may be executed with the remaining members, so long as they meet the program requirements.
- Lease signers must be persons legally eligible to execute contracts.
- The names and date of birth of all household members are listed on the lease at initial occupancy and on the Personal Declaration each subsequent year. Only those persons listed on the most recent certification will be permitted to occupy a dwelling unit.
- Changes to tenant rents are made upon the preparation and execution of a "Notice of Rent Adjustment" by HAKC, which becomes an attachment to the lease. Documentation will be included in the tenant file to support proper notice.
- Households that include a Live-In Attendant will contain file documentation that the Live-In Attendant is not a party to the lease and is not entitled to HAKC assistance, with the exception of occupancy while serving as the attendant for the disabled or qualified family member. A live-in Aide will not sign the lease.

HAKC may modify its form of lease from time to time after giving tenants an opportunity to comment on proposed changes and advance notice of the implementation of any changes. A tenant's refusal to accept permissible and reasonable lease modifications, or those modifications required by HUD, is grounds for termination of tenancy.

D. ADDITIONS TO THE LEASE

Only those persons listed on the most recent certification form and lease will be permitted to occupy a dwelling unit³. This includes situations in which a tenant is granted custody of a child

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or children not previously listed on the application or lease and situations in which a person (often a relative) came to the unit as a visitor but stayed because the tenant needed support, for example, after a medical procedure.

All persons listed on the most recent certification form and the lease must use the dwelling unit as their sole residence.

Except for natural births to or adoptions by family members, or court awarded care and custody or Durable Power of Attorney for minor children or a disabled adult any family seeking to add a new member must request approval in writing before the new member moves in. All adults must be screened.

When a resident requests approval to add a new person to the lease, HAKC will conduct pre-admission screening of any proposed new adult member to determine whether the HAKC will grant such approval. New household members must be approved by HAKC, prior to the actual move-in by the proposed new member.

Also included in requested approval would be situations in which a person (often a relative) comes to the unit as a visitor but stayed on in the unit because the tenant needed support, for example, after a medical procedure⁴. This would be known as a “caretaker”. A caretaker would be allowed for 30 days, with renewal periods as verified by a medical professional. No additional bedroom will be authorized for a caretaker. The caretaker will be screened for criminal background and other criteria- such as the criteria of a live-in aide.

Following receipt of a family's request for approval, HAKC will conduct a pre-admission screening, including the Criminal History Report, of the proposed individual. Only the individual that has been approved for temporary situations are authorized in to stay in the unit.

Children under the age at which juvenile justice records are available or added through a formal custody award are still required to be added through a pre-admission screening process and the tenant still needs prior permission from HAKC to add children other than those born to or adopted by family members. The exemption age specified in this paragraph is subject to change should the state modify its laws concerning the availability of police or court records for juvenile offenders.

Requests for the addition of a new member of the household must be approved by HAKC prior to the actual move-in by the proposed new member.

Following receipt of a family's request for approval, HAKC will conduct a pre-admission screening, including but not limited to the Criminal History Report, of the proposed new member. Only new members approved by HAKC will be added to the household.

Factors determining household additions:

1. Household additions subject to screening:
 - Resident plans to marry and requests to add the new spouse to the lease;
 - Adults 18 years and older who pass the pre-admission screening,
 - Resident desires to add a new family member to the lease or utilize a live-in aide, or take in a foster child(ren) must be screened

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- A unit occupied by a remaining family member(s) under age 18 (not an emancipated minor) and an adult who was not a member of the original household requests permission to take over as the head of household.
2. Factors determining household additions which are not subject to screening:
 - Children born to a family member or whom a family member legally adopts are exempt from the pre-screening process.
 - Children under the age below which Juvenile Justice Records are made available or added through a formal custody award or kinship care arrangement are still required to comply with the pre-admission screening process.
3. Residents who fail to notify HAKC of additions to the household or who permit persons to join the household without undergoing screening are violating the lease. Persons added without HAKC approval will be considered unauthorized occupants and the entire household will be subject to eviction ⁵ [24 CFR 966.4(f)(3)].
4. Family members 18 and over who move from the dwelling unit to establish new households will be removed from the lease. The tenant must notify HAKC of the move-out within 10 days of its occurrence.
5. HAKC in making determinations under this paragraph will consider:
 - Occupancy Standards to prevent overcrowding of a unit
 - Medical hardship or other extenuating circumstances

Visitors and Absence from the unit

1. Visitors may be permitted in a dwelling unit so long as they are not on the trespass list. Refer to **Chapter 11** Visitors (Page 13) for details. Visitors remaining beyond the periods in this policy will be considered unauthorized occupants and the lessee will be guilty of a breach of the lease.
2. Roomers and lodgers will not be permitted to move in with any family. Violation of this provision is ground for termination of the lease⁶.
3. Residents will not be given permission to allow a former resident of HAKC who has been evicted to occupy the unit for any period of time. Violation of this requirement is ground for termination of the lease.
4. Medical hardship or other extenuating circumstances will be considered by HAKC in making determinations under this area. **Temporary caretaker** request must be provided by the resident and verified by a medical provider. The status must be updated every thirty (30) days. The HAKC will review the request and verified reasons for the caretaker during an extended medical hardship. Approval of the caretaker to occupy the unit for a period beyond 2 weeks will require prior approval by the Property Manager. There will be no additional bedroom or transfer authorized for the temporary caretaker. The caretaker may be screened for criminal background.

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5. Residents must advise HAKC if they will be absent from the unit for more than **14 days**. Residents will notify the manager, secure the unit and provide a means for HAKC to contact the resident in an emergency. Failure to advise HAKC of an extended absence is grounds for termination of the lease.
6. Visits exceeding **14 days** per year may be authorized by the HAKC. Visitors expected by residents must be reported to the HAKC within **72 hours** of their arrival or prior thereto
7. Written approval at the discretion of the manager, based on the circumstances, must be obtained for guest visits of more than **14 days during any 12-month period**. Visitors remaining beyond this period without written approval will be considered an unauthorized occupant and the family head will be guilty of breaching the lease.
8. Residents are responsible for the actions and conduct of their guests/visitors in accordance with the lease.

E. LEASING UNITS WITH ACCESSIBLE OR ADAPTABLE FEATURES

[24 CFR 8.27(a)(1)(2) and (b)]

Qualified families will be offered an accessible unit, upon request by the family, when an accessible unit is available. Due to the limited number of accessible units, HAKC will offer vacant accessible units with features for person with disabilities as follows:

- First, to a current occupant of another unit of the same development who requires the accessible features of the vacant, accessible unit and is occupying a unit not having the features;
- If there is no current resident in the same development that requires the accessible features of the vacant unit, then it will be offered to a resident with disabilities residing in another development under HAKC's control, who has a disability that requires the special features of the vacant accessible unit;
- If there is no current resident who requires the accessible features of the vacant, accessible unit, then the vacant accessible unit will be offered to an eligible qualified applicant with disabilities on the waiting list who can benefit from the accessible features of the available, vacant, accessible unit;
- If there is not an eligible qualified resident or applicant with disabilities, needing the features of the vacant available unit on the waiting list who wishes to reside in the available accessible unit, then it will be offered to an applicant on the waiting list who does not need the accessible features of the unit. See 24 CFR 8.27.



However, the HAKC will require the applicant to execute the HAKC public housing lease that requires to the resident to relocate to a vacant non-accessible unit within thirty (30) days of notice by the HAKC that there is an eligible applicant or existing resident with disabilities who requires the accessible features of the unit.

F. UTILITY SERVICES AND RESIDENT OWNED APPLIANCES

Tenants responsible for direct payment of utilities must abide by any and all regulations of the specific utility company, including regulations pertaining to advance payments of deposits. Failure to maintain utility services during tenancy is a lease violation and grounds for eviction.

If it is determined that any utility service is not on in a unit, the tenant will receive a 24-hour notice to restore service. If the utilities are not restored in the 24-hour period, then a 24-hour Expedited Notice due to the Health and Safety lease violation will be issued. The tenant must provide documentation of proof of service within 24 hours and the unit will be inspected on the next day to assure utilities have been restored. If the utility service has not been restored at the time of inspection, the Property Manager will proceed with the eviction process. If utilities are restored after the first occurrence of a notice of no utilities, this will result in a conference agreement explaining consequences of subsequent violations. If the tenant violates the conditions again while in assisted housing, the third violation may result in the termination of the lease.

The lease will designate the appliances provided by HAKC (i.e.: stove and refrigerator). The tenant is responsible for proper hook-up, safety and maintenance of any appliances they may provide (i.e. dryers). Residents are required to make sure all appliances are operable or they must be removed from the unit.

G. SECURITY DEPOSITS (Refer to Chapter 18 on Security Deposits)

Security Deposit

New tenants must pay a security deposit to HAKC at the time of admission.

The amount of the security and/or pet deposit required is specified in the lease.

Pet Deposit (Refer to chapter on Pet Policy)

HAKC will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, upon removal of the pet or the owner from the unit. HAKC will return the Pet Deposit to the former tenant or to the person designated by the former tenant in the event of the former tenant's incapacitation or death.

H. RENT PAYMENTS-

Rent is DUE and PAYABLE in advance on the first day of each month and will be considered delinquent after the fifth calendar day of the month. In cases where the due date occurs on a holiday or a weekend day then the due date will be the next business day. Rent may include

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utilities, and maintenance service repair cost. Rent and other charges shall be paid at: P.O. Box 414226 KCMO 64179. Late charges for payment of delinquent rent that has been mailed may be avoided so long as postmarked prior to the due date.

When HAKC makes any change in the amount of Total Tenant Payment or Tenant Rent, HAKC will give written notice to Tenant. The notice will state the new amount, and the date from which the new amount is applicable. Rent re-determinations are subject to the Administrative Grievance Procedure. The notice will also state that Tenant may ask for an explanation of how the amount is computed by HAKC. If Tenant asks for an explanation, HAKC will respond in a reasonable time. [966.4 (c)(4)]

All payments of money will be applied to rent amounts due first and then other charges.

I. FEES AND NONPAYMENT PENALTIES

In addition to rent, Tenant is responsible for the payment of certain other charges specified in the lease or according to payment plan worked out between tenant and manager. The type(s) and amounts of other charges are specified in Part II of this Lease Agreement. Other charges can include:

- (a) Maintenance costs -- The cost for services or repairs due to intentional or negligent damage to the dwelling unit, common areas or grounds beyond normal wear and tear, caused by Tenant, household members or by guests. When HAKC determines that needed maintenance is not caused by normal wear and tear, Tenant will be charged for the cost of such service, either in accordance with the Schedule of Maintenance Charges posted by HAKC or (for work not listed on the Schedule of Maintenance Charges) based on the actual cost to HAKC for the labor and materials needed to complete the work. If overtime work is required, overtime rates will be charged. Payment of the maintenance charges is due no less than 2 weeks after receipt of notice of the charge, unless otherwise stated in a repayment agreement [966.4 (b)(2)]
- (b) Excess Utility Charges --At developments where utilities are provided by HAKC, a charge will be assessed for excess utility consumption due to the operation of major tenant-supplied appliances. This charge does not apply to Tenants who pay their utilities directly to a utility supplier. [966.4 (b)(2)]
- (c) Installation charges for tenant supplied air conditioners, ceiling fans or other non HAKC provided appliances.
- (d) A minimum charge of \$25.00 will be assessed against the tenant for failure to remove trash from the unit upon vacating the unit.
- (e) HAKC will provide written notice of the amount of any charge in addition to Tenant Rent, and when the charge is due. Charges in addition to rent, other than late charges, are due no later than fourteen (14) calendar days after the HAKC gives written notice of the charge. [966.4 (b)(4)]



- (f) Late Charges – If the resident fails to make payment by the fifth day of the month, a reasonable late fee will be charged. Such late fee will be determined annually by the Housing Authority. Notices of late fees will be in accordance with requirements regarding notices of adverse action. **Charges are due and payable 14 calendar days after billing.** [966.4 (b)(3)]

Late fees apply only to unpaid rent balances.

- (g) Tenants who have submitted a personal check that is returned for insufficient funds will be required to make all future payments by cashier's check or money order. A returned check fee of \$35 will be charged the tenant.

HAKC will not accept cash for payment of rent or other charges.

J. SCHEDULES OF SPECIAL CHARGES

Schedules of special charges for services, repairs, utilities and rules and regulations which are required to be incorporated into the lease by reference will be publicly posted in a conspicuous manner in the project office, and they will be provided to applicants and tenants upon request.

K. MODIFICATIONS TO THE LEASE or ACOP

Schedules of special charges and rules and regulations are subject to modification or revision. Tenants will be provided at least thirty days written notice of the reason(s) for any proposed modifications or revisions, and they will be given an opportunity to present written comments. Comments will be taken into consideration before any proposed modifications or revisions become effective.

A copy of such notice will be posted in the central office, and:

Posted in at least two conspicuous places within each structure or building in which tenants affected by the modifications or revisions are located.

Any modifications of the lease must be accomplished by a written addendum to the lease and signed by both parties.

L. INSPECTIONS OF PUBLIC HOUSING UNITS

Initial Inspections

HAKC and the family will inspect the premises prior to occupancy of the unit in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by HAKC staff and the tenant, will be kept in the tenant file.

Vacate Inspections

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Housing management staff will perform a move-out inspection when the family vacates the unit, and will encourage the family to participate in the move-out inspection.

The purpose of this inspection is to determine necessary maintenance and whether there are damages that exceed normal wear and tear. HAKC will determine if there are tenant caused damages to the unit. Tenant caused damages may affect part or all the family's security deposit.

The move-out inspection also assists HAKC in determining the time and extent of the preparation and repairs necessary to make the unit ready for the next tenant.

Annual Inspections

HAKC will inspect all units annually using HUD's Uniform Physical Conditions Standards (UPCS). A written notice will go out a week before the inspection with a 5-day time frame to inspect.

Residents who "fail" the inspection due to housekeeping or tenant-caused damages will be given 10 calendar days to correct noted items. Another inspection will be conducted. Residents may be assessed an additional security deposit to potentially cover the cost of damages at the time of vacating the unit.

Residents will be issued a copy of the inspection report with required corrections. If necessary to bring the unit into UPCS compliance, needed repairs will be completed by HAKC.

All inspections will include a check of all smoke alarms to ensure proper working order.

Inspection report will indicate whether required corrections are to be charged to the resident or covered by HAKC.

Required corrections will be repaired by HAKC within 25 days of the inspection date.

Damages beyond "normal wear and tear" will be billed to the tenant.

Residents who repeatedly "fail" the inspection or cause excessive damage to the unit will be considered in violation of their lease.

Quality Control Inspections

The housing management staff will conduct periodic quality control inspections to determine the condition of the unit and to identify problems or issues in which HAKC can be of service to the family.

HAKC staff will conduct quality control inspections on a sample size of units or the mandatory minimum per the HUD protocol.

The purpose of these quality control inspections is to assure that the inspections were performed properly and repairs were completed at an acceptable level of craftsmanship and within an

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acceptable time frame.

Special Inspections

Housing management staff may conduct a special inspection for emergency conditions, housekeeping, unit condition, or suspected lease violation.

HUD representatives or local government officials may review HAKC operations periodically and as a part of their monitoring may inspect a sampling of the HAKC's inventory.

Other Inspections

The HAKC inspector will periodically conduct windshield, walk and talk, and/or walk-through inspections to determine whether there may be lease violations, adverse conditions, local code violations or for neighbor dispute resolutions.

Emergency Inspections

Housing management staff may initiate an emergency inspection if they believe that an emergency exists in the unit or on a Public Housing site. (See Entry of Premises Notice in this chapter.) Abatement of the emergency must be completed within 24 hours.

Emergency Repairs to be Completed in Less than 24 Hours

The following items are to be considered emergency in nature and require immediate (less than 24 hour) response:

1. Fires – Call the Fire Department at 911 before contacting Maintenance.
2. Heating /AC problems in winter based on the current temperature, summer based on extreme heat.
3. Electrical failures (affecting more than just a lighting or outlet circuit)
4. Gas leaks.
5. Plumbing stoppages affecting ALL toilets.
6. Breaks in main water lines and major water leaks.

Residents who disengage smoke detectors for convenience purposes will be cited and subject to charges and lease termination. (See "Housekeeping Citations" below)

Entry of Premises Notices

HAKC will give prior written notice for non-emergency inspections. Non-emergency entries to the unit will be made during reasonable hours of the day.

HAKC will provide the family with 48-hour notice prior to entering the unit for non-emergency reasons other than the annual inspection.

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If HAKC enters a unit, they will leave notice that they were in the unit and the reason.

Reasons HAKC will enter the unit are:

- Inspections and maintenance
- To make improvements and repairs
- To show the premises for leasing
- In cases of emergency

It is encouraged that an adult family member be present during the Annual Inspection, but it is not required.

Repairs requested by the family will not require prior notice to the family. Residents are notified in the lease that resident-requested repairs presume permission for the HAKC to enter.

Non-Inspection Emergency Entry

HAKC staff will allow access to the unit to proper authorities when issues of health or safety of the tenant are concerned.

Family Responsibility to Allow Inspection

HAKC must be allowed to inspect the unit at reasonable times with reasonable notice. Forty-eight hour written notice will be considered reasonable in all cases, except emergencies.

HAKC will reschedule the inspection no more than twice unless the resident has a verifiable medical reason, which has hindered the inspection. HAKC may request verification. There may be a charge for the reinspection.

If the resident refuses to allow the inspection, the resident will be in violation of the lease and HAKC will notify the family of its intended action.

Housekeeping Citations

Residents who "fail" an inspection due to housekeeping will be issued a Housekeeping Citation, and a reinspection will be conducted within 10 calendar days by housing management staff.

If the family fails to comply with the re-inspection, it can result in lease termination. If the family is issued another Housekeeping Citation within 30 days of the reinspection, the family will be summoned for a lease violation conference.

Families will be required to attend housekeeping programs after the failure of a reinspection.

Citations will be issued to residents who purposely disengage the unit's smoke detector.

Repeated citations will be considered a violation of the lease.

Tenant Damages

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Repeated failed inspections or damages to the unit beyond normal wear and tear may constitute serious or repeated lease violations.

"Beyond normal wear and tear" is defined as items, which could be charged against the tenant's security deposit under state law or court practice.

¹ 24 CFR§ 966.4 (i)

² 24 CFR § 966.4 (p)

³ 24 CFR §§ 960.205 (b) and 966.4(a)(1)(v)

⁴ 24 CFR § 966.4 (f)(3) & (c)(2)

⁵ 24 CFR § 966.4 (f)(3)

⁶ 24 CFR § 966.4 (f)(2)

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Chapter 10

PET POLICY

[24 CFR 5.309]

INTRODUCTION

PHA's have discretion in the development of policies pertaining to the keeping of pets in public housing units. This Chapter explains HAKC's policies on the keeping of pets and any criteria or standards pertaining to the policy. The rules adopted are reasonably related to the legitimate interest of HAKC to provide a decent, safe, sanitary, and good repair living environment for all tenants, to protecting and preserving the physical condition of the property, and to preserve the financial interest of HAKC.

The purpose of this policy is to establish HAKC's policy and procedures for ownership of pets in elderly and disabled units as well as in family units, and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of the ownership of pets. HAKC also establishes reasonable rules governing the keeping of common household pets.

Current residents will not be required to pay an additional deposit or re-qualify pets who are currently registered.

Nothing in this policy or the dwelling lease limits or impairs the right of persons with disabilities to own animals that are considered a disability companion or assistance animal (formally referred to as "service animal").

In accordance with Section 526 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA), HAKC hereby sets forth rules and regulations concerning pet ownership in its public housing units. Only "common household pets" as defined herein will be permitted in HAKC owned properties.

A common household pet, for the purposes of HAKC's conventional housing program: A domesticated animal, such as a dog, cat, bird, rabbit or fish that is traditionally kept in the home for pleasure rather than for commercial or breeding purposes. Common household pet does not include reptiles. The definition does not include animals that are used to assist persons with disabilities.

Residents may own up to one pet as defined in this policy. Each bird or other animal, other than fish, will be counted as one pet. Each resident household is permitted to own one (1) four-legged warm-blooded pet.

A. EXCLUSION FOR ANIMALS THAT ASSIST PERSONS WITH DISABILITIES (FHEO 2013-01)

FHEO Notice 2013-01 explains certain obligations of housing providers under the

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Fair Housing Act (Act), Section 504 of the Rehabilitation Act of 1973 (Section 504), and the Americans with Disabilities Act (ADA) with respect to animals that provide assistance to individuals with disabilities. The Department of Justice's (DOJ) amendments to its regulations' for Titles H and III of the ADA limit the definition of "service animal" under the ADA to include only dogs (and small horses), and further define "service animal" to exclude emotional support animals.

This definition, however, does not limit HAKC's obligation to make reasonable accommodations for assistance animals under the Act or Section 504. Persons with disabilities may request a reasonable accommodation for any assistance animal, including an emotional support animal, under both the Act and Section 504. In situations where the ADA and the Act/Section 504 apply simultaneously (*e.g.*, a public housing agency, sales or leasing offices, or housing associated with a university or other place of education), housing providers must meet their obligations under both the reasonable accommodation standard of the Act/Section 504 and the service animal provisions of the ADA.

HAKC's Pet Policy will neither apply to animals that are used to assist persons with disabilities and their assistance animals, who visit HAKC's developments and dwelling units. 24 CFR 5; 24 CFR 960.705. Residents with an animal that assists persons with disabilities must still comply with all other conditions of the lease, including but not limited to; maintaining property, fulfilling housekeeping and not disturbing other residents' peaceful enjoyment of the property.

Companion/Assistance Animal

Distinction is hereby given to "companion animals" and "assistance animals." If the animal does not have specific disability related training but is necessary in coping with the disability (for instance, if the animal provides emotional support to a person with a panic disorder), the animal is a "companion animal" not a "service animal."

An "assistance animal" means any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. Assistance animals are equivalent to other "auxiliary aids" such as wheelchairs and eyeglasses, and as such must be permitted. 24 CFR 5.303; 28 CFR 36.104.

When an applicant or resident with a disability asserts and can verify that an animal is a companion or service animal for his/her disability, the applicant should make a request for a reasonable accommodation; specifically, to be allowed to keep the animal by completing HAKC's reasonable accommodation process.

HAKC will require verification that the applicant is a "qualified individual with handicaps" as defined by 24 CFR 8.3, and that the animal is necessary in coping or assisting with the disability.

Questions to evaluate a reasonable accommodation apply:

1. Does the person have a disability?
2. Is there a disability-related need for the assistance animal?

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If the answer is "no" then the reasonable accommodation request can be denied.

If the answer is "yes" then the HAKC must honor the request, unless doing so would create an undue financial burden.

The request may also be denied if:

1. The specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation.
2. The specific assistance animal in question would create substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

Breed, size, and weight limitations may not be applied to an assistance animal.

Determination that an assistance animal poses a direct threat of harm to others or physical damage to property must be based on an individualized assessment that relies on objective evidence about the specific animal's actual conduct - not on mere speculation or fear about an animal, and not on evidence about harm or damage that other animals have caused.

The request may not be denied because the HAKC is uncertain whether or not the person seeking the accommodation has a disability or disability related need for an assistance animal.

HAKC may ask for reliable documentation if the disability is not readily apparent or known.

The documentation should establish that the individual has a disability and the animal in question will provide some type of disability related assistance or emotional support.

However, documentation **MUST NOT** be requested if the disability or disability-related need is readily apparent or already known to the provider.

Upon receipt of verifications, HAKC will approve the animal.

Residents requiring more than one pet as either a "companion animal" or "assistance animal" must request the animal by completing HAKC's reasonable accommodation process.

All animals and animal records, including companion and assistance animals, will comply with state and local ordinance and other health, safety and lease provisions.

B. MANDATORY RULES FOR RESIDENTS WITH PETS

In accordance with 24 CFR 960.707, HAKC hereby sets forth the following rules for pet ownership in its conventional housing units:

Registration

1. The Resident must request and receive written formal approval from the HAKC

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prior to bringing the common household pet, (hereinafter referred to as “pet”) on the premises. The pet request will be made on the standard form “Pet Occupancy Request/Registration Form.” **All** pets must be registered, even if a pet deposit is not required.

2. Registration of the pet will include a photograph being taken by the HAKC and retained on file. The photograph will be utilized to confirm identity of the pet in case of emergency and to ensure that the same pet registered is the pet occupying the resident’s dwelling unit.
3. Residents registering pets that are not fully-grown at the execution of the initial Pet Addendum will be required to report back to the development office at the first-year anniversary of the agreement in order that the pet may be re-photographed for identification purposes.
4. At the time of registration, Resident must provide information sufficient to identify the pet and to demonstrate that it is a common household pet.
5. The name, address, and phone number of one or more responsible parties who will care for the pet if the pet owner dies, is incapacitated, or is otherwise unable to care for the pet must be provided at the time of registration.
6. A Pet Policy Addendum must be completed and signed prior to the pet being allowed in the unit.
7. Pet fees and deposits will be collected at the time of move-in.
- 8. There is a limit of one four-legged pet per household.**
- 9. No visiting pets allowed**

HAKC Policy

The table below outlines the maximum allowable types of animals. The maximum allowable animals are still subject to the total allowable 4-legged animals per household.

Type of Animal	Maximum Total Allowable	Maximum Size Allowable in Lbs.
Dog	1	30
Cat	1	20
Bird	2	N/A
Aquarium	1	30 gallons
Rodent (Including rabbit)	2	N/A
Other mammals excluding turtles	1	N/A

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Dogs

- Stand no more than 21 inches in height from the front shoulder of the animal.
- Must adhere to the breed restrictions in this policy.
- Must be spayed or neutered, must be housebroken, must have all inoculations and must be licensed as specified now or in the future by State law or local ordinance.
- Doghouses located outside any dwelling unit are prohibited.

Cats

- The weight of a cat cannot exceed to twenty (20) pounds (fully-grown).
- The resident must provide waterproof and leak proof litter boxes for cat waste, which must be kept inside the dwelling unit. Litter boxes must be changed twice per week at a minimum. Cardboard boxes are not acceptable and will not be approved. The resident will not permit refuse from litter boxes to accumulate, become odorous, to become unsightly, or unsanitary.
- Must be spayed or neutered, must be housebroken, must have all inoculations and must be licensed as specified now or in the future by State law or local ordinance
- Overly aggressive cats, with a known or suspected propensity, tendency, or disposition to unprovoked attacks, will also be excluded.

Dog/Cat—Spaying and Neutering

If the pet is a dog or cat, it must be spayed/neutered by six months of age. Evidence of spaying/neutering can be proved by a statement/bill from a licensed veterinarian and/or staff of the Humane Society or by means of the veterinarian certification provided for on the Pet Registration Form.

Birds

- Must be enclosed in a cage at all times.

Fish

If the pet is fish, the container must be placed in a safe location in the unit. The resident is limited to one container for fish; however, there is no limit on the number of fish that can be maintained in the container as long as the container is maintained in a safe and non-hazardous manner.

Residents will be responsible for any damage caused by leakage or spillage from the aquarium or fish bowl. The aquariums must be on a provable stand that is stable and cannot be easily pushed over.

Rodents (Guinea pig, hamster, or gerbil ONLY; mice are not allowed.)

- Must be enclosed in an acceptable cage at all times. Must have any or all inoculations as specified now or in the future by State law or local ordinance.

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Turtles (not allowed)

Inoculations/Vaccinations

The pet(s) must have received rabies and distemper inoculations or boosters, as applicable. The resident will provide the HAKC with evidence of inoculations certified by a licensed veterinarian or a State or local authority empowered to inoculate animals (or designated agent of such an authority) stating that the pet has received all inoculations required by applicable State and local law. Said certification may be provided on the veterinarian's statement/bill or on the Pet Registration form.

Licensing

- Licensing of all dogs will be required in accordance with applicable State and local law on an annual basis. The dog must always wear a tag with owner's name, address and telephone number.
- In the event that applicable State or local law changes with reference to licensing of any and all pets, HAKC will require its residents to comply upon appropriate notice.

Sanitary Conditions

The pet rules will prescribe sanitary standards to govern the disposal of pet waste.

These rules are as follows:

- Resident will be responsible for immediately disposing of all animal waste excreted inside the development building or on the development grounds.
- Pet waste may be disposed in designated areas for the development (pet waste stations or dumpsters).
- Waste must be placed in a plastic bag, tightly secured and deposited in a dumpster.
- Poorly disposed waste will not be tolerated and will be subject to a violation and maintenance charge.
- Conditions outlined in Cats #2, above, pertaining to cat waste will also prevail.

General Provisions

- All pets must be housed within the unit and no facilities can be constructed outside of the unit for any pet.
- Costs incurred by HAKC for extermination of fleas, ticks, and other animal related pests, will be deducted from the pet security deposit after either the pet is removed or the resident vacates. Residents are encouraged to use flea bombs to get rid of fleas and other animal-related pests on an "as needed" basis.

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- Pet(s) will not disturb, interfere or diminish the peaceful enjoyment of other residents. The terms, “disturb, interfere or diminish” will include but is not limited to: barking, meowing, crying, howling, chirping, biting, scratching and other like activities. This includes any pets that make noise continuously and/or incessantly for a period of 10 minutes or intermittently for one-half hour or more and therefore disturbs any person at any time of the day or night. The HAKC will issue a warning notice to the family if the pet continues to cause disturbances. After the second notification, the family will be given 30 days remove the pet from the household (and HAKC property) or the dwelling lease will be terminated.
- Each pet must be maintained responsibly and in accordance with this pet ownership lease addendum and in accordance with all applicable ordinances, state and local public health, animal control, and animal anti-cruelty laws and regulations governing pet ownership.
- The weight of all four-legged animals, will follow the pet policy.
- Pets may not be bred or used for any commercial purposes on HAKC property.

C. CONTROL OF THE ANIMAL

- No animal will be permitted to be loose and if the pet is taken outside it must be taken outside on a chain leash no longer than five (5') feet and kept off lawns designated to other residents. Retractable leashes are prohibited.
- All authorized pet(s) must be under the control of an adult leaseholder. An unleashed pet, or one tied to a fixed object, is not under the control of an adult. HAKC staff will contact the local Humane Society or dog warden in the event pets are found to be unleashed, or leashed and unattended, on HAKC property. It will be the responsibility of the resident to reclaim the pet at the expense of the resident.
- The resident pet owner will have canine pets restrained so that maintenance can be performed in the dwelling unit. The resident will either be at home or will have all animals restrained or caged whenever an inspection or maintenance work is scheduled. If a maintenance person enters an apartment where an animal is not restrained, maintenance will not be performed, and the resident pet owner will be charged a fee of \$25.00. If the situation again occurs, the pet will be removed from the premises. Pets that are not caged or properly restrained will be impounded and reported to the local Humane Society for removal. It will be the responsibility of the resident pet owner to reclaim the pet at the expense of the resident. The Housing Authority will not be responsible if any animal escapes from the residence due to its maintenance, inspections, or other activities.

D. UNATTENDED ANIMALS

Pet(s) may not be left unattended for more than ten (10) consecutive hours. If it is reported to HAKC staff that a pet has been left unattended for more than a ten (10) hour period, HAKC staff may enter the unit and remove the pet and transfer the pet to the humane society. Any expense

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to remove and reclaim the pet from any facility will be the responsibility of the resident.

E. PROHIBITED PETS

1. Unless the pet is classified as a “assistance animal” as described in Chapter 10, Section B, HAKC will forbid the following kinds of animals from being kept as pets on any of its properties: Pit bull, Rottweiler, German Shepherd, Chow, Doberman Pinscher or any species considered vicious, intimidating, or kept for the purpose of training for fighting or wagering of bets (i.e. roosters for “cockfighting”, etc.). HAKC forbids the keeping of animals that have had their vocal cords cut, by a process commonly known as “debarking.” (Breed, size and weight restrictions do not apply to service or companion animals).
2. Exotic pets or barnyard animals are prohibited. Exception may be certain species of pigs utilized as bonafide “assistance animals”. (Snakes and reptiles are considered exotic pets.)
3. Animals who would be allowed to produce offspring for sale.
4. Wild animals, feral animals, and any other animals that is unamenable to routine human handling.
5. Animals or species commonly grown on farms.
6. Non-human primates.
7. Animals whose climatological needs cannot be met in the unaltered environment of the individual dwelling unit.
8. Pot-bellied pigs.
9. Snakes, lizards, spiders, chickens.
10. The following restrictions apply to pets, based on weight, size and inherent dangerousness, including prohibitions against the keeping of:
 - Any animals whose weight could exceed 30 pounds by adulthood.
 - Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites and lacerations.
 - Hedgehogs or other animals whose protective instincts and natural body armor produce a risk to children of serious puncture injuries.
 - Chicks or other animals that pose a significant risk of salmonella infection to those who handle them.
 - Pigeons, doves, mynah birds, psittacosis birds, and birds of other species that are hosts to the organisms causing psittacosis in humans.
 - Tenants must adhere to the restrictions on numbers and types of pets.

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F. PET POLICY VIOLATION PROCEDURES

HAKC reserves the right to require residents to remove any pet from the premises whose conduct (noise, biting, breeding, etc.) or condition is duly determined to constitute a nuisance or a threat to the health or safety of the other occupants or pets of the development, neighbors, staff, or visitors. HAKC reserves the right to remove such a pet in the event that the pet owner does not or cannot remove the pet.

Notice of Pet Policy Violation

If HAKC determines on the basis of objective facts, supported by written statements, that a pet owner has violated a rule governing the owning or keeping of pets:

HAKC may serve a written notice of Pet Policy violation on the pet owner in accordance with the dwelling lease. The notice of pet rule violation must:

1. Contain a brief statement of the factual basis for the determination and the pet rule or rules alleged to be violated;
2. State that the pet owner has five (5) calendar days from the effective date of service of the notice to correct the violation (including, in appropriate circumstances, removal of the pet) or to make a written request for a meeting to discuss the violation;
3. State that the pet owner is entitled to be accompanied by another person of his or her choice at the meeting; and
4. State that the pet owner's failure to correct the violation, to request a meeting, or to appear at a requested meeting may result in initiation of procedures to terminate the pet owner's tenancy.

Pet Policy Violation Private Conference

If the pet owner makes a timely request for a private conference to discuss an alleged Pet Policy violation, HAKC will establish a mutually agreeable time and place for the private conference but no later than three (3) business days from the effective date of service of the notice of Pet Policy violation.

At the pet rule violation private conference, the pet owner and HAKC representative will discuss any alleged Pet Policy violation and attempt to correct it. HAKC may, as a result of the meeting, give the pet owner additional time to correct the violation.

Notice for Pet Removal

If the pet owner and HAKC are unable to resolve the Pet Policy violation at the pet rule violation private conference, or if a representative of HAKC staff determines that the pet owner has failed to correct the Pet Policy violation within any additional time provided herein, the HAKC may serve a written notice on the pet owner in accordance with Section of the Dwelling Lease or at the private conference, if appropriate, requiring the pet owner to remove the pet. The notice must:

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1. Contain a brief statement of the factual basis for the determination and the Pet Policy or rules that have been violated;
2. State that the pet owner must remove the pet within 30 calendar days (unless it is determined that the pet is vicious) of the effective date of service of the notice of pet removal (or the private conference, if notice is served at the private conference); and
3. State that failure to remove the pet may result in initiation of procedures to terminate the pet owner's tenancy.

Removal of a Pet or Termination of the Pet Owner's Tenancy

HAKC may not initiate procedures to terminate a pet owner's tenancy based on a Pet Policy violation, unless:

- The pet owner has failed to remove the pet or correct a pet rule violation within the applicable time period specified in this section (including any additional time permitted by the owner); and
- The Pet Policy violation is sufficient to begin procedures to terminate the pet owner's tenancy under the terms of the lease and applicable regulations.

G. SCHEDULE OF PET DEPOSITS

FEE AND DEPOSIT SCHEDULE
(A Pet Fee and Deposit is for any pet related charges)

Type of Pet	Deposit
Dog	\$200.00
Cat	\$200.00
Fish Aquarium	\$0
Fish Bowl (Requires no power and no larger than 20 gallons)	\$0
Birds	\$0
Other mammals, but not rodents	200.00
Waste Clean-up per incident	See charge sheet

Elderly persons and persons with a disability will not be required to pay a pet deposit for assistance or companion animals. The entire \$200.00 paid at the time the lease is signed or pet approval is granted; or \$50.00 paid at the time the lease is signed or pet approval is granted and the remaining \$50.00 paid in three installments of \$50.00. Each installment of

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\$50.00 is due the first of the month for the four months immediately following the signing of the lease or the pet approval. It will be a serious violation of the lease for any resident to have a pet without proper approval and without having complied with the terms of this policy. Such violation will be considered to be a serious violation of the lease and this Addendum and the Housing Authority will issue a termination notice. The resident will be entitled to a grievance hearing in accordance with the provisions of the dwelling lease.

It is understood and agreed that HAKC is not responsible for any damages caused by the pet including but not limited to: bites and scratches to residents, neighbors, visitors, staff, HAKC contractors, and others who are lawfully on the HAKC's premises or other pets or service animals.

Pet Deposits

HAKC will allow gradual payment of the deposit in accordance with the following:

- All deposits must be paid in full
- HAKC reserves the right to change or increase the required deposit by amendment to these rules.
- HAKC will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, upon removal of the pet or the owner from the unit.
- HAKC will return the Pet Deposit to the former tenant or to the person designated by the former tenant in the event of the former tenant's incapacitation or death.
- HAKC will provide the tenant or designee identified above with a written list of any charges against the pet deposit. If the tenant disagrees with the amount charged to the pet deposit, HAKC will provide a meeting to discuss the charges.
- All reasonable expenses incurred by HAKC as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:
 - The cost of repairs and replacements to the resident's dwelling unit;
 - Fumigation of the dwelling unit;
 - Common areas of the project.

Pet Deposits are not a part of rent payable by the resident.

Any damage to the apartment, building, grounds, flooring, walls, trim, finishes, tiles, carpeting, or stains thereon, will be the full responsibility of the resident and the resident agrees to pay any costs involved in restoring the apartment to its original condition.

If HAKC finds a residual odor problem left in the apartment, the resident agrees to pay for the cost of any and all materials or chemicals needed to repair to remove the odor. If odor removal fails, the resident agrees to pay for replacement of carpeting, padding, wallboard, baseboard, etc., as is deemed necessary. The resident also agrees to abide by management's decision as to what

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is necessary.

It will be a serious violation of the lease for any resident to have a pet without proper approval and without having complied with the terms of this policy. Such violation will be considered to be a violation of the lease (a serious violation) and the HAKC will issue a termination notice in accordance with of the dwelling lease. The resident pet owner will be entitled to a grievance hearing in accordance with the provisions of the dwelling lease. See Chapter 13 of this ACOP

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I. FORMS

PET POLICY ADDENDUM

HAKC

This Addendum is being executed in Accordance with the terms of the Dwelling Lease.

Section I. Pet Ownership

A resident may own one or more common household pets or have one or more common household pets present in the dwelling unit of such resident, subject to the following conditions:

1. Each head of household may own up to the limit of pets under the HAKC policy. HAKC will only allow one 4-legged warm-blooded pet per household.
2. If the pet is a dog or cat, it must be neutered/spayed by the age of six (6) months. The evidence can be provided by a statement/bill from a veterinarian, Evidence must be provided prior to the execution of this agreement and/or within 10 days of the pet becoming of the age to be neutered/spayed or declawed. Resident must provide waterproof and leak proof litter boxes for cat waste, which must be kept inside the dwelling unit. Cardboard boxes are not acceptable and will not be approved. The Resident will not permit refuse from litter boxes to accumulate nor to become unsightly or unsanitary. Also, the weight of a cat cannot exceed twenty (20) pounds (fully grown) and a dog may not exceed the limit of the policy in weight (fully-grown).
3. If the pet is a bird, it will be housed in a birdcage and cannot be let out of the cage at any time.
4. If the pet is a fish, the aquarium must be thirty (30) gallons or less, and the container must be placed in a safe location in the unit. The Resident is limited to one container for the fish; however, there is no limit on the number of fish that can be maintained in the container as long as the container is maintained in a safe and non-hazardous manner.
5. If the pet is a cat or dog, it must have received rabies and distemper inoculations or boosters, as applicable. Evidence of inoculations can be provided by a statement/bill from veterinarian. Evidence must be provided before the execution of the Pet Policy Addendum.
6. All pets must be housed within the unit and no facilities can be constructed outside of the unit for any pet. No animal will be permitted to be loose and if the pet is taken outside it must be taken outside on a leash and kept off other Resident's lawns. Also, all pets must wear collars with identification and license at all times. Pets without a collar will be picked-up immediately by the Humane Society, county dog warden, or other appropriate agency.
7. All pet(s) must be under the control of an adult leaseholder. An unleashed pet, or one tied to a fixed object, is not considered to be under the control of an adult leaseholder. Pets, which are unleashed, or leashed and unattended, on housing authority property, may be impounded and reported to the local Humane Society, dog warden or other appropriate

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agency for pick-up. It will be the responsibility of the Resident to reclaim the pet at the expense of the Resident.

8. Pet(s) may not be left unattended for more than ten (10) consecutive hours. If it is reported to HAKC staff that a pet(s) has been left unattended for more than an eight (10) consecutive hour period, HAKC staff may enter the unit with the humane society, dog warden or other appropriate agency to pick-up the animal. Any expense to remove and reclaim the pet from any facility will be the responsibility of the Resident. In the case of an emergency, HAKC will work with the resident to allow no more than 24 hours for the resident to make accommodations for the pet.
9. Pet(s), as applicable, must be weighed by a veterinarian or staff of the Humane Society. A statement containing the weight of the pet must be provided to HAKC prior to the execution of this agreement and upon request by the HAKC at any time following the inception of the Pet Policy Addendum.
10. Responsible Pet Ownership: Each pet must be maintained responsibly and in accordance with this pet ownership lease addendum and in accordance with all applicable ordinances, state and local public health, animal control, and animal anti-cruelty laws and regulations governing pet ownership. Any waste generated by a pet must be properly and promptly disposed of by the tenant to avoid any unpleasant and unsanitary odor from being in the unit in accordance with the provisions of HAKC's Pet Policy.
11. Prohibited Animals: Animals or breeds of animals that are considered by HAKC to be vicious and/or intimidating will not be allowed. Some examples of animals that have a reputation of a vicious nature are: reptiles, Rottweiler, Doberman Pinscher, Pit Bulldog, German Shepherd, Chow, and/or any animal that displays vicious behavior. This determination will be made by a HAKC representative prior to the execution of this lease addendum. (Breed, size and weight restrictions do not apply to service or companion animals).
12. Pet(s) will not disturb, interfere or diminish the peaceful enjoyment of other residents. The terms, "disturb, interfere or diminish" will include but not be limited to barking, meowing, crying, howling, chirping, biting, scratching and other like activities. This includes any pets that make noise continuously and/or incessantly for a period of 10 minutes or intermittently for one-half hour or more and therefore disturbs any person at any time of the day or night. The HAKC will terminate this authorization if a pet disturbs other residents under this section of the lease addendum. The resident will be given thirty (30) calendar days to make other arrangements for the care of the pet or the dwelling lease will be terminated.
13. If the animal should become destructive, create a nuisance, represent a threat to the safety and security of other persons, or create a problem in the area of cleanliness and sanitation, the HAKC will notify the tenant, in writing, that the animal must be removed from the development, within thirty (30) calendar days (unless it is determined that the pet is vicious) of the date of the notice from HAKC. The Resident may request a hearing, which will be handled according to HAKC's established grievance procedure. The pet

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may remain with the resident during the hearing process unless HAKC has determined that the pet may be a danger or threat to the safety and security of other persons. If this determination has been made by HAKC, the pet must be immediately removed from the unit upon receipt of the notice from HAKC.

14. The Resident is solely responsible for cleaning up the waste of the pet within the dwelling and on the premises of the public housing development. If the pet is taken outside, it must be on a leash at all times. If there is any visible waste by the pet, it must be disposed of in a plastic bag, securely tied and placed in the garbage receptacle for their unit. If the Housing Authority staff is required to clean any waste left by a pet, the Resident will be charged in accordance with the charge policy for the removal of the waste.
15. The Resident will have pets restrained so that maintenance can be performed in the apartment. The Resident will, whenever an inspection or maintenance is scheduled, either be at home or will have all animals restrained or caged. If a maintenance person enters an apartment where an animal is not restrained, maintenance will not be performed, and the Resident will be charged a fee of \$25.00. If this same situation again occurs, the pet will be removed from the premises. Pets that are not caged or properly restrained may be impounded by animal control officers and taken to the local Humane Society or dog warden. It will be the responsibility of the Resident to reclaim the pet at the expense of the Resident. The Housing Authority will not be responsible if any animal escapes from the residence due to maintenance, inspections, or other activities of the landlord.
16. Pets may not be bred or used for any commercial purposes on HAKC property.

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RESIDENT ACKNOWLEDGMENT

After reading and/or having read to me this lease addendum I/we the undersigned, hereinafter “I,” agree to the following:

I agree to abide by the requirements outlined in this lease addendum for pet ownership and to keep the pet(s) in accordance with this lease addendum.

I agree and understand that I am liable for any damage or injury whatsoever caused by pet(s) and will pay HAKC for any damages or injury caused by the pet(s). I also realize that I should obtain liability insurance for pet ownership and that paying for the insurance is my responsibility.

I agree to accept full responsibility and will indemnify and hold harmless HAKC for any claims by or injuries to third parties or their property caused by my pet(s).

I agree to pay a non-refundable fee of \$ _____ to cover some of the additional operating cost incurred by the HAKC. I also understand that this fee is due and payable prior to the execution of this lease addendum.

I agree to pay a refundable pet deposit of \$ _____ to HAKC. The Fee and initial Deposit must be paid prior to the execution of this lease addendum. The pet deposit may be used by HAKC at the termination of the lease toward payment of any rent or toward payment of any other costs made necessary because of my occupancy of the premises. Otherwise, the pet deposit, or any balance remaining after final inspection, will be returned to me after the premises are vacated and all keys have been returned.

I AGREE AND UNDERSTAND THAT ALL INFORMATION CONCERNING MY PET (S) MUST BE UPDATED ANNUALLY AND PROVIDED TO THE HAKC AT THE ANNUAL REEXAMINATION.

I AGREE AND UNDERSTAND THAT VIOLATING THIS LEASE ADDENDUM MAY RESULT IN THE REMOVAL OF THE PET (S) FROM THE PROPERTY OF THE HAKC AND/OR EVICTION. I, ALSO UNDERSTAND THAT I MAY NOT BE ALLOWED TO OWN ANY TYPE OF PET IN THE FUTURE WHILE BEING AN OCCUPANT OF THE HAKC.

I ALSO UNDERSTAND THAT I MUST OBTAIN PRIOR APPROVAL FROM HAKC BEFORE MAKING A CHANGE OF A PET FOR WHICH THIS POLICY WAS APPROVED OR ADDING A SECOND PET. ALSO, A PICTURE MAY BE TAKEN BY HAKC STAFF OF THE PET (S) FOR DOCUMENTATION. THE PICTURE WILL BE MAINTAINED IN THE RESIDENT’S FILE WITH THE APPROPRIATE HAKC MANAGEMENT OFFICE.

Head of Household (Undersigned)

Date

Housing Authority Representative

Date

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Exhibit "1"

Preliminary Request for a Reasonable Accommodation

Leaseholder/Resident/Advocate Name: _____ S.S. #: _____

Current Address: _____ Move-In Date: _____

of Bedrooms: __ Member of Household Accommodation is requested for: _____

A reasonable accommodation is needed because:

The accommodation will:

_____ Help you live in the housing or take part in HAKC's program;

_____ Help you meet the lease requirements of HAKC's program;

_____ Help you meet other requirements of HAKC's program.

Do not tell the HAKC the name of your disability or the nature or extent of your disability.

Physician/Health Care Provider name, address and telephone number:

Other comments you would like to make regarding this request: _____

By signing below, you confirm the accuracy of the information submitted above. You will be mailed by the HAKC an "Authorization for Release of Medical Information" which will be forwarded to your physician. Your physician will then be required to confirm your eligibility and justify your request for HAKC.

Once this process has been completed, HAKC will be in contact with you regarding the status of your request, which is based on medical reasons.

Leaseholder/Resident Signature Phone Number Date of Request

Do not write below line

For Office Use Only

HAKC's Signature: _____

Date Received by HAKC: _____

Date Authorization for Release of Medical Information sent to Leaseholder/Resident: _____

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Date Medical Justification Letter sent to physician/health care provider: _____

Exhibit "2"

AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION

To: _____

(Name & Address of Medical Provider)

RE: _____

The undersigned hereby authorizes you to verify, to the HAKC, whether the undersigned is an individual with handicaps as defined by 24 CFR 8.3. The undersigned also authorizes you to disclose to the HAKC, the undersigned's need, if any, for an accessible feature (reasonable modification) to the undersigned's unit and/or a change in HAKC's policies and/or procedures (reasonable accommodation) so that the undersigned may have an equal opportunity to use and enjoy his/her dwelling unit. The undersigned further authorizes you to disclose, to the HAKC, exactly what is requested to accommodate the limitations imposed by the undersigned's handicaps, if any. However, you are not authorized to provide access to confidential medical records or disclose the specific handicaps to the HAKC.

I hereby waive and release you from any restrictions imposed by law in disclosing any professional observation or communication to the HAKC that is within the scope of this authorization.

This authorization is valid for ninety (90) days. A photocopy of this authorization will be as effective as the original.

YOU MUST HAVE YOUR SIGNATURE NOTARIZED WHEN SENDING THE FORM BACK.

_____/_____
Date Signature

Date of Birth

Sworn to before me and subscribed in my presence this _____ day of _____, 20____,
_____ Notary Public

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Exhibit “3”

DEFINITIONS PRIVATE

To: Doctor/Other Qualified Person

Pursuant to 24 CFR 8.3, the definition of an individual with handicaps is provided below:

Individual with handicaps means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. For purposes of employment, this term does not include: Any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from performing the duties of the job in question, or whose employment, by reason of current alcohol or drug abuse, would constitute a direct threat to property or the safety of others; or any individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job. For purposes of other programs and activities, the term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(a) Physical or mental impairment includes:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(b) Major life activities mean functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(c) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(d) Is regarded as having an impairment means:

(1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;

(2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or (3) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.

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Exhibit "4"

HAKC PM Form #78

PET OCCUPANCY REQUEST/REGISTRATION FORM

Resident Name: _____

Resident Address: _____

Resident Home Phone Number: _____

Resident Work Phone Number: _____

Alternate Pet Contact: _____

Address of alternate pet contact/care giver: _____

Home Phone Number: _____ Work Phone Number: _____

(List more than one, if applicable)

(To be completed by Veterinarian)

Description of Pet:

Name: _____ Breed: _____

Age: _____ Color: _____

Additional Markings/Information: _____

Height: _____ Weight: _____

Projected Weight at full growth: _____

Veterinarian's Signature

Date

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“Exhibit “5”

PET OCCUPANCY REGISTRATION FORM

Resident Name: _____

Resident Address: _____

Resident Home Phone Number: _____

Resident Work Phone Number: _____

Alternate Pet Contact: _____

Address of alternate pet contact/care giver: _____

Home Phone Number: _____ Work Phone Number: _____

(List more than one, if applicable)

Description of Pet:

Name: _____ Breed: _____

Age: _____ Color: _____

Additional Markings/Information: _____

Height: _____ Weight: _____

Projected Weight at full growth: _____

License No.: _____

Copy of License/Tag obtained: _____ Yes _____ No

Picture of Pet is to be attached to this form.

Veterinarian Information/Certifications:

Name of Veterinarian: _____

Address: _____

Phone No.: _____

Certification of Inoculations: _____

Dated: _____

Date spayed or neutered: _____

How long has resident owned this pet? _____

Has your pet lived in rental housing before? _____ Yes _____ No

If so, fill in the following:

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Name of apartment complex: _____

Manager's Name: _____

Phone No.: _____

Registration of all pets must be submitted to the Management Office before the pet is permitted on the premises.

Signature

Date

(For HAKC use only)

Pet Photographed by: _____

HAKC Staff

Date

Resident has paid the appropriate Pet Deposit and Annual fee for the pet(s) being registered.

_____ Yes

_____ No

Pet identification sticker affixed to unit door/window:

By: _____

HAKC Staff

Date

Photo to be affixed here & filed with the agreement



Chapter 11

REEXAMINATIONS

[24 CFR 5.613, 24 CFR 5.615, 24 CFR Part 960 Subpart C]

INTRODUCTION

HUD requires that HAKC offers all families the choice of paying income-based rent or flat rent at least annually. Families who choose to pay flat rent are required to complete an annual reexamination of income, deductions and allowances at least once every three years. Flat rent families must still certify family composition and community service requirements on an annual basis. To determine the amount of income-based rent, it is necessary for HAKC to perform a reexamination of the family's income annually. At the annual reexamination, families who choose to pay income-based rent must report their current household composition, income, deductions and allowances.

Between regular annual reexaminations, HUD requires that families report all changes in household composition, but HAKC decides what other changes must be reported and the procedure for reporting them. This chapter defines HAKC's policy for conducting annual reexaminations. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ELIGIBILITY FOR CONTINUED OCCUPANCY

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

1. Qualify as a family as defined in this policy.
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Have provided Social Security numbers on all eligible family members or have certifications on file indicating they have no Social Security number for ineligible members.
4. Meet HUD standards on citizenship or immigration status **or** are paying a pro-rated rent ¹
5. Are in compliance with the HAKC's community service requirements.
6. Who remain eligible for non-criminal status or sex offender ineligibility.
7. Who are in compliance with the HAKC lease and ACOP

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Remaining Family Members and Prior Debt

1. Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head, spouse or adult. HAKC will not hold remaining family members that are minors responsible for any portion of the arrearage incurred before the remaining member attained age 18.
2. Remaining family members under age 18 will not be held responsible for the rent arrearages incurred by the former head of household.
3. A remaining family member age 18 or older will not be held responsible for debts for which the member was without knowledge the debts were not paid nor will a domestic violence victim without knowledge.

B. ANNUAL REEXAMINATION

1. Regular reexaminations: HAKC will, at least once a year, re-examine the family composition, incomes, and community service requirements of all resident families, except for families that are paying flat rent and elect to pay flat rent. Flat rent families will have their incomes reexamined every three (3) years². Flat rent families will have the family composition and community service requirements reexamined annually. **All HAKC annual reexaminations are processed to be in compliance with a twelve- month effective period.**
2. Special Reexaminations: When it is not possible to estimate family income accurately, a temporary determination will be made with respect to income and a special reexamination will be scheduled every 60 days depending on the circumstances, until a reasonably accurate estimate of income can be made. The resident will be notified in writing of the effective date of the special reexamination.
3. Special reexaminations will be conducted when there is a change in the head of household that requires a remaining family member to take on the responsibilities of a leaseholder.
4. Special Reexamination Following Income Disallowance: When a family qualifies for an earned income disallowance, a special reexamination will occur at the end of the initial 12-month disallowance period and at the end of the phase-in period.
5. Zero/Extremely Low-Income Families: Unless the family has income that is excluded from rent computation, families who report zero income or extremely low income will have the income be re-verified through EIV every 90 days for income changes and are further required to complete a written no/low income certification every 90 days and undergo an interim recertification every 90 days. (See Other Interim Reporting Issues below).
6. Reexamination Procedures

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- (a) At the time of reexamination, the head of the household and all adults will be required to sign a personal declaration and other forms required by HUD.
- (b) Income, allowances, Social Security numbers, and such other data as is deemed necessary will be verified, and all documentation will be filed in the resident's folder.
- (c) An EIV report and/or a credit check will be requested on each family at recertification to help detect unreported income, provide third-party verification, and identify family members not reported on the lease, etc.³.
- (d) Verified information will be analyzed and a determination made with respect to:
 - Eligibility of the resident as a family or as the remaining member of family;
 - Unit size required for the family (using the Occupancy Guidelines);
 - Criminal status of each member;
 - Continued need for a reasonable accommodation;
 - Rent the family should pay; and
 - Community Service requirements.
- (e) Residents with a history of employment whose reexamination occurs when they are not employed will have income anticipated based on past and anticipated employment. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of their employment including start and ending dates. HAKC will use streamline and expedited processes as allowed by HUD.
- (f) Income will be computed in accordance with the definitions and procedures set forth in Federal regulations and this policy⁴.
- (g) Families failing to respond to the initial reexamination appointment will be issued a final appointment within the same month. Failure to respond to the final request will result in the family being sent a notice of lease violation and for termination of the lease⁵.

7. Action Following Reexamination

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- (a) If there is any change in rent, the lease will be amended, a new lease will be executed, or a Notice of Rent Adjustment will be issued⁶.
- (b) If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described within the policy and moved to an appropriate unit when one becomes available⁷.

The terms annual recertification and annual reexamination are synonymous.

For families who move in on the first of the month, the annual reexaminations will be completed within 12 months of the anniversary of the move-in date. (Example: If family moves in August 1, the annual recertification will be conducted to be effective on August 1, the following year.)

For families who move in during the month, the annual reexaminations will be completed no later than the first of the month in which the family moved in, the following year. (Example: If family moves in August 15, the effective date of the next annual recertification is August 1.)

When families move to another dwelling unit:

The annual recertification date will not change.

Reexamination Notice to the Family

All families will be notified of their obligation to recertify by first class mail. The written notification will be sent at least 90 days in advance of the recertification date specifying the date and time of the appointment and the required documents that the tenant will need to supply.

During this reexamination period, the family will be given the option to choose flat rent or income-based rent. HAKC will provide a form that states what the flat rent would be and what the family's income-based rent would be. The family will be required to make a choice and sign the form prior to the effective date of their reexamination. The form will be retained in the tenant's file.

If the family chooses flat rent, an annual recertification is required to verify community service requirements and family composition. Recertification of income is only required every three years.

Methodology

If the family chooses income-based rent, or if the family has paid the flat rent for three (3) years, HAKC will use the following methodology for conducting annual reexaminations:

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Schedule a specific date and time of appointments in the written notification to the family. Include information on the required documents that the tenant will need to supply.

Persons with Disabilities

As an accommodation, HAKC will provide the notice in an accessible format and/or mail the notice to a third party. These accommodations will be granted upon verification that they meet the need presented by the disability.

Persons with disabilities, who are unable to come to the Property Management site 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 is required to complete a Personal Declaration form prior to all annual and interim recertification interviews. (Update Form may be used for interims).

Requirements to Attend

The following family members will be required to attend the recertification interview and sign the personal declaration along with other required forms:

The head of household and all adults

If the head of household and adults are unable to attend the interview:

The spouse/co-head may recertify for the family, provided that the head of household and all adult household members comes in within 5 days to complete the process and recertify.

Failure to Respond to Notification to Recertify

The written notification will explain which family members are required to attend the recertification interview. The family may call to request another appointment date up to 2 working days prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with HAKC, HAKC will reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, HAKC will:

Terminate tenancy for the family.

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

Documents Required From the Family

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

1. Documentation of income for all family members
2. Documentation of assets
3. Documentation to substantiate any deductions or allowances
4. Documentation of family composition
5. Personal Declaration Form completed by head of household and adults
6. Documentation of community service requirements
7. Documentation of the continued need for a reasonable accommodation if the disability is not permanent.
 - (a) Other required documents on new family members, such as SSN or citizenship requirements

If additional documentation is required, the family will be given five days to supply the document.

Verification of Information

All information which affects the family's continued eligibility for the program, and the family's Total Tenant Payment (TTP) will be verified in accordance with the verification procedures and guidelines described in this Policy. **The HAKC will use the streamlining of income and assets as allowed by HUD (See Verification Chapter)**

When the information has been verified, it will be analyzed to determine:

1. The continued eligibility of the resident as a family or as the remaining member of a family;
2. The unit size required by the family;

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3. The amount of rent the family should pay.

EIV Documentation

1. Interim Adjustments- For each interim reexamination (form HUD-50058 action type 3) of family income and composition, the PHA is required to have the following documentation in the tenant file:
 - EIV Income Report at all times and when there is an income discrepancy noted on the household's EIV Income Report.
2. Annual Recertification- For each annual reexamination of family income and composition, the PHA is required to have the following documentation in the tenant file:
 - No Dispute of EIV Information: EIV Income Report, current acceptable tenant-provided documentation, and if necessary (as determined by the PHA), traditional third-party verification form(s).
 - Disputed EIV Information: EIV Income report, current acceptable tenant provided documentation, and/or traditional third-party verification form(s) for disputed information.
 - Tenant-reported income not verifiable through EIV system: Current tenant-provided documents, and if necessary (as determined by the PHA), traditional third-party verification form(s).

Sex Offender Ineligibility

HAKC at the annual recertification/reexamination documents include a question asking whether the tenant or any member of the tenant's household is subject to a lifetime state sex offender registration program in any state. The HAKC will verify this information using the Dru Sjodin National Sex Offender Database or other local source and document this information in the same method used at admission. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries. The website for the database is located at: <http://www.nsopw.gov>. A record of this screening, including date performed, should be retained.

For any family in occupancy, if the recertification/reexamination screening reveals that the tenant or a member of the tenant's household is subject to a lifetime sex offender registration requirement, or that the tenant has falsified information or otherwise failed to disclose his or her criminal history on their application and/or recertification/reexamination forms, the HAKC will pursue eviction or termination of tenancy to the extent allowed by their lease and State or local law.

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HAKC determines, in accordance with their screening standards, whether the applicant/tenant and the applicant's/tenant's household members meet the screening criteria. If the processes reveal an applicant's/tenant's household includes an individual subject to State lifetime sex offender registration, the HAKC must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the HAKC must deny admission to the family or terminate the lease.

Notwithstanding the above, if the tenant or a member of the tenant's household, regardless of when they were admitted, commits criminal activity while living in federally assisted housing, HAKC will pursue eviction or termination of tenancy to the extent allowed by their lease and state or local law.

Rent Adjustments

1. Residents are required to report all changes in income (i.e. Any decrease or increase in annual income from all sources for each household member) and family composition (i.e. due to birth, adoption and court-awarded custody) between annual reexaminations to HAKC within 10 calendar days of the occurrence. Failure to report within the 10 calendar days may result in a retroactive rent increase, but not a retroactive credit or rent reduction. In order to qualify for rent reductions, residents must report income decreases promptly. Although unearned income must be reported, HAKC will not process a rent adjustment until next scheduled annual reexamination.

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<u>INCOME CHANGE</u>	<u>HAKC ACTION</u>
(a) Decrease in income for any reason, <u>except</u> for decrease that lasts less than 30 days.. Decreases in income resulting from welfare fraud or from TANF reductions for failure to comply with self-sufficiency program rules are not eligible for rent reduction.	HAKC will process an interim reduction in rent if the income decrease will last more than 30 days.
(b) Increase in earned income from the employment of a current household member.	If the individual is eligible for an earned income disallowance (EID), will apply the disallowance. If the individual is not eligible for EID, and the increase is \$200.00 or more, HAKC will process an interim increase in rent. The family will be given a 30-day notice for the effective date.
(c) Increase in unearned income	<ul style="list-style-type: none"> • HAKC will defer the increase to the next regular reexamination.
(d) Increase in income because a person with income (from any source) joins the household.	<ul style="list-style-type: none"> • HAKC will process an interim increase in rent. The family will be given a 30-day notice for the effective date.
(e) Non-reported income change or misrepresenting the facts upon which the rent is based, so that the rent the resident is paying is less than the rent that he/she should have been charged	<ul style="list-style-type: none"> • HAKC will process an interim in rent if it is found that the resident at annual or interim re-examination misrepresented his/her household income. Any increase in rent will be retroactive to the first of the month following the month in which the misrepresentation occurred.

2. Complete verification of the circumstances applicable to rent adjustments must be documented.⁸
3. HAKC will process interim adjustments in rent as follows:
 - (a) When a decrease in income is reported, and the Authority receives confirmation that the decrease will last less than 30 days, an interim adjustment will not be processed.
 - (b) Residents reporting decreases in income that are expected to last more than 30 days will have an interim adjustment processed.

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4. Residents granted a reduction in rent under these provisions would be required to report for special reexaminations at intervals determined by the HAKC. Reporting is required until income increases or it is time for the next regularly scheduled reexamination, whichever occurs first.

Effective Date of Adjustments

Residents will be notified in writing of any rent adjustment including the effective date of the adjustment.

1. Rent decreases go into effect the first of the month following receipt of all verification.
2. Rent increases (except those due to misrepresentation) require full calendar month and become effective the first of the second month.

C. NOTICE OF CHANGES AND REPORTING INTERIM CHANGES

Families must report all changes in income and household composition to HAKC between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain HAKC approval prior to all other additions to the household.

When there is a change in head of household or a new adult family member is added, HAKC will complete a personal declaration or update form and re-verify, using the same procedures HAKC staff would use for an annual reexamination, except for effective dates of changes. In such case, the Interim Reexamination Policy would be used.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified prior to the approval by the PHA of the family member being added to the lease.

Increases in Income to be Reported

Families paying flat rent are required to report any increases in income or assets between the recertification periods.

Families are required to report the following increases in income:

- Increases in income because a person with income joins the household;
- Job changes must be reported, merit increases (existing jobs) are to be reported at reexamination.
- Additional or new household income (i.e. child support, social security benefits)

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Increases in Income and Rent Adjustments

HAKC will process rent adjustments for all increases in income that exceed \$200.00, which are reported between regularly scheduled reexaminations.

Rent increases (except those due to misrepresentation) require 30 days notice.

Decreases in Income and Rent Adjustments

Residents may report a decrease in income and other changes, such as an increase in allowances or deductions which would reduce the amount of the total tenant payment.

Rent decreases go into effect the first of the month following receipt of all verification. HAKC will process the rent adjustment unless HAKC confirms that the decrease in income will last less than 30 calendar days.

Special Reexaminations

If a family's income is unstable and cannot be projected for twelve months, including families that temporarily have no income or a temporary decrease in income, the HAKC may schedule a special reexamination every 30 days until the income stabilizes and an annual income can be determined.

D. OTHER INTERIM REPORTING ISSUES

An interim reexamination will be scheduled for families with zero or extremely low-income every 90 days. Unless the family has income that is excluded from rent computation, families who report zero income or extremely low income will have the income be re-verified through EIV every 90 days for income changes and are further required to complete a written no/low income certification every 90 days and undergo an interim recertification every 90 days, until they have a stable income. If any increases in income are indicated in any of the above information or other verification, then the family will be reviewed for an interim and the rent will be adjusted accordingly. Monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose other than the payment or reimbursement of medical expenses will be considered income. Families that report zero or extremely low income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.

PHA Errors

If HAKC 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. For PHA errors resulting in money owed to the family, the PHA will issue a payment to the family.

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E. REPORTING OF CHANGES IN FAMILY COMPOSITION

The members of the family residing in the unit must be approved by HAKC. The family must inform HAKC and request approval of additional family members other than additions due to birth, adoption, court-awarded custody before the new member occupies the unit.

All changes in family composition must be reported within 10 working days of the occurrence in writing.

If an adult family member is declared permanently absent by the head of household, the notice must contain a certification by the head of household that the member (who may be the head of household) removed is permanently absent.

Deceased Tenant Actions (PIH 2012-4 and updates)

Corrective Actions Required by PHAs. When the Deceased Tenants Report identifies an individual as being deceased, HAKC is required to take the following actions:

- Immediately contact the head of household (HOH) or emergency contact person (if the HOH is deceased and there is no other adult household member) to confirm the death of the listed household member. A letter should be sent to the HOH, followed by a telephone call.
- HAKC will conduct a home visit to determine if anyone is residing in the unit. If there are unauthorized persons in the unit of a deceased single member household HAKC must pursue judicial intervention to have them lawfully removed from the unit. HAKC will follow the State and local Tenant and Landlord laws to regain possession of the unit.
- **When the remaining household member is a live-in aide.** When the HOH dies and the only remaining household member is the live-in aide, the live-in aide is not entitled or eligible for any rental assistance or continued occupancy in a subsidized unit. By definition, the live-in aide would not be living in the subsidized unit except to provide the necessary supportive services on behalf of the elderly or disabled HOH. The HAKC may not designate the live-in aide as the new HOH or change the relation code (line item 3h on the form HUD-50058) of the live-in aide to make him or her an eligible household member (eligible for assistance). The HAKC must notify the live-in aide s/he is required to vacate the unit at the end of month. If the live-in aide does not vacate the unit, the HAKC must follow local Tenant and Landlord laws to regain possession of the unit.

The HOH is deceased and the remaining household members are minors.

HAKC will follow the established policy for dealing with situations when the HOH dies during tenancy and the remaining household members are minors. HAKC's policy includes (but is not limited to) allowing a temporary adult guardian to reside in the unit until a court-appointed

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guardian is established. In accordance with its screening policies, the HAKC may add the new guardian as the new HOH should the legal appointment be of a duration of greater than 6 months. HAKC will work with the local Department of Social Services to ensure that the best interests of the children are addressed.

An identified household member is reported to be deceased and is actually alive.

There are a very few instances when an error has been made in the SSA's Death Match File (DMF), where an individual is reported as deceased, but actually living. In the event that a household member is misidentified as deceased on the Deceased Tenants Report, HAKC will immediately notify the individual in writing and advise the individual to contact SSA so that SSA may correct its records. The individual may contact SSA at (800) 772-1213, or visit his/her local SSA office for assistance.

The HAKC will provide the individual with his/her section of the EIV Income Report, which shows the death information. HAKC is authorized to provide EIV information only to the individual the information pertains to. The HAKC will provide the minor's information to the minor's adult parent or guardian.

HAKC will make a note in the tenant file that the individual has been identified as deceased; however, the HAKC has confirmed that the individual is actually alive. Only SSA can correct erroneous death information.

For deceased single member households (where there are no unauthorized unit occupants), HAKC may list the date of death as the last day of the month, in which the death occurred. HAKC is required to then classify the unit as vacant in PIC. The HAKC may not use a later date based on the date that all personal belongings were removed from the unit by the family. The HAKC may coordinate the removal of personal belongings within a reasonable time frame (not to exceed 14 days). In situations where the HAKC seeks judicial intervention to regain possession of the public housing unit, the HAKC must list eviction date (the day in which the HAKC has regained possession of the unit) as the effective date of action.

Increase in Family Size

HAKC will consider a unit transfer (if needed under the Occupancy Guidelines) for additions to the family in the following cases:

- Addition by marriage/or marital-type relation.
- Addition of a minor who is a member of the nuclear family who had been living elsewhere.
- Addition of a PHA-approved live-in attendant.
- Addition due to birth, adoption or court-awarded custody.

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Definition of Temporarily/Permanently Absent

HAKC must compute all applicable income of every family member who is on the lease, including those who are temporarily absent.

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 duty pay when exposed to 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. HAKC will evaluate absences from the unit in accordance with 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. In cases where the family has moved out of the unit, HAKC will terminate tenancy in accordance with the appropriate lease termination procedures contained in this Policy.

Families are required to notify HAKC before they move out of a unit in accordance with the lease and to give HAKC information about any family absence from the unit.

Families must notify HAKC if they are going to be absent from the unit for more than fourteen (14) consecutive days. A person with a disability may request an extension of time as a reasonable accommodation.

"Absence" means that no family member is residing in the unit.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for 30 consecutive days in a 12-month period except as otherwise provided in this Chapter.

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Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, HAKC 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 nursing home, the family member will be considered permanently absent and removed from the lease.

If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent, as long as rent and other charges remains current.

Temporary caretaker request must be provided by the resident and verified by a medical provider. The status must be updated every thirty (30) days. The HAKC will review the request and verified reasons for the caretaker during an extended medical hardship. Approval of the caretaker to occupy the unit for a period beyond 2 weeks will require prior approval by the Property Manager.

Absence due to Incarceration

If the sole member is incarcerated for more than 30 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for more than 30 consecutive days. The rent and other charges must remain current during this period.

HAKC will determine if the reason for incarceration is for drug-related or criminal activity that would threaten the health, safety and right to peaceful enjoyment of the dwelling unit by other residents. If the offense is drug related or criminal activity that violates the lease and policy, the lease will be terminated.

Foster Care and Absences of Children

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

If the time period is to be greater than 180 days from the date of removal of the child(ren), the family will be required to move to a smaller size unit. If all children are removed from the home permanently, the unit size will be reduced in accordance with the PHA's occupancy guidelines.

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Absence of Adult

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

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the guardian, and the guardian qualifies under Tenant Suitability criteria, the lease will be transferred to the guardian.

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

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

HAKC will transfer the lease to the guardian, in the absence of a court order, if the guardian qualifies under the Tenant Suitability criteria and has been in the unit for more than 30 days and it is reasonable to expect that custody will be granted.

When the HAKC approves a person to reside in the unit as guardian for the child(ren), the income of the guardian should be excluded pending a final disposition. HAKC will work with the appropriate service agencies to provide a smooth transition in these cases. If the guardian becomes a member of the family, then their income will be included.

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

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

HAKC Policy

The family will determine whether to consider a full-time student (other than head or spouse), who attends school away from home but lives with the family during recess, temporarily or permanently absent. If they are not part of the household, the student will not be included on the lease, income of the student will not be included in the total income and the student will not be included in determining unit size for the family.

Visitors (See Chapter on Leasing)

A visitor/*guest* is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

The lease must provide the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease,

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including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near PHA premises [24 CFR 966.4(f)].

A resident family must notify the HAKC in writing when guests will be staying in the unit for more than 14 days and nights.

A guest can remain in the unit no longer than 14 days per 12-month period. Residents are responsible for the actions and conduct of their guests/visitors in accordance with the lease.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 20 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above. Former residents who have been evicted are not permitted as overnight guests.

Evidence that guests who represent the public housing unit address as their residence address for receipt of benefits or represent it for other purposes may be weighed in the determination of whether they are unauthorized occupants or not. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease.

Absence of evidence of any other address may be considered along with all other evidence that the visitor is an unauthorized household member.

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

HAKC will consider:

- Statements from neighbors and/or HAKC staff
- Vehicle license plate verification
- Post Office records
- Driver's license verification
- Law enforcement reports

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- Credit reports
- Other reliable documentation

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

The HAKC may request the HOH to provide residency information for the visitor in question. In the absence of such proof, this may be consideration with all other evidence that the visitor is an unauthorized household member.

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 45 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 183 days per year, the minor will be considered to be an eligible visitor and not a family member. **The family will not receive a \$480 dependent deduction for this minor.**

If both parents reside in Public Housing, only one parent would be able to claim the child for deductions and for determination for the occupancy standards.

F. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF UNIT

To be considered the remaining member of the tenant family, the person must have been previously approved by HAKC to be living in the unit. In order for a minor child to continue to receive assistance as a remaining family member:

1. The court has to have awarded emancipated minor status to the minor or is legally married; or
2. HAKC has verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the unit to care for the child(ren) for an indefinite period.
 - If the guardian for the children (residuals) remains a guardian, then the guardian's income is excluded in accordance with HUD. The guardian will be screened for criminal and other background- similar to the live-in aide.
 - If the guardian becomes a part of the family and becomes a member of the family with full rights under the lease, then the guardian's income is included. The guardian will be screened for full eligibility.
 - All guardians will be screened

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A reduction in family size may require a transfer to an appropriate unit size per the Occupancy Standards.

G. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES

Under the Noncitizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members. Mixed families are eligible for prorated assistance in accordance with the mixed-family portion of the policy. Family members that have temporary eligible status will be re-verified for eligibility at the annual recertification period.

¹ 24 CFR § 5.5

² 24 CFR § 960.257

³ 24 CFR § 960.259(c)

⁴ 24 CFR § 5

⁵ 24 CFR § 966.4 (c)(2)

⁶ 24 CFR § 966.4(c) & (o)

⁷ 24 CFR § 966.4 (c)(3)

⁸ 24 CFR § 960.259 (c)

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Chapter 12

LEASE TERMINATIONS [24 CFR 966.4]

INTRODUCTION

HAKC may terminate tenancy for a family because of the family's action or failure to act in accordance with HUD regulations [24 CFR 966.4], and/or the terms of the lease. This chapter describes HAKC's policies for notification of termination of tenancy and provisions of the lease.

A. TERMINATION BY TENANT

The tenant may terminate the lease by providing HAKC with a written 30-day advance notice as defined in the lease agreement. The family must submit notice in writing, hand-delivered to the property or sent by mail. Unopened, cancelled, first-class returned mail will not be considered sufficient evidence that notice was given.

B. TERMINATION BY HAKC

Termination of tenancy will be in accordance with 24 CFR 966.4(a)(2) and HAKC's lease.

The Violence against Women Reauthorization Act of 2013 explicitly prohibits PHAs from considering incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking as “other good cause” for terminating the tenancy or occupancy rights of the victim of such violence. (Refer to Chapter 12-D)

The lease may be terminated by HAKC at any time by giving written notice for serious or repeated violation of material terms of the lease, such as, but not limited to the following:

- Nonpayment of rent or other charges due under the Lease, or repeated chronic late payment of rent;
- Failure to provide timely and accurate statements of income, assets, expenses and family composition at Admission, Interim, Special or Annual Rent Recertifications;
- Assignment or subleasing of the premises or providing accommodation for boarders or lodgers;
- Use of the premises for purposes other than solely as a dwelling unit for the Tenant and Tenant's household as identified in this Lease, or permitting its use for any other purposes;
- Failure to pass annual inspections with adequate notices to correct;
- Failure to abide by necessary and reasonable rules made by the Landlord for the benefit and well being of the housing project and the Tenants;
- Failure to abide by applicable building and housing codes materially affecting health or

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safety;

- Failure to dispose of garbage waste and rubbish in a safe and sanitary manner;
- Failure to use electrical, plumbing, sanitary, heating, ventilating, air conditioning and other equipment, including elevators, in a safe manner;
- Acts of destruction, defacement or removal of any part of the premises, or failure to cause guests to refrain from such acts;
- Failure to pay reasonable charges (other than for normal wear and tear) for the repair of damages to the premises, project buildings, facilities, equipment, or common areas; or
- The Tenant, any member of the Tenant's household, or a guest or other person on the premises due to tenant's residency will not engage in criminal activity, including drug-related criminal activity, on or off public housing premises (as defined in the lease), while the Tenant is a Tenant in public housing, and such criminal activity will be cause for termination of tenancy;
- Inviting, allowing, or creating a situation that causes any person or persons who have been banned from HAKC property to be present on the HAKC property. An up-to-date banned list is available at each property management office and the Office of Public Safety. Residents may request to view the banned list to determine if an individual appears on the list.
- Alcohol abuse that HAKC determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- Allowing access to the residential unit to a person who appears on the HAKC Trespass List after written notice has been provided to the Head of Household, that such person appears on the Trespass List;
- Non-compliance with Non-Citizen Rule requirements, and
- Other good cause.

C. NOTIFICATION REQUIREMENTS

HAKC's **written** Notice of Termination of Tenancy will state the reason for the proposed termination, the date that the termination will take place, and it will offer the resident all of the rights and protections afforded by the regulations and this policy. (See Chapter 13 on Complaints, Grievances and Hearings.)

Notices of termination of tenancy will be in writing and delivered to the tenant or adult member of the household, posted or sent by first class mail properly addressed to tenant.

All notices of lease termination for cause of actions protected by VAWA for violent activity will include a statement of the protection against termination provided by VAWA for victims of

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domestic violence, dating violence, sexual assault, or stalking. Any family member who claims that the cause for termination involves (a) criminal acts of physical violence against family members or others or (b) incidents of domestic violence, dating violence, sexual assault, or stalking of which a family member is the victim will be given the opportunity to provide documentation in accordance with the policies.

Timing of the Notice

If HAKC terminates the lease, written notice will be given as follows:

Lease termination for nonpayment of rent is at least 14 days UNLESS Local, State, or Federal law requires a temporary increased notification period due to a declared national emergency or for any other lawful cause.

A reasonable time, considering the seriousness of the situation (but not to exceed 30 days) when the health or safety of other residents, household members or HAKC employees is threatened.

At least thirty days prior to termination in all other cases.

When HAKC evicts an individual or family for criminal activity, the HAKC will notify the local post office serving the dwelling unit that the individual or family is no longer residing in the unit. This will only occur if it is verified that the family no longer resides in the unit, or the HAKC as received judgment for possession.

Criminal Activity

HAKC will **immediately and permanently** terminate tenancy of persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

The HAKC may terminate the lease when a member of the household, visitor or guest engages in drug-related activity, on or off the HAKC premise. It shall be presumed that the Tenant knew or should have known of the drug-related activity if a member of the household, or visitor or guest engages in drug-related activity of a member of the household, or visitor or guest engages in drug-related activity on HAKC premise. The same will apply if it is determined that the person abuses alcohol in a way that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where HAKC determines that there is a pattern of illegal use of controlled substances or alcohol abuse.

Threats to Other Residents, HAKC Staff or Contractors

HAKC will immediately terminate tenancy for any covered person(s) who engage in criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, HAKC staff or Contractors or threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy.

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Fugitive Felon or Parole Violator.

HAKC will immediately terminate tenancy if a tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place for which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or violating a condition of probation or parole imposed under Federal or State Law.

Eviction for Criminal Activity.

The HAKC will terminate tenancy by judicial action for criminal activity in accordance with 24 CFR 966.4 if it is determined that the covered person(s) has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.

It shall be presumed that any individual who is listed on the lease as a member of the Tenant's household, and who engages in criminal activity, resides with the Resident, unless, before the date of any incident giving rise to criminal activity, Tenant shall specifically inform the property management in writing that said individual is no longer a member of his/her household, no longer resides upon the leased premises, and requests removal of that individual from the lease. If any individual who is a guest, visitor or person under the Tenant's control engages in criminal activity, it shall be presumed that the Tenant knew or should have known of the criminal activity.

In evaluating evidence of negative behavior, HAKC will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

HAKC may waive the requirement regarding drug-related criminal activity if:

The person demonstrates successful completion of a credible rehabilitation program approved by HAKC, or

The individual involved in drug-related criminal activity is no longer in the household because the person is incarcerated.

D. PROHIBITION AGAINST TERMINATING TENANCY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING [VAWA 2013]

The Violence against Women Reauthorization Act of 2013 explicitly prohibits PHAs from considering incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking as "other good cause" for terminating the tenancy or occupancy rights of the victim of such violence.

The Violence against Women Reauthorization Act of 2013 (VAWA), provides that "criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking,

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engaged in by a member of a tenant's household or any guest or other person under the tenant's control, will not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate family member of the tenant's family is the victim or threatened victim of that abuse." VAWA further provides that incidents of actual or threatened domestic violence, dating violence, or stalking may not be construed either as serious or repeated violations of the lease by the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence.

VAWA does not limit the HAKC's authority to terminate the tenancy of any tenant if the HAKC can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property.

VAWA protection does not apply of the individual is not on the lease. VAWA protection does not apply to a live-in aide or caretaker. While a live-in aide or caregiver who resides in a unit may be a lawful occupant, nonetheless such individual is not a tenant and the protections of VAWA would not apply, except that the live-in aide or caregiver cannot be denied assistance if he or she independently applies for assistance.

Similarly, if an affiliated individual is a victim of domestic violence, dating violence, sexual assault, or stalking, the tenant with whom the affiliated individual resides cannot be evicted or have assistance terminated on the basis of the violence suffered by the affiliated individual, and, consequently, the affiliated individual may receive indirectly the benefit of continued assistance to the tenant.

"Affiliated individual", with respect to an individual, means: (A) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent to a child (for example, the affiliated individual is a child in the care, custody, or control of that individual); or (B) any individual, tenant, or lawful occupant living in the household of that individual.

VAWA 2013 provides that an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as: (1) A serious or repeated violation of a lease executed under a covered housing program by the victim or threatened victim of such incident; or (2) good cause for terminating the assistance, tenancy, or occupancy rights under a covered housing program of a victim or threatened victim of such incident.

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Victim Documentation

HAKC Policy

When a tenant family is facing termination of tenancy because of the actions of a tenant, household member, guest, or other person under the tenant's control and a tenant or immediate family member of the tenant's family claims that she or he is the victim of such actions and that the actions are related to domestic violence, dating violence, or stalking, the HAKC will require the individual to submit documentation affirming that claim.

The documentation may include one of the following elements:

- VAWA Certification Form- HUD 5382 - A signed statement by the victim that may provide the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, or stalking. or;
- One of the following:
 - A police or court record documenting the actual or threatened abuse
 - A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The required certification and supporting documentation must be submitted to the HAKC within 14 business days after the HAKC request is received by the victim. Upon written request from the tenant, the HAKC will extend the 14-day deadline for an additional 10 business days as long as the extension request is submitted within the initial 14 business-day period.

If the individual does not provide the required certification and supporting documentation within 14 business days or the approved extension period, the HAKC may proceed with termination of the family's lease.

If the HAKC can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the tenant's tenancy is not terminated, the HAKC will bypass the standard process and proceed with the immediate termination of the family's lease.

Regardless of the certificate- the HAKC may proceed to terminate the perpetrator by bifurcation of the lease when allowed by the state law.

If the HAKC is confronted with conflicting documentation about the incident of domestic

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violence, dating violence, sexual assault, or stalking. VAWA provides, as does the existing regulation on conflicting documentation, that if the HAKC receives documentation under 24 CFR 5.2007(b)(1) (including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator), the HAKC may require an applicant or tenant to submit third-party documentation as provided in 24 CFR 5.2007(b)(1)(ii) or (b)(iii). The statute specifies no time period in which the third-party documentation is to be submitted, however HAKC requires submission within 30 days.

Terminating or Evicting a Perpetrator of Domestic Violence

Although VAWA provides protection from termination for victims of domestic violence, it does not provide protection for perpetrators. In fact, VAWA gives the HAKC the explicit authority to bifurcate a lease, or to remove a household member from a lease, “in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.” This authority supersedes any local, state, or other federal law to the contrary. However, if the PHA chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law for eviction, lease termination, or termination of assistance.

HAKC Policy

When the actions of a tenant or other family member result in a determination by the HAKC to terminate the family’s lease and another family member claims that the actions involve criminal acts of physical violence against family members or others, the HAKC will request that the victim submit the above required certification and supporting documentation in accordance with the stated time frame.

If the certification and supporting documentation are submitted within the required time frame or any approved extension period, the HAKC will bifurcate the lease and evict or terminate the occupancy rights of the perpetrator. If the victim does not provide the certification and supporting documentation, as required, the HAKC will proceed with termination of the family’s lease.

If the HAKC can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the tenant’s tenancy is not terminated, the HAKC will bypass the standard process and proceed with the immediate termination of the family.

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Housing Perpetrators

The HAKC will have the victim of domestic violence, dating violence, or stalking sign and state the name of their perpetrator and the HAKC will add the perpetrator to the banned list. Victims that allow the person on this banned list as a visitor will be a violation of the lease and a notice to vacate will be issued. The individuals on the banned list cannot be added to the lease or visit, unless by court order.

Reasonable Time to Establish Eligibility (bifurcation)

For individual victims that are ineligible, but residing in the unit legally, HUD allows a minimum 90-day period that would be divided into two-time periods to possibly gain eligibility:

One-time period would be to establish eligibility to remain in the unit in which the tenant is now residing, and a second time period would be to allow the tenant to locate alternative housing if the tenant is unable to establish eligibility for the unit in which the tenant is now residing.

For the first period, the process provides for 60 calendar days, commencing from the date of bifurcation of the lease, for the tenant to establish eligibility to remain in the unit in which the tenant is now residing. For the second reasonable period, the process provides for 30 calendar days, commencing from the 61st date from the date of bifurcation of the lease for the tenant to find alternative housing.

Of course, during first (60 days) period and the second (30 days) period, the tenant may undertake efforts to both establish eligibility to remain in the unit in which the tenant is residing and to find alternative housing.

HAKC is strongly encouraged to assist a tenant in efforts to establish eligibility for the covered housing in which the tenant is participating, and then assist in finding alternative housing if it no longer seems possible that the tenant will be able to establish eligibility for the covered housing program.

For each of these time periods, the process would allow, but not mandate, the HAKC to grant an extension for up to 60 calendar days, subject, however, to the program regulations under the applicable covered housing program authorizing the HAKC to grant an extension, as part of the HAKC's standard policies and practices or, alternatively, granting such an extension on a case-by-case basis.

HAKC's public housing and Section 8 voucher programs where demand for available housing and assistance is high—a period of more than 90 days may adversely affect applicants waiting for admission to public housing or receipt of a voucher, and, therefore, for these programs, the process for extension would include documentation of the need and approval by the HAKC.

It is important to note that the reasonable time period may only be provided to tenants by covered housing providers that remain subject to the requirements of the other covered housing

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program once the eligible tenant departs the unit.

HAKC Confidentiality Requirements

All information provided to the HAKC regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared data base nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law. The HAKC will not disclose to other parties where the victims have moved if the victim is transferred or allowed to enter into another program.

E. RECORD KEEPING

A written record of every termination and/or eviction shall be maintained by HAKC at the development where the family was residing, and shall contain the following information:

- Name of resident, number and identification of unit occupied;
- Date of the Notice of Lease Termination and any other notices required by State or local law; these notices may be on the same form and will run concurrently;
- Specific reason(s) for the Notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the Notices described in detail (other than the Criminal History Report);
- Date and method of notifying the resident;
- Summaries of any conferences held with the resident including dates, names of conference participants, and conclusions.

F. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS [24 CFR 5.514]

If HAKC determines that a family member has knowingly permitted an ineligible individual to reside in the family's unit on a permanent basis, the family's assistance will be terminated for 24 months. This provision does not apply to a family if the eligibility of the ineligible individual was considered in calculating any proration of assistance provided for the family.

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Chapter 13

COMPLAINTS, GRIEVANCES AND APPEALS [24 CFR 966.50-966.57]

A. Definitions applicable to the grievance procedure: (24 CFR 966.53)

1. **Grievance:** Any dispute a Tenant and/or applicant may have with respect to HAKC action or failure to act in accordance with the individual Tenant's lease or HAKC regulations that adversely affects the individual Tenant's rights, duties, welfare or status.
2. **Complainant:** Any Tenant and/or applicant (as defined below) whose grievance is presented to the HAKC (at the central office or the development office) in accordance with the requirements presented in this procedure.
3. **Elements of due process:** An eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:
 - Adequate notice to the Tenant of the grounds for terminating the tenancy and for eviction;
 - Right of the Tenant to be represented by counsel;
 - Opportunity for the Tenant to refute the evidence presented by the HAKC, including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the Tenant may have;
 - A decision on the merits of the case.
4. **“Hearing Officer”** shall mean an impartial person or persons selected by the HAKC, other than the person who made or approved the decision under review, or subordinate of that person. Such individual or individuals do not need legal training. HAKC must describe their policies for selection of a hearing officer in their lease forms as required by these policies and regulations. Changes to the lease and grievance process are subject to a 30-day comment period.
5. **Tenant:** The adult person (or persons other than a Live-in aide): (1) Who resides in the unit, and who executed the lease with the HAKC as lessee of the dwelling unit, or, (2) Who resides in the unit, and who is the remaining head of the household of the Tenant family residing in the dwelling unit.
6. **Resident Organization:** An organization of residents, duly elected and recognized by the HAKC Board of Commissioners, which also may include a resident management corporation.
7. **“Violent Criminal Activity”** shall mean any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to

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cause, or be reasonably likely to cause, serious bodily injury or property damage.

8. “**VAWA Activities**” shall mean any act in which the applicant claims they are a victim of domestic violence, dating violence, sexual assault, or stalking.

B. Applicability of this grievance procedure (24 CFR 966.51)

In accordance with the applicable Federal regulations (**24 CFR 966.50 et seq.**) this grievance procedure will be applicable to all individual grievances (as defined in Section I above) between Tenant and the HAKC with the following two exceptions:

1. Because HUD has issued a due process determination that the law of the State of Missouri requires that a Tenant be given the opportunity for a hearing in court which provides the basic elements of due process (as defined above) before eviction from the dwelling unit, the grievance procedure will not be required of any termination of tenancy or eviction that involves:
 - Any criminal activity that is an imminent threat to the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the HAKC, or
 - Any violent or serious drug-related criminal activity on or off such premises; or
 - Any criminal activity that resulted in felony conviction of a household member. [**24 CFR 966.51 (2)(i) (A) (B) and (C)**]
 - There will, however, be a presumption that all tenants are entitled to a grievance hearing unless there is clear evidence that the eviction involves activity stated in (1) or (2) above and senior management personnel has approved the exclusion of a grievance hearing.
 - The expedited hearing process will be applied for violent or drug related criminal activity.
2. The HAKC grievance procedure shall not be applicable to disputes between Tenants not involving the HAKC or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the HAKC's Board of Commissioners. [**§ 966.51 (b)**]

This grievance procedure is incorporated by reference in all Tenant dwelling leases and will be furnished to each Tenant and all resident organizations. [**§ 966.52 (b) and (d)**]

Prior to any changes to this grievance procedure, HAKC must provide at least thirty
(30)

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calendar days' notice to Tenants and Resident Organizations, setting forth the proposed changes and providing an opportunity to present written comments. Comments submitted shall be considered by the HAKC before any revisions are made to the grievance procedure. [§ 966.52 (c)]

C. Informal settlement of a grievance [24 CFR 966.54]

Any grievance must be personally presented, either orally, in writing or email submission, to the HAKC's legal department or the office of the development in which the complainant resides **within three (3) business days after the grievable event or written notice of the event from HAKC.**

Grievances related to complaints about operational matters that are received by the HAKC's central office will be referred to the person responsible for the management of the development in which the complainant resides. Grievances involving complaints related to discrimination, harassment, or disability rights will be referred to the Executive Director (or his/her designee).

As soon as the grievance is received, it will be reviewed by the Director of Housing Operations (or his/her designee) to determine whether either or any of the exclusions in paragraphs B.1 or B.2 above applies to the grievance. Should one of the exclusions apply, the complainant will be notified in writing that the matter raised is not subject to the HAKC's grievance procedure, due to the exclusion.

If neither of the exclusions or exceptions cited above where applies, the complainant will be contacted to arrange a mutually convenient time to meet so the grievance may be discussed informally prior to a formal grievance hearing. At the informal meeting the complainant will present the grievance and the person in charge of the management office or the Director of Housing Operations will attempt to settle the grievance to the satisfaction of both parties.

Following the informal discussion, the HAKC will prepare, hand deliver, or mail, first class postage prepaid in the United States mail to the Tenant, a written summary of the discussion. The summary will specify the names of the participants, the dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore. The summary will specify the procedures by which a formal hearing under this procedure may be obtained if the complainant is not satisfied. A copy of this summary will also be placed in the Tenant's file. **A receipt signed and dated by the complainant or a written return of service signed and dated by the HAKC representative showing the date of personal delivery to the Tenant or to the Tenant's household will be sufficient proof of time and date of delivery for the summary of the informal discussion.**

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D. Formal Grievance Hearing

If the complainant is dissatisfied with the HAKC's decision or the result from the informal discussion, the complainant may request a formal grievance hearing. If a formal grievance hearing is desired by the Tenant then the complainant must submit a written request for a grievance hearing to the HAKC's legal department at the address indicated within the written summary **no later than seven (7) calendar days after the summary of the informal discussion is received by Tenant or Tenant's household.**

The written request for a formal grievance hearing will specify:

- The reasons for the grievance; and
- The action or relief sought from the HAKC.

If the complainant requests a hearing in a timely manner the HAKC will schedule a hearing on the grievance at the earliest date possible for the complainant, the HAKC, and the hearing officer.

If the complainant fails to request a grievance hearing within seven (7) calendar days the HAKC's decision rendered at the informal meeting becomes final and the HAKC is not obligated to offer the complainant any additional formal hearing opportunities unless the complainant can show good cause why he/she failed to proceed in accordance with this procedure. [24 CFR 966.55 (c) and (d)]

The HAKC hereby adopts an expedited grievance hearing procedure consistent with 24 CFR Section 966.55(g). Accordingly, notwithstanding any of the foregoing, the informal settlement of grievances set forth above does not apply to any grievances concerning a termination of tenancy involving: 1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the HAKC's public housing premises by other residents or employees of the HAKC or 2) Any violent or drug related criminal activity on or near such premises.

Failure to request a grievance hearing does not affect the complainant's right to contest the HAKC's decision in a court hearing. [24 CFR 966-54 (c)]

E. Selecting the Grievance Hearing Officer [24 CFR 966.55 (b)(2)(ii)]

A grievance hearing will be conducted by an impartial person or persons appointed by the HAKC Executive Director to be the grievance hearing officer after consultation with and input from the Public Housing Resident Council (PHRC).

The HAKC has established two different hearing officer categories. For cases involving violent or drug related criminal activity, fraud, domestic violence, unauthorized guests,

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alcohol abuse, neighbor disputes, or cases where HAKC Public Safety or KCPD are involved, the Hearing Officer must demonstrate that they have a legal background (such as lawyer, paralegal or someone otherwise trained in the law).

General lease violation cases, not involving violent or drug related criminal activity, including but not limited to non-payment of rent and other charges and program non-compliance issues shall be heard by an individual or panel. These individuals do not require a legal background and can be an HAKC employee who does not work in Housing Operations, Public Safety, Resident Services and is not a part of the decision-making process.

The Executive Director will make every effort to obtain the concurrence of the PHRC in selecting hearing officers for both categories. However, if concurrence cannot be obtained, the Executive Director will have the authority to make the final decision on the appointment of the hearing officer. In the event that the Executive Director appoints a hearing officer who is opposed by the PHRC, he or she will provide the PHRC with a written explanation for the decision. Once the person[s] agrees to serve as grievance hearing officers then those person's names will be submitted to the Executive Director for initial approval.

The HAKC will consult the resident organization[s] before HAKC's final appointment of each hearing officer. Any comments or recommendations submitted by the tenant organization[s] will be considered by the HAKC before the appointment.

When the comments from the resident organization[s] have been received and considered, the HAKC Executive Director will make the final appointment of the hearing officer and he/she will be informed that he/she is the HAKC's official grievance hearing officer[s].

F. Escrow deposit required for a hearing involving rent [24 CFR 966.55 (e)]

Before a hearing is scheduled in any grievance involving the amount of rent which the HAKC claims is due under this lease, the complainant will pay to the HAKC an amount equal to the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The complainant will, thereafter, deposit the same amount of the monthly rent in an escrow account monthly until the complaint is resolved by decision of the hearing officer.

The HAKC must waive the requirement for an escrow deposit where required by section 5.630 of this title (financial hardship exemption from minimum rent requirements) or section 5.615 of this title (effect of welfare benefits reduction in calculation of family income). HAKC has the discretion to waive the requirement for an escrow deposit in any other circumstance for good cause shown by the complainant. Unless the HAKC waives the requirement, the family's failure to make the escrow deposit will terminate the grievance procedure.

G. Scheduling hearings [24 CFR 966.55 (f)]

When a complainant submits a timely request for a grievance hearing, the HAKC will contact the grievance hearing officer to schedule the hearing. If a Tenant fails to make a timely

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request for a grievance hearing without good cause then the Tenant will be deemed to waive his/her request for a hearing. Once the hearing officer has agreed upon the hearing date and time the complainant, the property manager of the development in which the complainant resides, and the hearing officer will be notified in writing. Notice to the complainant will be in writing, either personally delivered to complainant or sent by first class United States mail.

The written notice will specify the time, place, and procedures governing the hearing.

H. Procedures governing the hearing [24 CFR 966.56]

The hearing will be held before a hearing officer as described above in Section VII. The complainant will be afforded a fair hearing, which will include:

1. The opportunity to examine before the hearing any HAKC documents, including records and regulations, that are directly relevant to the hearing.

The Tenant will be allowed to copy any such document at the Tenant's expense. If the HAKC does not make the document available for examination upon request by the complainant, the HAKC may not rely on such document at the grievance hearing.

2. The right to be represented by counsel or other person chosen as the Tenant's representative and to have such person make statements on the Tenant's behalf.
3. The right to a private hearing unless the complainant requests a public hearing. The right to present evidence and arguments in support of the Tenant's complaint to controvert evidence relied on by the HAKC or project management, and to confront and cross examine all witnesses upon whose testimony or information the HAKC or project management relies; and
4. A decision based solely and exclusively upon the facts presented at the hearing.

[24 CFR 966.56(b)(1) - (5)]

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

[24 CFR 966.56 (c)]

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and, thereafter, the HAKC must sustain the burden of justifying the HAKC action or failure to act against which the complaint is directed. **[24 CFR 966.56 (e)]**

The hearing will be conducted informally by the hearing officer. Oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.

[24 CFR 966.56 (f)]

The hearing officer will require the HAKC, 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

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decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate. [24 CFR 966.56 (f)]

The complainant may arrange in advance and at his/her expense, to make the arrangements for a transcript of the hearing. The HAKC may purchase a copy of such transcript. [24 CFR 966.56 (g)] Notwithstanding anything to the contrary HAKC may, at its discretion, make an audio recording of the hearing and will retain the recording for at least six (6) months from the date of the hearing. Upon written request by the complainant and the complainant's payment of the actual cost of the duplication of the recording, HAKC will provide a copy of the recording to the complainant. Also, complainants will be allowed to make their own audio recordings.

The HAKC must 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. If the Tenant is visually impaired, any notice to the Tenant which is required under this procedure must be in an accessible format. [24 CFR 966.56 (h)]

Evidence

The HAKC will use the concept of the preponderance of the evidence as the standard for making all admission, termination, and grievance decisions.

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

I. Failure to appear at the hearing

If the complainant or the HAKC fails to appear at the scheduled hearing, the hearing officer may make a determination to postpone the hearing and reschedule the hearing for a future date or may make a determination that the party has waived has right to a hearing. [24 CFR 966.56 (d)]

Both the complainant and the HAKC will be notified of the determination by the hearing officer; provided, that a determination that the complainant has waived his right to a hearing will not constitute a waiver of any right the complainant may have to contest the HAKC's disposition of the grievance in court. [24 CFR 966.56 (d)]

J. Decision of the hearing officer [24 CFR 966.57]

The hearing officer will prepare a written decision, together with the reasons for the decision after the

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hearing. A copy of the decision will be delivered to the complainant and the HAKC. The HAKC will retain a copy of the decision in the Tenant's folder. A copy of the decision with all names and identifying references deleted will also be maintained on file by the HAKC and made available for inspection by a prospective complainant, his representative, or the hearing officer.

The decision of the hearing officer will be binding on the HAKC, which will take all actions, or refrain from any actions, necessary to carry out the decision unless the HAKC's Board of Commissioners or the Executive Director as the Board of Commissioner's designee determines within a reasonable time, and promptly notifies the complainant of its determination, that:

1. The grievance does not concern HAKC action or failure to act in accordance with or involving the complainant's lease or HAKC regulations, which adversely affect the complainant's rights, duties, welfare or status.
2. The decision of the hearing officer is contrary to applicable Federal, State or local law, HUD regulations, or requirements of the annual contributions contract between HUD and the HAKC.

A decision by the hearing officer or Board of Commissioners in favor of the HAKC or which denies the relief requested by the complainant in whole or in part will not constitute a waiver of, nor affect in any way, the rights of the complainant to a trial or judicial review in any court proceedings which may be brought in the matter later. [24 CFR 966.57]

K. Lease Requirements

The lease must provide that all disputes concerning the obligations of the tenant or the HAKC must, except as provided in the regulations, be resolved in accordance with the HAKC grievance procedures. The grievance procedures must comply with the regulations. The lease must include a description of the HAKC's policies for selecting a hearing officer.

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Chapter 14

FAMILY DEBTS TO THE PHA

INTRODUCTION

This Chapter describes HAKC's policies for the recovery of monies which have been underpaid by families. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is HAKC's policy to meet the informational needs of families, and to communicate the program rules in order to avoid family debts. Before a debt is assessed against a family, the file must contain documentation to support HAKC's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the family or other interested parties.

TENANT REPAYMENT AGREEMENTS (PIH 2010-19)

Tenants are required to reimburse the HAKC if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income. The tenant is required to reimburse the PHA for the difference between the tenant rent that should have been paid and the tenant rent that was charged. This rent underpayment is commonly referred to as retroactive rent. The monthly retroactive rent payment plus the amount of rent the tenant pays at the time the repayment agreement is executed should be affordable and not exceed 40 percent of the family's monthly adjusted income. However, PHAs have the discretion to establish thresholds and policies for repayment agreements in addition to HUD required procedures. If the tenant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the HAKC **must** terminate the family's tenancy or assistance, or both. HUD does **not** authorize any PHA-sponsored amnesty or debt forgiveness programs.

All repayment agreements must be in writing, dated, signed by both the tenant and the HAKC, include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, repayment agreements must contain the following provisions:

- Reference to the paragraphs in the HAKC lease or HCV information packet whereby the tenant is in non-compliance and may be subject to termination of tenancy or assistance, or both.
- The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the HAKC.
- The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.

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- Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.

HAKC is required to determine retroactive rent amount as far back as the HAKC has documentation of family reported income.

When families owe money to the PHA, HAKC will make every effort to collect it. HAKC will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Payment agreements
- Collection agencies
- Credit bureaus
- Court action

A. PAYMENT AGREEMENT FOR OTHER CHARGES

For payment of the charges, HAKC may:

- Request the family to attempt to pay in full.

A schedule of monthly payments may be made according to the following:

- For amounts up to \$100- no more than 2 months
- For amounts up to \$500- no more than 6 months
- For amounts in excess of \$500- no more than 12 months

Prior to the execution of a repayment agreement, the family must pay a minimum of 10% of the balance owed to the HAKC,

With exception of extreme circumstances approved by the Director of Housing Operations, all repayment agreements must be paid within a maximum of 12 months.

Late Payments

A payment will be considered to be in arrears if:

The payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

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If the family's payment agreement is in arrears,

HAKC will:

Terminate tenancy

If the family requests a transfer to another unit and has a payment agreement in place and the payment agreement is not in arrears:

The family will be required to pay the balance in full prior to the unit transfer, except for an emergency transfer as determined by HAKC.

Payment Schedule for Monies Owed to the PHA

There are some circumstances in which the HAKC will not enter into a payment agreement.

They are:

- If the family already has a payment agreement in place.

There are some circumstances in which the HAKC will enter into a payment agreement.

They are:

- Court Ordered.

Guidelines for Payment Agreements

Payment agreements will be executed between HAKC and the head of household only.

Monthly payments may be decreased in cases of hardship with the prior notice of the family, verification of the hardship, and the approval of the Director of Housing Operations.

No transfer will be approved until the debt is paid in full unless the transfer is the result of the following causes, and the payment agreement is current:

- Family size exceeds the maximum occupancy guidelines
- A natural disaster
- Housing Authority mandated

Additional Monies Owed

If the family has a payment agreement in place and incurs an additional debt to HAKC:

HAKC will not enter into more than one payment agreement within a calendar year with the same family.

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B. DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION

HUD's definition of program fraud and abuse is a single act or pattern of actions that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead.

Family Error/Late Reporting

Families who owe money to HAKC due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Payment Section of this Chapter. Families who owe money to HAKC due to the family's failure to report increases in income will be required to repay in accordance with the payment procedures for program fraud, below.

Program Fraud

There is no requirement for the HAKC to enter into a repayment agreement for program fraud. Families who owe money to the HAKC due to program fraud may be required to repay it in accordance with the payment procedures for program fraud, below.

Families who owe money to HAKC due to program fraud will be required to repay the amount in full within 12 months. If the full amount is paid within this time period, and the family is still eligible, HAKC will continue assistance to the family.

If a family owes an amount, which equals or exceeds \$5,000 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, HAKC will refer the case for criminal prosecution.

C. WRITING OFF DEBTS FOR REPAYMENT AGREEMENTS

Debts will be written off if:

- A determination is made that the debtor is judgment proof as determined by the courts.
- The debtor is deceased.

Effective: February 12, 2018



D. FORMS



Housing Authority of Kansas City, Missouri

NAME: _____ ACCOUNT # _____

ADDRESS: _____

REASON FOR DELINQUENCY: _____

CHARGES INCLUDED IN CURRENT ACTIVE RESIDENT REPAYMENT AGREEMENT

<u>Date</u>	<u>Description</u>	<u>Amt.</u> <u>Trns</u>	<u>Amt. Due</u>

AGREEMENT DATE: _____

TOTAL AGREEMENT AMT: _____

AGREEMENT MONTHS: _____

DOWN PAYMENT: _____

START PAYMENT MO./YR.: _____

BALANCE DUE: _____

MONTHLY PAYMENT: _____

FINAL PAYMENT: _____

I the head of household agree that this Active Resident Repayment Agreement, if approved, will become an addendum to my current and any future lease agreement(s) with the HAKC. I agree that I owe the amounts set forth above. I agree to pay the amount set forth above, in addition to my current rent, and any other new charges assessed to my account, in accordance with my lease agreement. I reaffirm all other conditions of my lease agreement. I agree and understand that if I fail to pay the amount set forth above, with my current rent payment, and any new charges assessed to my account, that the HAKC may proceed with terminating my lease agreement for non-payment of rent. I understand that failure to make payments in accordance with the agreement will result in the balance being due and payable in a single full payment upon demand by the HAKC.

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The lease requires that a tenant in non-compliance with the repayment agreement may be subject to termination of tenancy or assistance, or both.

The retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the HAKC.

Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy, the lease and/or assistance.

The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.

These payments will be received in full and on time.

Failure to abide by the established Repayment Agreement may result in termination of my lease.

I have read and understand the attached repayment agreement and I agree to the terms outlined above:

Signature

Date

Housing Manager/Aide

Date

Effective: February 12, 2018



Chapter 15

COMMUNITY SERVICE POLICY/SELF SUFFICIENCY

INTRODUCTION

The Quality Housing and Work Responsibility Act of 1998 requires that all non-exempt (see definitions) public housing adult residents (18 or older) contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes and other activities which help an individual toward self-sufficiency and economic independence. This is a requirement of the dwelling lease signed with all residents of HAKC.

HUD issued the PIH 2015-15 notice to assist HAKC's understanding and administration of the mandated Community Service and Self-Sufficiency Requirement (CSSR) and in response to an audit report issued by the Office of Inspector General on February 13, 2015. The Notice addressed:

- Statutory/Regulatory Requirements for Administering CSSR;
- Data Collection and Reporting Requirements;
- Action to take against non-compliant tenants; and,
- Penalties/sanctions against IHAs housing ineligible households.

Background: Section 12(c) [42 U.S.C. Section 1437j] of the United States Housing Act of 1937, as amended on October 12, 1998 by Section 512 (Pub. L. 105-276) of the Quality Housing and Work Responsibility Act of 1998, contained a CSSR that every adult resident of public housing contributes eight hours of community service per month, or participate in an economic self-sufficiency program for eight hours per month. Regulations for the CSSR requirement can be found at 24 CFR Subpart F, 960.600 through 960.609.

On April 7, HUD issued PIH 2016-06 to allow flexibility when verifying Community Service and Self-certification which was based on the March 8, 2016 final rule in the Federal Register providing programmatic streamlining across several HUD programs. The rule amended a provision in 24 CFR Subpart F, 960.605, to permit, but not require, a PHA to accept resident self-certifications of compliance with the CSSR. The final rule also amended 24 CFR, Subpart F, 960.607 to require a PHA that elects to accept self-certification to notify residents the self-certifications may be subject to third-party verification, and to require PHAs to validate a sample of the self-certifications annually. HAKC will exercise the option to accept self-certifications.

Contents of Annual Notification to Residents and Self-Certification

Residents eligible to complete the CSSR must sign an acknowledgement of their obligation to complete the CSSR annually. This obligation is outlined in more detail in Notice PIH 2015-12. However, a PHA that elects to permit resident self-certifications must notify the resident of the

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resident's ability to submit a self-certification. Notifications are provided in in Form Attachments to these policies.

As required in Section 11 of Notice PIH 2015-12, in order to determine compliance with CSSR, at each regularly scheduled rent re-examination, each non-exempt family member presents a signed certification on a form provided by the PHA of CSSR activities performed over the previous twelve (12) months. HAKC has developed a standardized form with places for signature confirmation by supervisors, instructors, or counselors certifying the number of hours contributed. HAKC elects to permit self-certifications and HAKC's developed form includes the following information:

- a statement that the resident has completed the number of hours listed and this statement is subject to penalties of perjury;
- the number of hours and type of activity (community service or self-sufficiency) that the resident completed;
- the name of the organization or person for which the activity was completed;
- the address of the organization or person;
- the phone number of the organization or person; and
- a contact person in the organization or the person for which the activity was completed.

If a resident completes their CSSR obligation for more than one organization or person during the course of a year, the resident must complete one self-certification for each organization or person for which the resident performed the CSSR activity.

HAKC Policies: HAKC chooses to accept resident self-certifications of compliance with CSSR and has made updates its CSSR policies prior to accepting resident self-certifications. Further, HAKC understands that when it elects to accept self-certifications, it may only may do so prospectively after making necessary policy changes. For residents under lease at the time HAKC amends its policies, HAKC must review annual compliance and obtain third party verification for that lease cycle. However, for any subsequent lease cycles beginning after HAKC has adopted the policy change, HAKC may accept resident self-certifications for those periods. HAKC may not accept resident self-certifications for a tenant subject to a work-out agreement until the resident has completed, and the HAKC has verified through a third party, that the resident has completed the required hours.

Sampling Methodology and Validation Requirements: As required by amended 24 CFR Part 960.605, HAKC elects to accept self-certifications must validate a sample of self-certifications with the third-party for whom the resident completed the community service or self-sufficiency activity. The sample of self-certifications HAKC validates must be a statistically valid, random sample. These policies provide the appropriate sampling methodology to be used by HAKC when determining how many self-certifications must be validated annually.

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The universe of self-certifications should only include residents that submitted a self-certification, and should not include:

- Residents that are under the age of 18 years or 62 years or older;
- Residents that are exempt;
- Residents for which HAKC receives third party verification of completion with CSSR; and
- Residents that did not complete the required CSSR.

Because the number of residents subject to the CSSR is constantly in fluctuation due to unit turnover, resident employment, etc., HAKC must choose a point in time annually to calculate the universe of self-certifications received during the previous 12 months. However, HAKC does not need to wait until the end of the 12-month period to begin validating self-certifications. For example, HAKC can reasonably determine the expected number of self-certifications to be received throughout the 12-month period may validate the appropriate sample of self-certifications during the 12-month period rather than waiting until the end of that time period, subject to any necessary reconciliations once the final universe and sample size is determined.

To validate a self-certification, HAKC must obtain third-party documentation that includes, at a minimum, the name of the organization or person, the number of hours completed by the resident, a signature from the appropriate staff person within the third-party organization or person and that staff person's contact information. Consistent with the written third-party verification techniques outlined in Notice PIH 2010-19, HAKC may accept third-party generated documentation directly from the third-party or from the resident.

Treatment of Fraudulent Self-Certifications: In the event HAKC determines a resident has submitted a fraudulent self-certification, HAKC must provide a notice of noncompliance to the resident pursuant to 24 CFR 960.607. If the resident agrees to sign a work-out agreement, HAKC must obtain written third-party documentation of the resident's compliance with the requirements of the workout agreement. Should the resident refuse to enter into a work-out agreement pursuant to the notice of noncompliance, HAKC must take steps to terminate the tenancy of the resident. For more information on this process, see Notice PIH 2015-12.

HUD Oversight: HAKC elects to accept self-certifications and must retain the self-certification, any third-party validation, and any information related to fraudulent self-certifications in the resident's file for at least two years from the date the documents are received by HAKC for possible HUD review. As part of HUD's oversight and regulatory review processes, and on a risk basis, HUD may review HAKC's administration of CSSR, resident self-certifications, and sample validations.

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Statutory/Regulatory Requirements for Administering CSSR: Community Service is "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." (See 24 CFR 960.601(b)).

Community service and economic self-sufficiency requirements mandate that each nonexempt adult household member (18 years or older) shall either contribute 8 hours per month of community service, or participate in an economic self-sufficiency program for 8 hours per month (see 24 CFR 960.603(a)). The requirements can also be met by performing a combination of 8 hours of community service and participation in an economic self-sufficiency program. The required community service or self-sufficiency activity may be completed at 8 hours each month or may be aggregated across a year. Any blocking of hours is acceptable as long as 96 hours is completed by each annual certification.

HAKC requires residents to verify compliance annually, at least 30 days before the expiration of the lease term. Self-certification by residents is now acceptable as a form of verification.

Administrative Provisions: HAKC must develop a local policy for administration of the CSSR for public housing residents (see 24 CFR 960.605(a)) within the Admissions and Continued Occupancy Policies (ACOP). Elements of the CSSR policy include, but are not limited to, the PHA responsibility to administer the requirement; eligible and non-eligible activities; exemptions from the requirement; and compliance review standards. These elements are described further in this document.

HAKC may administer qualifying community service and self-sufficiency activities directly, or make the activities available to residents through a contractor or partnership with qualifying organizations (including resident organizations), community agencies, or institutions (see 24 CFR 960.605(b)). In administering the CSSR, the HAKC may provide names and contacts of agencies offering opportunities for residents, including persons with disabilities, to fulfill their community service obligations. In administering the CSSR, HAKC may choose to coordinate with social service agencies, local schools and human service offices to develop a referral list of names and agency contacts. If HAKC administers a ROSS or Family Self-Sufficiency program, HAKC may wish to engage the Program Coordinating Committee in this endeavor. HAKC is encouraged to create agreements with local organizations, including faith-based and community organizations, to assist CSSR. Specifically, such agreements would allow local organizations to advertise their programs, assist with transportation, child-care or other barriers to CSSR attainment and verify hours within individual monthly logs. HUD strives to provide maximum flexibility to HAKC to allow successful CSSR implementation without adding excessive costs or administrative burdens (see 24 CFR 960.605(b)).

A. GENERAL PROVISIONS

1. **Community Services:** Eligible community service activities include, but are not limited to,

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serving at:

- A. Local public or nonprofit institutions, such as schools, Head Start Programs, before-or after-school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult daycare programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing);
- B. Nonprofit organizations serving HAKC residents or their children, such as: Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs, Police Activities League (PAL), organized children's recreation, mentoring, or education programs, Big Brothers or Big Sisters, Garden Centers, community clean-up programs, beautification programs;
- C. Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels;
- D. Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts;
- E. HAKC housing to improve grounds or provide gardens (so long as such work does not alter the HAKC's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board, outreach and assistance with HAKC-run self-sufficiency activities including supporting computer learning centers; and,
- F. Care for the children of other residents so parents may volunteer.

HAKC may form policy in regards to accepting community services at profit-motivated entities, acceptance of volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work.

Pursuant to 24 CFR 960.609, HAKC may not substitute community service activity performed by a resident for work ordinarily performed by a HAKC employee. However, residents may do community service on HAKC property or with or through HAKC programs to assist with or enhance work done by a HAKC employee.

Self-Sufficiency: Eligible self-sufficiency activities include, but are not limited to:

- A. Job readiness or job training while not employed;
- B. Training programs through local One-Stop Career Centers, Workforce Investment Boards (local entities administered through the U.S. Department of Labor), or other training providers;
- C. Higher education (junior college or college);
- D. Apprenticeships (formal or informal);
- E. Substance abuse or mental health counseling;
- F. Reading, financial and/or computer literacy classes;

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- G. English as a second language and/or English proficiency classes;
 - H. Budgeting and credit counseling.
 - I. Any activity required by the Department of Public Assistance under Temporary Assistance for Needy Families (TANF).
 - J. Employment and Training programs
 - K. Homeownership educational programs or seminars (offered by HAKC and other community organizations)
 - L. Any kind of class that helps a person move toward economic independence

CSSR Partnerships: If HAKC has a ROSS Service Coordinators program or Family Self-Sufficiency (FSS) program, HAKC may coordinate Individual Training and Services Plans (ITSPs) with CSSR. The ITSP is a tool to plan, set goals and track movement towards self-sufficiency through education, work readiness and other supportive services such as health, mental health and work supports. Specific CSSR activities may be included in ITSPs to enhance a person’s progress towards self-sufficiency. Regular meetings with HAKC coordinators may satisfy CSSR activities and HAKC Service Coordinators or FSS Program Coordinators may verify community service hours within individual monthly logs.

Exempt Residents: HAKC is required to set out in their Admissions and Continuing Occupancy Policy (ACOP) how the HAKC determines if an individual is exempt from the CSSR and the documentation needed to support the exemption. Exemptions for adult residents, as codified at 24 CFR 960.601, include persons who are:

- A. 62 years or older;
- B. 1. Blind or disabled, as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. Section 416(i)(1); Section 1382c), and who certify that, because of this disability, she or he is unable to comply with the service provisions of this subpart, or
2. is a primary caretaker of such individual;
- C. Engaged in work activities for 20 hours per week. In order for an individual to be exempt from the CSSR requirement because he/she is “engaged in work activities,” the person must be participating in an activity that meets one of the following definitions of “work activity” contained in Section 407(d) of the Social Security Act (42 U.S.C. Section 607(d)):
 - 1. Unsubsidized employment;
 - 2. Subsidized private-sector employment;
 - 3. Subsidized public-sector employment;
 - 4. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
 - 5. On-the-job-training;
 - 6. Job-search;
 - 7. Community service programs;
 - 8. Vocational educational training (not to exceed 12 months with respect to any individual);
 - 9. Job-skills training directly related to employment;

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- 10. Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
 - 11. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate;
 - D. Able to meet requirements under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 601 et seq.) or under any other welfare program of the State in which PHA is located including a State-administered Welfare-to-Work program; or,
 - E. A member of a family receiving assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 601 et seq.), or under any other welfare program of the State¹ in which the PHA is located, including a State-administered Welfare-to-Work program, and has not been found by the State or other administering entity to be in noncompliance with such a program.
 - F. HUD has determined that the Supplemental Nutrition Assistance Program (SNAP) qualifies as a welfare program of the state. Therefore, if a tenant is a member of family receiving assistance under SNAP, and has been found by the administering State to be in compliance with the program requirements, that tenant is exempt from the CSSR. (PIH 2015-12)

HAKC must describe in its CSSR policy the process to determine which family members are exempt from the requirement, as well as the process for determining any changes to the exempt status of the family member. HAKC provides the family a copy of CSSR policy at initial application and secure certification of receipt as shown in Attachment A, (see 24 CFR 960.605(c)(2)).

HAKC makes the final determination whether to grant an exemption from the community service requirement. If a resident does not agree with the HAKC's determination, the resident may dispute the decision through the HAKC's Grievance Procedures (see 24 CFR Part 966 Subpart B, 24 CFR 960.607(b)).

Each adult member of the household must sign a Community Service Exemption Certification at each annual recertification or if they become an "exempt adult" at any time between recertification that the status should change.

At least 30 days before the annual reexamination and/or lease expiration, the HAKC reviews the exempt or nonexempt status and compliance of family members (see 24 CFR 960.605(c)(3)).

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Resident Responsibilities at Lease Execution or Re-examination: At lease execution or re-examination, after the effective date of the adopted policy, all adult members (18 or older) of a public housing resident family must:

- A. Provide documentation, if applicable, that they qualify for an exemption; (Documentation provided by the tenant will be used by the HAKC to determine whether the tenant is exempt from the CSSR) and,
- B. Sign a certification that they have received and read the policy and understand that if they are not exempt, failure to comply with the community service requirement will result in nonrenewal of their lease, per 24 CFR 966.4(l)(2)(iii)(D).

When a non-exempt person becomes exempt, it is his or her responsibility to report this to the HAKC and provide documentation. When an exempt person becomes non-exempt, it is his or her responsibility to report this to the HAKC as soon as possible.

Documentation of CSSR Completion: HAKC must include in the CSSR policy that exemption/CSSR completion is verified annually by the HAKC. At least 30 days before the annual reexamination and/or lease expiration, the HAKC reviews the exempt or nonexempt status and compliance of non-exempt family members (see 24 CFR 960.605(c)(3)). At each regularly scheduled rent re-examination, each non-exempt family member presents a signed certification or self-affidavit on a form provided by the HAKC of CSSR activities performed over the previous twelve (12) months. HAKC will allow the use of the self-certifications. When required, HAKC must obtain third-party verification of CSSR completion administered through outside organizations. The HAKC has developed a standardized form with places for signature confirmation by supervisors, instructors, or counselors certifying the number of hours contributed. Additional supporting documentation may be requested of the resident to verify CSSR participation or exempt status or if allowed, self-certification. Copies of the certification forms and supporting documentation will be retained in tenant file or community service file.

B. HAKC REQUIREMENTS OF THE PROGRAM

1. The eight- (8) hours per month may be either volunteer service or self-sufficiency program activity or a combination of the two.
2. At least eight (8) hours of activity must be performed each month. An individual may skip a month and then double up the following month as long as the 96 hours are performed within the 12-month period.
3. Activities must be performed within the community and not outside the jurisdictional area of HAKC.
4. Family obligations

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- a) At lease execution or re-examination, all adult members (18 or older) of a public housing resident family must
 - 1) Provide documentation that they are exempt from Community Service requirement, if they qualify for an exemption, and;
 - 2) Sign a certification that they have received and read this policy and understand that if they are not exempt, failure to comply with the Community Service requirement will result in non-renewal of their lease.
 - At each annual re-examination, non-exempt family members must present a completed documentation form (to be provided by HAKC's recertification area) of activities performed over the previous twelve (12) months, or if allowed by HUD, a self-certification. This form may include places for signatures of supervisors, instructors, or counselors certifying to the number of hours contributed. If allowed by HUD, the family member may provide self-certification.
 - If a family member is found to be noncompliant at re-examination, he/she and the Head of Household will sign an agreement with HAKC to make up the deficient hours over the next twelve- (12) month period or certify that the non-compliant family member is no longer in the household.
5. Change in exempt status:
- If, during the twelve- (12) month period, a non-exempt person becomes exempt, it is his/her responsibility to report this to the management office and provide documentation of such.
 - If, during the twelve- (12) month period, an exempt person becomes non-exempt, it is his/her responsibility to report this to the management office. HAKC will provide the person with the Recording/Certification documentation form and a list of agencies in the community that provide volunteer and/or training opportunities.

C. HAKC OBLIGATIONS

1. To the greatest extent possible and practicable, HAKC will:
 - Provide names and contacts at agencies that can provide opportunities for residents, including disabled, to fulfill their Community Service obligations. (According to the Quality Housing and Work Responsibility Act, a disabled person who is otherwise able to perform community service is not necessarily exempt from the Community Service requirement).

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2. HAKC offices will provide the family with: Community Service Exemption Certification Form; Community Service Compliance Certification Form; Record and Certification of Community Service and Self-Sufficiency Activities Form; and Caretaker Verification for Community Service Exemption Form; and a copy of this policy at initial application and at lease execution.
 3. HAKC's Executive Director or their designee will make the final determination as to whether or not a family member is exempt from the Community Service requirement. Residents may use the Grievance Procedure if they disagree with HAKC's determination.
 4. Non-compliance of family member. The responsibility for enforcement will be with the HAKC.
 - At least thirty (30) days prior to annual re-examination and/or lease expiration, HAKC will begin reviewing the exempt or non-exempt status and compliance of family members.
 - If HAKC finds a family member to be non-compliant, the HAKC will enter into an agreement with the non-compliant member and the head of household to make up the deficient hours over the next twelve- (12) month period.
 - If, at the next annual reexamination, the family member still is not compliant, the lease will not be renewed, unless the non-compliant member agrees to move out of the unit and a new lease is signed with the family amending its composition accordingly.
 - The family may use the Grievance Procedure to appeal the lease termination, after attending a private conference with the HAKC representative.

Noncompliant Residents: HAKC may not evict a family due to CSSR non-compliance. However, if PHA finds a tenant is non-compliant with CSSR, then the HAKC must provide written notification to the tenant of the noncompliance which must include:

- A. A brief description of the finding of non-compliance with CSSR.
- B. A statement that the HAKC will not renew the lease at the end of the current 12-month lease term unless the tenant enters into a written work-out agreement with the HAKC or the family provides written assurance that is satisfactory to the HAKC explaining that the tenant or other noncompliant resident no longer resides in the unit. Such written work-out agreement must include the means through which a noncompliant family member will comply with the CSSR requirement.

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The tenant may request a grievance hearing on the HAKC determination, in accordance with 24 CFR Part 966, subpart B, and the tenant may exercise any available judicial remedy to seek timely redress for the HAKC's nonrenewal of the lease because of such determination.

Enforcement Documentation: Should a family member refuse to sign a written work-out agreement, or fail to comply with the terms of the work-out agreement, HAKC is required to initiate termination of tenancy proceedings at the end of the current 12-month lease (see 24 CFR 966.53(c)) due to the fact that the family is failing to comply with lease requirements. When initiating termination of tenancy proceedings, the HAKC will provide the following procedural safeguards:

- A. Adequate notice to the tenant of the grounds for terminating the tenancy and for non-renewal of the lease;
- B. Right of the tenant to be represented by counsel;
- C. Opportunity for the tenant to refute the evidence presented by the HAKC, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and,
- D. A decision on the merits.

Sanctions Against PHAs

Section 6(j)(4)(A) of the United States Housing Act of 1937 provides sanctions against any housing authority failing to comply substantially with any provision of the Act relating to the public housing program. Sanctions include, but are not limited to, terminating, withholding, or reducing assistance payments. These sanctions are applicable to housing authorities failing to substantially comply with the CSSR requirement.

HAKC Universe for Determining Compliance with Self Certifications

Below is a chart that indicates the universe and required HAKC sizes that must be validated by HAKC annually. A CSSR universe would be the number of age eligible residents that have submitted a self-certification. For universe sizes that fall between the universe sizes listed in the chart below, PHAs should utilize the HAKC size for the next largest universe size. For example, a PHA with a HAKC size of 27 self-certifications must validate at least 21 self-certifications. See Below:

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Universe Size	HAKC Size AT LEAST
≤ 10	ALL
15	13
20	16
25	19
30	21
35	24
40	26
50	29
60	33
100	41
150	47
200	51
250	54
300	56
350	57
400	58
450	59
500	60
600	61
700	62
800	63
900	63
1000	64
1500	65
2500	66
3500	67
4000	67
5000	67
6000	67
6500	67
≥ 7000	68

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Chapter 16

PROGRAM INTEGRITY

INTRODUCTION

HAKC is committed to assure that the correct level of benefits is paid to all tenants, and that housing resources reach only income-eligible families so that program integrity can be maintained.

HAKC will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This Chapter outlines the HAKC's policies for the prevention, detection and investigation of program abuse and tenant fraud.

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

HAKC will not undertake an inquiry or an audit of a tenant family that is arbitrary or retaliatory in nature. HAKC's expectation is that tenant families will comply with HUD requirements, provisions of the lease, and other program rules. However, HAKC has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor tenants' lease obligations for compliance and, when indicators of possible abuse come to HAKC's attention, to investigate such claims.

The circumstances in which HAKC will initiate an investigation of a tenant family include, but are not limited to, the following circumstances:

Information, Complaints, or Tips. HAKC will investigate information provided by other agencies, companies or persons that are received by mail, e-mail, telephonically or in person, which allege that a tenant family is in non-compliance with, or otherwise violating the lease or the program rules. A copy of the allegation will be retained, along with any documentation provided.

Internal File Review. A follow-up will be made if HAKC staff discovers (as a function of a [re]certification, an interim redetermination, or a quality control review), information or facts, which conflict with previous file data, HAKC's knowledge of the family, or is discrepant with statements made by the family.

Verification or Documentation. An investigation will be initiated if HAKC receives independent verification or documentation, which conflicts with representations in the tenant file (such as public record information or credit bureau reports, reports from other agencies).

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B. STEPS HAKC WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

The circumstances under which the HAKC will initiate an investigation include, but are not limited to, the following:

Things You Should Know: The program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the PHA's expectations for cooperation and compliance.

Program Orientation Session: Housing Management will conduct mandatory orientation sessions for all tenants at the time of initial occupancy. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a "Program Briefing Certificate" to confirm that all rules and pertinent regulations were explained to them.

Resident Counseling: HAKC will routinely provide tenant counseling as a part of every recertification interview in order to clarify any confusion pertaining to program rules and requirements.

Review and explanation of Forms: HAKC will explain all required forms and review the contents of all (re)certification documents prior to signature.

Use of Instructive Signs and Warnings: Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse.

Third-Party Verifications: HAKC will use EIV and other third-party verification whenever possible, and if using tenant supplied or other documents for verification purposes, HAKC will document the attempts to obtain third party verification.

C. STEPS HAKC WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

HAKC Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

Quality Control File Reviews: Prior to initial certification, and at the completion of all subsequent recertifications, each tenant file will be reviewed. Such reviews will include, but are not limited to:

- Changes in reported Social Security Numbers or dates of birth.
- Authenticity of file Documents.
- Third party and other verifications
- Differences between reported income and expenditures.
- Review of signatures for consistency with previously signed file documents.

Observation: HAKC Management and Occupancy Staff (to include maintenance personnel) will maintain high awareness of circumstances, which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income.

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Public Record Bulletins may be reviewed by Management and Staff.

State Wage Data Record Keepers: Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits.

Use of UIV/EIV and Third-Party Computer Matching Verification: HAKC will use the Enterprise Income Verification and other computer matching systems for the determination of income, and other information that is available through computer matching. HAKC will verify the existence of the families in EIV and use the HUD reports in the system to further confirm accuracy for RIM.

Credit Bureau Inquiries: Credit Bureau inquiries may be made (with proper authorization by the tenant) in the following circumstances:

At the time of final eligibility determination

When a tenant's expenditures exceed his /her reported income and no plausible explanation is given.

D. HAKC'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

HAKC staff will encourage all tenant families to report suspected abuse. All such information and allegations from community members and other agencies will be thoroughly documented and retained. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant further investigation. If the allegation or complaint warrants further investigation a preliminary file review will be conducted.

File Review: An internal file review will be conducted to determine:

If the subject of the allegation is a tenant of HAKC and, if so, to determine the family has previously disclosed whether or not the information reported.

It will then be determined if HAKC is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

Conclusion of Preliminary File Review: If at the conclusion of the preliminary file review there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the Property Manager, Eligibility Specialist, or other appropriate personnel will initiate further investigation to determine if the allegation is true or false.

E. HOW HAKC WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If HAKC determines that an allegation or referral warrants follow-up, the staff person who

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is responsible for the file will conduct the investigation, unless the investigation reveals criminal activity in which case the file will be forwarded to the Dept. of Public Safety for further investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below.

Credit Bureau Inquiries: In cases involving previously unreported income sources, a CBI inquiry may be made to determine if there is financial activity which conflicts with the reported income of the family.

Verification of Credit: In cases where the financial activity conflicts with file data, a Verification of Credit form may be mailed to the creditor in order to determine the unreported income source.

Employers and Ex-Employers: Employers or ex-employers may be contacted to verify wages, which may have been previously undisclosed or misreported.

Neighbors/Witnesses: Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to HAKC's review.

Other Agencies: Investigators, caseworkers or representatives of other benefit agencies may be contacted.

Public Records: If relevant, HAKC will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, and divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.

Interviews with Head of Household or Family Members: HAKC may discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate PHA office. The HAKC Staff Person who conducts such interviews will maintain a high standard of courtesy and professionalism. If possible, an additional staff person will attend such interviews.

F. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY HAKC

Documents and other evidence obtained by HAKC during the course of an investigation will be considered "work product" and will either be kept in the tenant file, or in a separate "work file." In either case, the tenant file or work file will be kept in a secure location. Such cases under review will not be discussed among HAKC Staff unless they are involved in the process, or have information, which may assist in the investigation.

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G. CONCLUSION OF HAKC'S INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to his/her supervisor or designee. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

H. EVALUATION OF THE FINDINGS

If it is determined that a program violation has occurred, HAKC will review the facts to determine:

- The type of violation (Procedural, non-compliance, fraud).
- Whether the tenant owes any money to the HAKC.
- The eligibility of the family for continued occupancy.
- If a Fraud determination has been made, then the file may be forwarded to appropriate Law Enforcement Authorities for possible filing of criminal charges.

I. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED

Once a program violation has been documented, HAKC will propose the most appropriate remedy based upon the type and severity of the violation.

Procedural Non-compliance

This category applies when the tenant "fails to" observe a procedure or requirement of HAKC, but does not misrepresent a material fact, and there is no retroactive rent owed by the family.

Examples of non-compliance violations are:

- Failure to appear at a pre-scheduled appointment.
- Failure to return verification in time period specified by HAKC.

Warning Notice to the Family. In such cases a notice will be sent to the family, which contains the following:

- A description of the non-compliance and the procedure, policy or obligation, which was violated.
- The date by which the violation must be corrected, or the procedure complied with.
- The action, which will be taken by HAKC if the procedure or

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obligation is not complied with by the date specified by HAKC.

- The consequences of repeated (similar) violations.

Procedural Non-compliance - Retroactive Rent

When the tenant owes money to HAKC for failure to report changes in income or assets, HAKC will issue a Notification of Underpaid Rent. This Notice will contain the following:

- A description of the violation and the date(s).
- Any amounts owed to the PHA.
- The right to disagree and to request an informal hearing with instructions for the request of such hearing.

Tenant Fails to Comply with HAKC's Notice. If the Tenant fails to comply with HAKC's notice, and a material provision of the lease has been violated, HAKC will initiate termination of tenancy.

Tenant Complies with HAKC's Notice. When a tenant complies with HAKC's notice, the staff person responsible will meet with him/her to discuss and explain the obligation or lease provision, which was violated. The staff person will document to the tenant file that the tenant has complied.

Intentional Misrepresentations

When a tenant falsifies, misstates, omits or otherwise misrepresents a material fact, which results (or would have resulted) in an underpayment of rent by the tenant, HAKC will evaluate whether or not:

- The tenant had knowledge that his/her actions were wrong, and
- That the tenant willfully violated the lease or the law.

Knowledge that the action or inaction was wrong. This will be evaluated by determining if the tenant was made aware of program requirements and prohibitions. The tenant's signature on various certifications, briefing certificate, Personal Declaration and *Things You Should Know* are adequate to establish knowledge of wrongdoing.

The tenant willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

- An admission by the tenant of the misrepresentation.
- That the act was done repeatedly.
- If a false name or Social Security Number was used.
- If there were admissions to others of the illegal action or omission.
- That the tenant omitted material facts, which were known to them (e.g., employment of self or other household member).

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- That the tenant falsified, forged or altered documents.
 - That the tenant uttered and certified to statements at a rent (re)determination, which were later independently verified to be false.

The Tenant Conference for Serious Violations and Misrepresentations

When HAKC has established that material misrepresentation(s) have occurred, a Tenant Conference will be scheduled with the family representative and the HAKC staff person who is most knowledgeable about the circumstances of the case.

This conference will take place prior to any proposed action by HAKC. The purpose of such conference is to review the information and evidence obtained by HAKC with the tenant, and to provide the tenant an opportunity to explain any document findings which conflict with representations in the tenant file. Any documents or mitigating circumstances presented by the tenant will be taken into consideration by HAKC. The tenant will be given 5 working days to furnish any mitigating evidence.

A secondary purpose of the Tenant Conference is to assist HAKC in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, HAKC will consider:

- The duration of the violation and number of false statements.
- The tenant's ability to understand the rules.
- The tenant's willingness to cooperate, and to accept responsibility for his/her actions.
- The amount of money involved.
- The tenant's past history.
- Whether or not criminal intent has been established.
- The number of false statements.

Dispositions of Cases Involving Misrepresentations

In all cases of misrepresentations involving efforts to recover monies owed, HAKC may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

Criminal Prosecution: If HAKC has established criminal intent, and the case meets the criteria for prosecution, HAKC may:

Refer the case to HUD-OIG, and terminate rental assistance.

Administrative Remedies: HAKC may:

- Terminate tenancy and demand payment of restitution in full.
- Terminate tenancy and execute an administrative repayment

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agreement in accordance with the HAKC's Repayment Policy.

- Permit continued occupancy at the correct rent and execute an administrative repayment agreement in accordance with HAKC's Repayment Policy.

Notification to Tenant of Proposed Action

HAKC will notify the tenant of the proposed action no later than 10 working days after the tenant conference by mail.



Chapter 17

CRIMINAL RECORDS and RECORDS MANAGEMENT POLICY

INTRODUCTION

In the course of its regular operations, HAKC comes into possession of criminal records and other records, as well as other documents related to criminal offenses of applicants. These records are necessary, and required by law, to accomplish Housing Authority business, and will be maintained securely and kept from improper use.

The Housing Authority may also be called upon to perform criminal record and other record checks regarding applicants or tenants for housing that receives federal assistance from HAKC. HAKC shall maintain the records received for these residents or applicants in the manner prescribed in this policy.

A. ACQUISITION

All adult applicants shall complete the required forms, authorizing the release of criminal record history to the Authority upon applying for housing, or at any time an existing resident household wishes to add an adult member to the lease. Through its cooperative agreement with local law enforcement, a check of police records will be made. This check is done for the purpose of screening adult applicants for housing and is required by Federal Regulation.

All requests for Criminal History Background Checks, signed by the applicant in the ordinary course of business, shall be first obtained by the HAKC Tenant Selection Department. Thereafter, the signed request is delivered to the HAKC Public Safety Department, who will then perform the Criminal History Background Check. Requests for Criminal History Background Check and the information and records obtained therefrom, shall only be viewed by the necessary HAKC personnel including, but not limited to, the Executive Director, Deputy Executive Director, Legal Counsel, Director of Housing Operations, Director of Public Safety, Tenant Selection Staff and Property Managers.

The designated personnel shall discuss the records with other Authority employees only as required to make a housing decision.

B. MAINTENANCE

The HAKC will keep all criminal records or records relating to criminal history that are received confidential. These records will be used to screen applicants for housing or to pursue Termination of Tenancies. The records will not be disclosed to any person or entity except as required to perform official HAKC business.

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Criminal records or records relating to criminal history status are maintained in a file maintained by the Department of Safety file and not destroyed. These files are maintained in locked cabinetry in secure locations within HAKC offices having limited access. The designated personnel are the only employees having access to the files and office, and are available on a need to know basis.

PRIVACY PROTECTION ON RECORDS (PIH 2010-15 and update PIH 2014-10)

Overview

HAKC is responsible for safeguarding **Personally Identifiable Information (PII)** required by HUD and preventing potential breaches of this sensitive data. HAKC and HUD are committed to protecting the privacy of individuals' information stored electronically or in paper form, in accordance with federal privacy laws, guidance, and best practices. HUD expects HAKC and other parties who collect, use, maintain, or disseminate HUD information to protect the privacy of that information in accordance with applicable law.

General HUD program requirements are set forth in 24 C.F.R. Part 5. Compliance with the Privacy Act and other requirements for grants and contracts is spelled out in 24 C.F.R. § 5.212, which states:

- *Compliance with the Privacy Act.* The collection, maintenance, use, and dissemination of SSNs, EINs, any information derived from SSNs and Employer Identification Numbers (EINs), and income information under this subpart shall be conducted, to the extent applicable, in compliance with the Privacy Act (5 U.S.C. 552a) and all other provisions of Federal, State, and local law.
- *Privacy Act Notice.* All assistance applicants shall be provided with a Privacy Act notice at the time of application. All participants shall be provided with a Privacy Act notice at each annual income recertification. The Federal Acquisition Regulation (FAR), 48 C.F.R. Subpart 1524.1, sets forth that compliance with the requirements of the Privacy Act be included in HUD contracts at clause 52.224-2.

Personally Identifiable Information (PII)

The PII is defined in OMB M-07-16 as “. . . information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc.”

Sensitive Personally Identifiable Information

Sensitive Personally Identifiable Information is defined as PII that when lost, compromised or disclosed without authorization could substantially harm an individual. Examples of sensitive PII include social security or driver's license numbers, medical records, and financial account numbers such as credit or debit card numbers.

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Guidance on Protecting Sensitive Privacy Information

The Privacy Act requires that federal agencies maintain only such information about individuals that is relevant and necessary to accomplish its purpose. The Privacy Act also requires that the information be maintained in systems or records – electronic and paper – that have the appropriate administrative, technical, and physical safeguards to protect the information, however current. This responsibility extends to contractors and HAKC, who are required to maintain such systems of records by HUD.

HAKC will take the following steps to help ensure compliance with these requirements:

- 1) Limit Collection of PII
 - Do not collect or maintain sensitive PII without proper authorization. Collect only the PII that is needed for the purposes for which it is collected.
- 2) Manage Access to Sensitive PII
 - Only share or discuss sensitive PII with those personnel who have a need to know for purposes of their work. Challenge anyone who asks for access to sensitive PII for which you are responsible.
 - Do not distribute or release sensitive PII to other employees, contractors, or other third parties unless you are first convinced that the release is authorized, proper and necessary.
 - When discussing sensitive PII on the telephone, confirm that you are speaking to the right person before discussing the information and inform him/her that the discussion will include sensitive PII.
 - Never leave messages containing sensitive PII on voicemail.
 - Avoid discussing sensitive PII if there are unauthorized personnel, contractors, or guests in the adjacent cubicles, rooms, or hallways who may overhear your conversations.
 - Hold meetings in a secure space (i.e., no unauthorized access or eavesdropping possible) if sensitive PII will be discussed and ensure that the room is secured after the meeting.
 - Treat notes and minutes from such meetings as confidential unless you can verify that they do not contain sensitive PII.
 - Record the date, time, place, subject, chairperson, and attendees at any meeting involving sensitive PII.
- 3) Protect Hard Copy and Electronic Files Containing Sensitive PII

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- Clearly label all files containing sensitive PII by placing appropriate physical labels on all documents, removable media such as thumb drives, information systems, and applications. Examples of appropriate labels might **include “For Official Use Only” or “For (Name of Individual/Program Office) Use Only.”**
 - Lock up all hard copy files containing sensitive PII in secured file cabinets and do not leave unattended.
 - Protect all media (e.g., thumb drives, CDs, etc.) that contain sensitive PII and do not leave unattended. This information should be maintained either in secured file cabinets or in computers that have been secured.
 - Keep accurate records of where PII is stored, used, and maintained.
 - Periodically audit all sensitive PII holdings to make sure that all such information can be readily located.
 - Secure digital copies of files containing sensitive PII. Protections include encryption, implementing enhanced authentication mechanisms such as two-factor authentication and limiting the number of people allowed access to the files.
 - Store sensitive PII only on workstations that can be secured, such as workstations located in areas that have restricted physical access.
- 4) Protecting Electronic Transmissions of Sensitive PII via fax, email, etc.
- When faxing sensitive PII, use the date stamp function, confirm the fax number, verify that the intended recipient is available, and confirm that he/she has received the fax. Ensure that none of the transmission is stored in memory on the fax machine, that the fax is in a controlled area, and that all paper waste is disposed of properly (e.g., shredded). When possible, use a fax machine that uses a secure transmission line.
 - Before faxing PII, coordinate with the recipient so that the PII will not be left unattended on the receiving end.
 - When faxing sensitive PII, use only individually controlled fax machines, not central receiving centers.
 - Do not transmit sensitive PII via an unsecured information system (e.g., electronic mail, Internet, or electronic bulletin board) without first encrypting the information.

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- When sending sensitive PII via email, make sure both the message and any attachments are encrypted.
 - Do not place PII on shared drives, multi- access calendars, the Intranet, or the Internet.
- 5) Protecting Hard Copy Transmissions of Files Containing Sensitive PII
- Do not remove records about individuals with sensitive PII from facilities where HUD information is authorized to be stored and used unless approval is first obtained from a supervisor. Sufficient justification, as well as evidence of information security, must be presented.
 - Do not use interoffice or translucent envelopes to mail sensitive PII. Use sealable opaque solid envelopes. Mark the envelope to the person’s attention.
 - When using the U.S. postal service to deliver information with sensitive PII, double-wrap the documents (e.g., use two envelopes – one inside the other) and mark only the inside envelope as confidential with the statement **“To Be Opened by Addressee Only”**
- 6) Records Management, Retention and Disposition
- Follow records management laws, regulations, and policies applicable within your jurisdiction.
 - Ensure all HAKC locations and all entities acting on behalf of the Authority are managing records in accordance with applicable laws, regulations, and policies.
 - Include records management practices as part of any scheduled oversight protocols.
 - Do not maintain records longer than required.
 - Destroy records after retention requirements are met.
 - Dispose of sensitive PII appropriately – use crosscut shredders or burn bags for hard copy records and permanently erase (not just delete) electronic records.
- 7) Incident Response
- Supervisors should ensure that all personnel are familiar with reporting procedures.

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- Promptly report all suspected compromises of sensitive PII related to HUD programs and projects to the Executive Director.

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Chapter 18

SECURITY DEPOSITS

INTRODUCTION

Tenant security deposits are required to minimize collection losses and to encourage tenants to leave their apartments clean and in good condition when they vacate.

A. SECURITY DEPOSIT AMOUNT

Tenant agrees to pay a security deposit representing one month's rent consistent with 24 CFR Section 966.4(b)(5). The dollar amount of the security deposit is noted on Part II of this Residential Lease. [966.4 (b)(5)] At the option of the HAKC, it may enter into a separate written agreement to gradually accumulate the security deposit. Said agreement must be reasonable based on Tenant's ability to pay. If the Tenant fails to abide by this written agreement the Tenant agrees that it is a serious violation of the lease and termination of tenancy may result. [966.4(b)(5)] Current tenant's will be grandfathered in and are not required to increase the security to meet this minimum amount. However, current tenants will be subject to Section C of the policy.

B. PAYMENT AGREEMENT

Arrangements may be made to pay the security deposit in full or four equal payments. The resident must sign a payment agreement if the entire amount is not paid at the time of move-in.

Families are expected to obtain the funds to pay security deposits from their own resources and/or other private or public sources. The deposit may be paid in up to four monthly installments, with the minimum payment being one-fourth of the amount and the first installment due at time of move-in.

C. ADDITIONAL SECURITY DEPOSIT COLLECTION PROCEDURES

Security Deposits are governed by the terms of the lease, 24CFR's and State Statutes. The HAKC reserves the right to bill a resident's account additional charges if any of the situations below exist or take place within a resident's apartment. This money will be added to the resident's current security deposit. Such deposits may be collected for the following:

- 1) Unauthorized wallpapering.
- 2) Painting walls any color other than the original color upon move-in.
- 3) If the resident fails a housing inspection due to unsanitary housekeeping or excessive damage to the unit that is beyond normal wear and tear.

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If any of the above items are found within a household the resident will be immediately billed fifty dollars (\$50) per room. The HAKC has enacted this change to protect the interest of our housing stock and to reduce the billable charges due by the resident once they have moved out of HAKC housing.

The security deposit amount will be held by HAKC until the termination of the resident's lease and vacate of the unit by the resident. After vacating and inspection, the security deposit may be returned to the resident if:

- 1) There is no unpaid rent or other charges.
- 2) The unit, exterior surroundings, and all equipment therein is left clean.
- 3) There is no breakage or damage that is not due to normal wear and tear.
- 4) There is no equipment missing.
- 5) The security deposit for cases of unauthorized wallpapering or painting will be fully refundable should the resident restore the unit back to original condition with normal wear and tear excepted.
- 6) A thirty-day (30) written notice is provided to HAKC and the keys to the dwelling are surrendered to the management office.

Refund of Security Deposit

HAKC will use the Security Deposit at the termination of this Lease:

1. To pay the cost of any rent or any other charges owed by Tenant at the termination of this lease.
2. To reimburse the cost of repairing any intentional or negligent damages to the dwelling unit caused by Tenant, household members or guests.

The Security Deposit may not be used to pay rent or other charges while Tenant occupies the dwelling unit. No refund of the Security Deposit will be made until Tenant has vacated, and the HAKC has inspected the dwelling unit.

HAKC will provide the tenant or designee identified above with a written list of any charges against the security deposit. If the tenant disagrees with the amount charged to the security deposit, HAKC will provide a meeting to discuss the charges.

HAKC will refund the Security Deposit less any amounts owed, within 30 days after move out and tenant's notification of new address.

HAKC agrees to return the Security Deposit, if any, to Tenant when he/she vacates, less any deductions for any costs indicated above, and will mail same to tenant at the forwarding address, if any, or to the last known address as the case may be. If any deductions are made, HAKC will furnish Tenant with a written statement of any such costs for damages and/or other charges deducted from the Security Deposit.

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D. TRANSFER OF SECURITY DEPOSIT

If a resident transfers, the original security deposit transfers. The tenant will also be further billed for any maintenance or other charges.

If a resident transfers to one of the mixed income sites, the security deposit less any deductions for any cost indicated under **“Refund of Security Deposit”** will be refunded. Security deposits and/or payment agreement will be established with the management agent of the mixed income site.

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Chapter 19

EVICTION POLICY AND PROCEDURES

A. OVERVIEW

The eviction of a resident from Public Housing or affordable housing program as operated by the HAKC is a serious matter. Eviction is not the preferred method of resolving agency or resident problems. However, when all other reasonable efforts have failed, resident eviction becomes necessary to enforce reasonable rules and regulations of the agency and to ensure that the individual rights of the resident population as a whole are protected.

This eviction policy and procedure IS IN ADDITION TO AND INTENDED TO SUPPLEMENT AND CLARIFY THE ALLOWED GROUNDS FOR EVICTION UNDER THE LEASE(S) and the Admission and Occupancy Policies.

B. CAUSES FOR EVICTION

Tenancy may be terminated for **serious and/or repeated** violation of material terms of the lease agreement. The most common causes of lease termination are as follows:

1. Failure to pay rent
2. Failure to pay charges other than rent (maintenance repair costs, late fees, repayment agreements, or other charges as applicable)
3. Drug-related criminal activity on or off HAKC premises
4. Physical or verbal threats against HAKC residents, employees, contractors, visitors, etc.
5. Disruptive, violent, or criminal behavior that threatens the health, safety or right to peaceful enjoyment of other residents
6. Unit damage/destruction
7. Failure to maintain the unit in a decent, safe and sanitary condition
8. Assignment of lease, subletting of premises, or providing accommodations for persons not on the lease
9. Failure to appear for scheduled appointments or failure to provide information to management for continued occupancy recertifications (“family obligations”)

Note: The above listing is not all inclusive of evictable violations. Violation of any material term of the lease agreement may be grounds for lease termination/eviction.

Evictions are to be based upon documented facts.

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B. DOCUMENTATION AND PROCESSING THE REQUEST FOR EVICTION

Documentation Sources

The Property Manager prior to filing any action with the Courts will compile all the necessary documentation regarding the tenant(s) failure to uphold the material terms of the lease. Documentation must clearly support the need for eviction. Documentation must show that all other reasonable efforts to resolve the problem and to enforce the rules and regulations have been made by the Property Manager, and/or other HAKC staff as applicable (i.e. Inspectors, Hearing Officers, Resident Services), or that the seriousness of such offense requires immediate action. Documentation may consist of one or more of the following items:

- Proof of arrest for a crime, plus any evidence of the crime showing that the crime was committed by a preponderance of evidence (Note: Conviction of crime is not necessary for eviction)
- Incident Report or other written statement from law enforcement
- Written statements from credible neighbors and/or residents
- Written statements from HAKC staff acting as eye-witnesses
- Photographic evidence
- UPCS Inspection Report, maintenance inspection, maintenance work order
- Prior written warnings from Property Manager (Written warnings should quote the applicable lease provision violated).

CAUTION: Attention should be given to the Witness's/Complainant's credibility, motivation, and source(s) of documentation provided.

Note: In the event that the eviction is for violation of health/safety (commonly referred to as "housekeeping") or for tenant damages, tenants must have been afforded the opportunity to pay the costs for repairs and failed to do so or other follow-up procedures (re-inspections, referral of tenant to outside service agencies for assistance) have failed to remedy the deficiency.

The Property Manager is authorized to serve the initial notice and to proceed in the action, up to and including filing the legal documents with the Courts as dictated by the appropriate jurisdiction.

C. TYPES OF EVICTION NOTICES AND FILING PROCEDURES

Non-Payment of Rent- 14-day notice

14-day Notice (*Notice of Charges Due*) will be served for delinquency of rent. Notice may be served by (a) Personal Service (with Notice delivered personally to Head of Household.), (b) Substitute Service (with Notice delivered personally to family member

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over the age of 18 years), or (c) Posting Notice (with Notice adhered to premise door). Copies of the Notice will be mailed to the Head of Household regardless of type of service.

Rent and Possession petition will be filed with the appropriate Court in the event payment is not received in full prior to the Notice deadline or conclusion of grievance process in HAKC's favor.

Court Costs and Attorney Fees:

If the Court ruling is in favor of the HAKC, the resident will be charged a Court costs and Attorney fees according the posted Schedule of Charges or Jurisdiction.

30-Day Notice for Lease Violations

For general lease violations not inclusive of drug or criminal activity or activity posing an extreme threat to health/safety, a 30-Day Notice is served to the resident household (*30-Day Notice of Violation of Lease and Intent to Terminate*) citing the provision(s) of the Lease violated and a detailed description of the violation.

The 30-Day Notice must be served with the applicable programmatic Grievance Procedure securely attached to the Notice.

The Notice and Grievance Procedure may be served by Personal Service or Substitute Service (Individual over the age of 18), if no one is available to accept Notice, Notice will be posted on the door and mailed to the Head of Household.

In the event the resident grieves the action (in compliance with the Grievance Procedure or Court), the Eviction is stayed until such time as a decision is rendered.

In the event the resident does not grieve the action and the Notice period elapses, or, in the event the resident grieves the action and the Hearing or Court results in a recommendation to proceed with the Eviction and the Notice period has elapsed, the Property Manager will file action with the Court requesting removal of the family and release of the unit.

In the event the resident does not vacate as required by Court's judgment, the Property Manager will file for execution on the judgment for possession.

Criminal Activity

As stated in the HAKC "One Strike and You're Out" Policy, any person who while a resident of the Authority is found to have engaged in one of more of the following specified criminal offenses or disruptive behaviors on any property owned by the Authority, or in the case of drug-related criminal activity committed any violation whether or not such offense was committed on

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or off Authority property, the resident, tenant and/or the entire household *will be evicted* from the Authority dwelling unit. The HAKC may evict the tenant by judicial action for criminal activity in accordance with this section if the PHA determines that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction. HAKC will show the criminal occurred by a preponderance of the evidence.

The criminal activities and other disruptive behaviors that will result in eviction include:

- Any violation (relating to Homicide)
- Any violation (relating to Assault or Battery)
- Any violation (relating to Sexual Battery)
- Any violation (relating to Lewd and Lascivious Behavior)
- Any violation (relating to Robbery, Car Jacking and Home Invasion Robbery)
- Any violation (relating to Weapons and Explosives)
- Any violation (relating to the Possession, Sale or Distribution of Controlled Substances)
- Any violation (relating to Kidnapping and False Imprisonment)
- Any violation (relating to Burglary and Trespass)
- Any violation (relating to Arson and Criminal Mischief)
- Any violation (relating to Child Abuse)
- Any violation (relating to Threats and Extortion)
- Any violation (relating to Disorderly Intoxication)
- Any violation (relating to Disorderly Conduct, Harassment, and Breach of Peace)
- Any other violation of any state or federal law which contains as an element of the offense the use of force or violence, the possession of a controlled substance, or the presence of a state of intoxication or inebriation.
- Any disruptive or dangerous activity or conduct of a person while on Authority property, which is committed while such person is intoxicated or in an inebriated state.

The HAKC will immediately and permanently terminate tenancy of persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

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HUD has issued a due process determination that the law of the State of Missouri requires that a Tenant be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit. Thus, when approved or authorized by senior management personnel, the grievance procedure shall not be required of any termination of tenancy or eviction that involves:

- Any criminal activity that is an imminent threat to the health or safety of residents or employees of the HAKC, or
- Any violent or serious drug-related criminal activity on or off HAKC's premises. [§966.51 (2) (i) (A) (B) and (C)]
- There will, however, be a presumption that all tenants are entitled to a grievance hearing unless there is clear evidence that the eviction involves activity stated above and senior management personnel has approved the exclusion of a grievance hearing.

The Notice and Grievance Procedure may be served by (a) Personal Service, (b) Substitute Service, or (c) Conspicuous Service. Regardless of type of service, a copy of the Notice of Violation of Lease with Intent to terminate will be mailed to the Head of Household.

In the event the resident does not vacate the unit within the Notice period, the Property Manager will file action with the Court requesting removal of the family and release of the unit.

In the event the resident does not vacate the premises within the timeframe cited in the notice, the Property Manager will file for possession with the appropriate jurisdictional Court.

E. ACCEPTANCE OF PAYMENTS DUE WHILE UNDER EVICTION

Evictions for Non-Payment: No payments may be accepted by HAKC, its agents or employees, for charges due under the lease agreement (including rent, late fees, maintenance charges, etc.) *except* when payment is for charges in full*. Acceptance of funds, whether payment in full or partial payment, negates the eviction and halts all eviction actions and process.

**HAKC will not accept personal or private third-party checks in matters of eviction for non-payment. If the resident desires to cease the eviction action through payment of all charges, payment must be made by cashier check or money order. (Third party checks are acceptable from known social service agencies.)*

Evictions for Other than Non-Payment

The HAKC, its agents or employees, will not accept payments for charges due under the lease, for evictions for other than non-payment, (including rent, late fees, maintenance charges, etc.) *including* when payment is for full charges. *However*, such payment may be requested to be paid to the Court by either the Court or the lessee, and held in escrow pending the outcome of the Court's decision. No cash payments will be accepted.

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F. DECISIONS OF THE COURT

In matters of Eviction, all Evictions pursued by HAKC are subject to civil law including evictions for drug-related or criminal activity.

The decisions of the presiding Court will be considered final in all matters of eviction.

G. TERMINATIONS PROTECTED BY VAWA

Criminal Activity directly relating to domestic violence, dating violence, sexual assault or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control will not be cause for termination of the tenancy or occupancy rights, if the tenant or an affiliated individual of the tenant's family is the **victim** of threatened victim of that domestic violence, dating violence, sexual assault, or stalking.

The HAKC may bifurcate the lease to terminate assistance to remove a lawful occupant or tenant who engages in criminal acts of violence to a family members or others without terminating assistance/evicting victimized lawful occupants.



Chapter 20

EMERGENCY DISASTER PLAN POLICY

The HAKC area, as all areas, is subject to terrorist or natural disasters. The disaster most likely to affect HAKC is a tornado. Because insignificant warning that a disaster of this type will strike can seldom be given, this policy focuses primarily on how the Authority will react to such a disaster. While the preparations we can make for a disaster are limited, the Authority will take all reasonable steps to enable it to act promptly and effectively in an emergency.

A. PREPARATION

The following steps will be taken to prepare for a natural disaster:

1. The Executive Director will serve as the coordinator of the HAKC disaster response efforts. As such, the Executive Director will serve as the liaison to any community-wide disaster planning efforts.
2. A list of potential community shelters will be compiled and retained by the Authority for use in the case of a disaster.
3. By adopting this Policy, the Board of Commissioners hereby temporarily waives the Petty Cash limit and approves a temporary increase to \$2,500 for the duration of any emergency caused by a disaster.
4. By adopting this Policy, the Board of Commissioners recognizes that extraordinary efforts will be needed if a disaster strikes the Authority. Therefore, employees will be encouraged to potentially operate outside their job descriptions in any way required to assist in the recovery effort.
5. The site manager in charge of each development will prepare an emergency plan for their site and have it approved by the Executive Director within sixty (60) days of the adoption of this policy. These plans will be reviewed annually by the Executive Director for completeness and timeliness. Each plan will include the following:
 - (a) A method of verifying the well-being of the residents after the disaster;
 - (b) A method of checking the physical condition of the property for visible damage;
 - (c) The designation of a post-disaster assembly area for the residents to go after the disaster;
 - A plan for informing the residents what they should do in the aftermath of the disaster;

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- A plan to inform the residents of the contents of the site's emergency plan and practice where appropriate;
 - A cyber security protection plan;
 - A method of alternative communications in case it is needed; and
 - A determination that appropriate and adequate insurance has been obtained.
6. These site plans will be included as part of an overall authority emergency plan which will be developed under the direction of the Executive Director. The agency plan will include coordination with local emergency management agencies as well as local response agencies such as the police and fire departments.

B. REACTION

The following steps will be taken in order to react to a natural disaster:

1. If a disaster occurs during working hours, all employees except those at a damaged site will immediately report to the Housing Authority Central Office for assignment. If the Central Office is damaged beyond usage, they will report to the nearest damaged site to assist in the recovery effort.
2. Outside of normal working hours, employees will immediately report to the Central Office and inspect Authority properties between their home and the Central Office. Employees will perform items E through G prior to reporting to the Central Office. Employees are expected to ensure the safety of their own families prior to reporting to work.
3. If electrical power is lost to the Central Office, a generator will be immediately started to enable usage of the facilities.
4. Individual employees will be directed from Central Office to the developments to assess for habitability with particular attention being paid to structural integrity.
5. Structures will be searched for trapped survivors. Survivors will be freed if possible without endangering the lives of others. Employees will not immediately enter structurally damaged buildings, but will summon local emergency crews to enter and rescue any trapped residents.
6. Gas, electricity and water will be disconnected from any building with severe structural damage.
7. Lists of non-habitable buildings or units and trapped survivors will be delivered to Central Office as soon as practicable.
8. Work assignments will be made based upon reports received regarding damage sustained.
9. The Executive Director will brief the Mayor of Kansas City as soon as practical after

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the disaster.

10. As soon as practical, the Executive Director as Secretary of the Board, with the consent of the Chairperson, will call a Special Emergency Board Meeting on the situation and apprise the Board of emergency decisions made arising from the disaster and recovery activities.

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Chapter 21

SMOKE FREE POLICY

Introduction and Purpose

The Department of Housing and Urban Development (HUD) is requiring Public Housing Authorities to adopt smoke-free policies in order to reduce the public health risks associated with tobacco use. (See PIH NOTICE: PIH-2012-25 Smoke Free Policies in Public Housing and the final rule on instituting smoke-free public housing dated December 5, 2016). This will enhance HUD's efforts to enhance the effectiveness of HUD's efforts to provide increased public health protection for residents of public housing.

This policy is the Housing Authority of Kansas City, Missouri's (HAKC)'s **Smoke-free policy for all HAKC properties**. This policy is based on HUD and HAKC's intent to provide healthier, safer, living environments for residents and work environment for its employees. Effective July 1, 2014, all current residents, all employees, all guests, and all new residents of the HAKC will be prohibited from smoking inside the buildings including the housing units and within any common areas owned or under the control of the HAKC. The original policies are now updated to include the provisions of the final rules under Smoke Free Public Housing.

The new final rule requires each public housing agency (PHA) administering public housing to implement a smoke-free policy. Specifically, no later than by July 30, 2018, the HAKC must implement a "smoke-free" policy banning the use of prohibited tobacco products in all public housing living units, indoor common areas in public housing, and in PHA administrative office buildings. HAKC has been proactive in smoke free public housing and will implement the provisions prior to the required date.

The smoke-free policy must also extend to all outdoor areas up to 25 feet from the public housing and administrative office buildings. The smoke free rule improves indoor air quality in the housing; benefits the health of public housing residents, visitors, and HAKC staff; reduces the risk of catastrophic fires; and lowers overall maintenance costs.

Any current resident as of adoption of this policy who is a smoker and desires to cease smoking but may need additional time to cease smoking must, on or before July 1, 2014, request and sign the temporary smoking exemption form allowing them to smoke in their unit/apartment. This exemption will continue only until the January 1, 2015, at which time the smoke-free policy will also apply to the resident. The original notices and changes will be included in the lease provisions and an updated signed certification.

General Provisions

HAKC must design and implement a policy prohibiting the use of prohibited tobacco products in all public housing living units and interior areas (including but not limited to hallways, rental and

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administrative offices, community centers, day care centers, laundry centers, and similar structures), as well as in outdoor areas within 25 feet from public housing and administrative office buildings (collectively, “restricted areas”) in which public housing is located.

HAKC may limit smoking to designated smoking areas on the grounds of the public housing or administrative office buildings in order to accommodate residents who smoke. These areas must be outside of any restricted areas, as stated above and may include partially enclosed structures. Alternatively, HAKC may choose to create additional smoke-free areas outside the restricted areas or to make their entire grounds smoke-free.

HAKC’s smoke-free policy must, at a minimum, ban the use of all prohibited tobacco products. Prohibited tobacco products are defined as:

- Items that involve the ignition and burning of tobacco leaves, such as (but not limited to) cigarettes, cigars, pipes, and waterpipes (hookahs)

Lease Provisions

The lease will require the following provisions:

To assure that no tenant, member of the tenant’s household, or guest engages in:

Civil activity. For any units covered by 24 CFR part 965, subpart G, any smoking of prohibited tobacco products in restricted areas, as defined by 24 CFR 965.653(a), or in other outdoor areas that the HAKC has designated as smoke-free.

To assure that no other person under the tenant’s control engages in:

Civil activity. For any units covered by 24 CFR part 965, subpart G, any smoking of prohibited tobacco products in restricted areas, as defined by 24 CFR 965.653(a), or in other outdoor areas that the HAKC has designated as smoke-free.

Policy and Applicability

1. Smoking is not permitted in individual units or the common spaces of a designated Housing Authority community or facility of any type after the effective date of the Policy, unless otherwise specified. "Smoke" or "smoking" means the possession or use (carrying or smoking) of any kind of lighted pipe, cigar, cigarette, pipe, waterpipe, or any other lighted smoking equipment or tobacco product or other substance- controlled or uncontrolled.
2. This policy covers all HAKC properties, grounds and buildings, including, but not limited to park areas, parking lots, vehicles, common areas, elevators, stairs, hallways, and resident unit units, both new and existing. HAKC includes provisions in the policy prohibiting the use of prohibited tobacco products in all public housing living units and interior areas (including but not limited to hallways, rental and

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administrative offices, community centers, day care centers, laundry centers, and similar structures), as well as in outdoor areas within 25 feet from public housing and administrative office buildings (collectively, “restricted areas”) in which public housing is located.

3. This policy applies to any and all persons entering the HAKC properties including HAKC residents, their guests and visitors, contractors, and HAKC employees.
4. “Individual units” are defined as the interior and exterior spaces tied to a multi- family or single-family dwelling unit. This includes, but is not limited to, bedrooms, hallways, kitchens, bathrooms, patios, balconies, and unit entryway areas.
5. “Common spaces” are defined as areas within the building interior and exterior that are open to the public, including but not limited to entryways, community patios or balconies, roof terraces, lobbies, hallways, elevators, management offices, restrooms, community rooms, community kitchens, stairwells, sidewalks, parking lots, parking garages, carpools, lands within the developments; lands owned by or under the control of the Housing Authority and any other similar area of the property that is accessible to employees, residents and guests or any other person.
6. The Housing Authority will inform current residents, new applicants on waiting lists, Housing Authority employees, contractors, and sub-contractors of this policy, all of whom are also responsible for compliance with this policy.
7. The Housing Authority will post “No Smoking” or “Smoke-Free Area” or similar signs at entrances and exits of administrative, office and multi-family buildings; in common areas; inside residential units and other practical places to facilitate enforcement and compliance with this policy.
8. All residents will be given a copy of the smoking policy. After review, the resident will be required to sign an acknowledgement of the policy. A copy of the acknowledgement will be placed in the resident file. Current residents will be required to sign an amendment to their lease incorporating the non-smoking policy. Leases for residents will include the non-smoking policy.
9. All employees will be given a copy of the smoking policy. After review, the employee will be required to sign an acknowledgement of the policy. A copy of the acknowledgement will be placed in the employee’s personnel file.
10. Although HAKC prohibits smoking as noted above, there is no warranty or guaranty of any kind that units, grounds, office areas or common areas will be totally smoke free. Enforcement of HAKC’s no smoking policy is a joint responsibility that requires the cooperation of residents, employees and others in reporting incidents or suspected violations of smoking.

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RESIDENT RESPONSIBILITY

1. It will be the resident's responsibility to inform his/her household members, and guests of this No Smoking Policy and for ensuring compliance with the policy.
2. The resident will prohibit smoking by his/her household members or guests while on the premises that would violate this Policy.
3. Failure to comply or upon repeated violations to this policy and the lease provisions will be cause for lease enforcement action up to and including termination of resident lease agreement.

EMPLOYEES RESPONSIBILITIES

1. It is the responsibility of every employee to be aware of HAKC's No Smoking Policy and assist HAKC in the enforcement of the policy.
2. Employees will prohibit smoking by anyone while on the premises that would violate this Policy.
3. Failure to comply or upon repeated violations to this policy will be cause for disciplinary action up to and including termination of employment.

SMOKING CESSATION NATIONAL AND SUPPORT SERVICES

Smoking tobacco is an addictive behavior. The HAKC in implementing the non-smoking policies will be persistent in our efforts to support smoking cessation programs for residents, adapting our efforts as needed to local conditions. HAKC will work with local service providers to provide information on local smoking cessation resources and programs.

Resources and program may include: the National Network of Tobacco Cessation Quitlines, 1-800-QUIT-NOW (1-800-784-8669) which connects users directly to their State quit line; the National Cancer Institute's website www.smokefree.gov which provides tips on quitting tobacco use; the National Cancer Institute counselors who can be accessed by calling the toll-free number 1-877-44U-QUIT (1-877-448-7848). Hearing or speech-challenged individuals may access these numbers through TTY by calling the toll-free Federal Relay Service at 1-800-877- 8339; and the American Lung Association's Web page on State Tobacco Cessation Coverage www.lungusa2.org/cessation2 which provides information on cessation insurance programs.

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No Smoking Lease Addendum

Lease Addendum:

All of these terms and provisions appearing in Housing Authority's Smoking Policy adopted _____ (the Policy) are specifically made a part of the Dwelling Lease in force at the applicable property (ies) named in the Policy and are hereby agreed to by both parties.

This provision applies to any and all persons entering a Housing Authority non-smoking property, under tenant's control including tenants and their guests and visitors, contractors, and employees.

1. Smoking is not permitted in individual units or the common spaces of a designated Housing Authority community or facility of any type after the effective date of the Policy, unless otherwise specified. "Smoke" or "smoking" means the possession or use (carrying or smoking) of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment or tobacco product or other substance- controlled or uncontrolled.
2. This policy covers all HAKC properties, grounds and buildings, including, but not limited to park areas, parking lots, vehicles, common areas, elevators, stairs, hallways, and resident unit units, both new and existing.
3. This policy applies to any and all persons entering the HAKC properties including HAKC residents, their guests and visitors, contractors, and HAKC employees.
4. "Individual units" are defined as the interior and exterior spaces tied to a particular multi-family or single-family dwelling unit. This includes, but is not limited to, bedrooms, hallways, kitchens, bathrooms, patios, balconies, and unit entryway areas.
5. "Common spaces" are defined as areas within the building interior and exterior that are open to the public, including but not limited to entryways, community patios or balconies, roof terraces, lobbies, hallways, elevators, management offices, restrooms, community rooms, community kitchens, stairwells, sidewalks, parking lots, parking garages, carports, lands within the developments; lands owned by or under the control of the Housing Authority and any other similar area of the property that is accessible to employees, residents and guests or any other person.
6. The Housing Authority will inform current residents, new applicants on waiting lists, Housing Authority employees, contractors, and sub-contractors of this policy, all of whom are also responsible for compliance with this policy.
7. The Housing Authority will post "No Smoking" or "Smoke-Free Area" or similar signs at

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Adopted by Commission:**

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entrances and exits of administrative, office and multi-family buildings; in common

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areas; inside residential units and other practical places to facilitate enforcement and compliance with this policy.

8. All residents will be given a copy of the smoking policy. After review, the resident will be required to sign an acknowledgement of the policy. A copy of the acknowledgement will be placed in the resident file. Current residents will be required to sign an amendment to their lease incorporating the non-smoking policy. Leases for new residents will include the non-smoking policy.
9. Although HAKC prohibits smoking as noted above, there is no warranty or guaranty of any kind that units, grounds, office areas or common areas will be totally smoke free. Enforcement of HAKC's no smoking policy is a joint responsibility that requires the cooperation of residents, employees and others in reporting incidents or suspected violations of smoking.
10. Any resident with an approved exemption may not smoke in any unit other than their own. Any resident with an approved exemption must not allow anyone not on their lease to smoke in their unit at any time including guests and other residents.
11. Any deviation from the smoke-free policy by any tenant, a member of their household, or their guest will be considered a lease violation. A charge of \$250.00 may be charged to the tenant for each violation of the policy that occurs inside a building/unit/apartment.

RESIDENT RESPONSIBILITY

1. It will be the resident's responsibility to inform his/her household members, and guests of this No Smoking Policy and for ensuring compliance with the policy.
2. The resident will prohibit smoking by his/her household members or guests while on the premises that would violate this Policy.
3. Failure to comply or upon repeated violations to this addendum will be cause for lease enforcement action up to and including termination of resident lease agreement.
4. If a resident smells tobacco smoke in any building, they are to report this to the office as soon as possible. Management will seek the source of the smoke and take appropriate action.
5. For the health and safety of the Housing Authority employees and their representatives, no resident will have any type of tobacco or related product burning at such time as any employee or representative of the Housing Authority enters and remains in their housing unit. If any resident refuses to put out the burning tobacco or related product prior to the employee or representative entering the unit, or if the resident lights a tobacco or related product while an employee or representative remains in the apartment, the employee or representative will vacate

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the apartment immediately and not return until such time as there is no longer any tobacco or related product burning. This may result in a delay of services to the unit/apartment.

Effective: July 1, 2014



Note: This policy is an agreement between the head of household (spouse and all other parties to the Lease) and the _____ Housing Authority and needs to be signed as an addendum to the Lease.

I have read the No Smoking Policy as written above and understand its provisions. I agree to abide by these provisions fully, and understand that failure to comply with any part of the above after sufficient notice of the violation will be cause for termination of my Lease. I have received a copy of this policy.

RESIDENT

HOUSING AUTHORITY

Head of Household (Signature) Date

Manager (Signature) Date

Spouse or Other Adult Member Date

Management Office

Other Adult Member (2) Date

Street Address Zip Code

Unit Address: _____

Phone

Date

Effective: February 12, 2018



Chapter 22

EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE

INTRODUCTION

EMERGENCY TRANSFERS

The HAKC is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), HAKC allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of HAKC to honor such request for tenants currently receiving rental assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HAKC has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the Department of Housing and Urban Development (HUD), the Federal agency that oversees that Public Housing, Tenant-based Voucher, or Project-based Voucher is in compliance with VAWA.

Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, sexual orientation, disability, or age.

A. ELIGIBILITY FOR EMERGENCY TRANSFERS

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer, if:

- The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit;
- The tenant is a victim of a sexual assault, and the sexual assault occurred on the premises within the 90-day period preceding a request for an emergency transfer.
- A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.
- Tenants who are not in good standing may still request an emergency

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transfer if they meet the eligibility requirements in this section.

B. EMERGENCY TRANSFER REQUEST DOCUMENTATION

To request an emergency transfer, the tenant shall notify HAKC's management office and submit a written request for a transfer to the central office of HAKC. HAKC will provide reasonable accommodations to this policy for individuals with disabilities.

The tenant's written request for an emergency transfer should include either:

1. A statement expressing why the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under HAKC's program; or
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-day period preceding the tenant's request for an emergency transfer.

HAKC may request additional documentation from a tenant in accordance with the documentation policies of HUD's regulations at 24 CFR part 5, subpart L.

C. CONFIDENTIALITY

HAKC will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HAKC written permission to release the information on a time limited basis, or disclosure of the information is required by law or in the course of an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. The Notice of Occupancy Rights under the Violence Against Women's Act provides additional information regarding confidentiality of information.

D. EMERGENCY TRANSFER TIMING AND AVAILABILITY

HAKC cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HAKC will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. HAKC may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If HAKC has no safe and available units for which a tenant who needs an emergency is eligible, HAKC will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, HAKC will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

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E. SAFETY AND SECURITY OF TENANTS

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe. The tenant is encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY). Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

HAKC has included local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

- a. Hope House, 816-461-HOPE (816-461-4673)
- b. Rose Brooks, 816-861-6100
- c. Newhouse, 816-471-5800

F. VAWA PROTECTIONS

Notification of Occupancy Rights under the Violence Against Women Act and a HUD approved certification form will be provided to applicants and/or residents:

1. At the time the applicant is denied assistance or admission under a covered housing program;
2. At the time the individual is provided assistance or admission under the covered housing program;
3. With any notification of eviction or notification of termination of assistance; and
4. During the 12-month period following December 16, 2016, either during the annual recertification or lease renewal process, whichever is applicable, or if there will be no recertification or lease renewal for the tenant during the first year after the rule takes effect, through other means.

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Appendix D--Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, Or Stalking

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-XXXXX, or any one of the other types of documentation listed on that Form.
- (2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database.

Effective: February 12, 2018



Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____

2. Your name (if different from victim's) _____

3. Name(s) of other family member(s) listed on the lease: _____

4. Name(s) of other family member(s) who would transfer with the victim: _____

5. Address of location from which the victim seeks to transfer: _____

6. Address or phone number for contacting the victim: _____

7. Name of the accused perpetrator (if known and can be safely disclosed): _____

8. Relationship of the accused perpetrator to the victim: _____

9. Date(s), Time(s) and location(s) of incident(s): _____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: _____

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Effective: February 12, 2018

