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Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

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

The Hawaii Public Housing Authority, hereinafter referred to as the Public Housing Authority (PHA) or Housing Authority (HA) administers the Federally Assisted Public Housing Program.

Administration of the Public Housing Program and the functions and responsibilities of the PHA staff shall be in compliance with the PHA's Personnel Policy and this Admissions and Continued Occupancy Policy. The administration of this PHA'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 shall supersede provisions in conflict with this policy. Federal regulations shall include those found in Volume 24 CFR, Parts V, VII and IX. (Code of Federal Regulations).

1-A. HOUSING AUTHORITY MISSION STATEMENT

The PHA is dedicated to promoting adequate affordable housing, economic opportunity, and suitable living environment free from discrimination.

1-B. LOCAL OBJECTIVES

This Admissions and Continued Occupancy Plan for the Public Housing Program is designed to demonstrate that the PHA 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 very low- and 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, and sanitary 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 HA's public housing developments.
- 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 PHA employees.
- 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 the PHA's jurisdiction.
- To provide opportunities for upward mobility or families who desire to achieve self-sufficiency.
- To facilitate the judicious management of the PHA inventory, and the efficient management of the PHA 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, sex, religion, marital status, creed, national or ethnic origin, age, familial status, handicap or disability or HIV infection.

1-C. PURPOSE OF THE POLICY

The purpose of this Admissions and Continued Occupancy Policy (ACOP) is to establish guidelines for the PHA staff to follow in determining eligibility for admission and continued occupancy. These guidelines are governed by the requirements of HUD with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants,

residents, and the PHA.

The PHA Board of Directors must approve the original policy and any changes. Required portions of this Plan will be provided to HUD.

1-D. FAIR HOUSING POLICY

It is the policy of the PHA to comply fully with all Federal, State, and local nondiscrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The PHA will comply with all laws relating to Civil Rights including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- Violence Against Women Act (VAWA), 42 U.S.C. §1432d
- Hawai`i Revised Statutes (“HRS”) Chapter 515
- Hawai`i Administrative Rules (“HAR”) Title 12, Chapter 46, Subchapter 20

Any applicable State laws or local ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted.

The PHA shall not discriminate because of race, color, sex, religion, marital status, creed, national or ethnic origin, age, familial status, history of domestic violence or stalking, gender identity or expression, sexual orientation, handicap or disability or HIV infection in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under the PHA's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

Posters and housing information are displayed in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair.

To further its commitment to full compliance with applicable Civil Rights laws, the PHA will provide Federal/State/local information to public housing residents regarding "discrimination" and any recourse available to them if they believe they are victims of discrimination. Such information will be made available to them during the resident orientation session.

The PHA's Compliance Office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TDD telephone service provider.

The PHA shall not, on account of race, color, sex, religion, marital status, creed, national or ethnic origin, age, familial status, history of domestic violence or stalking, gender identity or expression, sexual orientation, handicap or disability, or HIV infection:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
- Provide housing that is different from that provided to others;
- Subject a person to segregation or disparate treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission; or
- Deny a person access to the same level of services.

The PHA shall not automatically deny admission to a particular group or category of otherwise qualified applicants (e.g., families with children born to unmarried parents, elderly families with pets).

1-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 the PHA, when the PHA initiates contact with a family including when a family applies, and when the PHA schedules or reschedules appointments of any kind.

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

The PHA'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 PHA forms and letters to all families, and all requests will be verified so that the PHA can properly accommodate the need presented by the disability.

Federal Americans with Disabilities Act of 1990

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

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- A record of such impairment; or

- Being regarded as having such impairment.

Undue Hardship

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

Verification of a Request for Accommodation

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

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability.

The PHA will require verification from a knowledgeable professional when a request for a home visit recertification is submitted.

Reasonable Accommodation

Persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

All PHA mailings will be made available in an accessible format upon request, as a reasonable accommodation.

Recertification by Mail

The PHA will permit the family to submit annual and interim re-certification forms through the mail, when the PHA has determined that the request is necessary as a reasonable accommodation waiver.

The mail-in packet will include notice to the family of the PHA's deadline for returning the completed forms to the PHA.

If there is more than one adult member in the household, but only one is disabled, recertifications will not be processed through the mail. In such cases, the family may choose to have the PHA conduct the re-

certification by a home visit or to have the able adult family members come in for the appointment and then take the necessary forms home to the member with a disability for completion and signature.

Home Visits

When requested and where the need for reasonable accommodation has been established, the PHA will conduct home visits to residents to conduct annual and interim re-certifications.

Requests for home visit re-certifications must be received by the PHA at least seven (7) days before the scheduled appointment date in order for the request to be considered.

The PHA will not consider home visit re-certifications which are requested after the scheduled appointment has been missed.

Other Accommodations

The PHA utilizes organizations which provide assistance for hearing- and sight-impaired persons when needed.

Families will be offered an accessible unit, upon request by the family, when an accessible unit is available.

The PHA will refer families who have persons with disabilities to agencies in the community that offer services to persons with disabilities.

1-F. LANGUAGE ACCESS POLICY

It is the policy of the PHA to comply with all Federal, State, and local nondiscrimination laws and with rules and regulations governing language access, and subsequent modifications thereto, including:

- Title VI of the Civil Rights Act of 1964;
- Chapter 515, Hawaii Revised Statutes;
- Section 371-31, Hawaii Revised Statutes; and
- United States Department of Housing and Urban Development, Notice of Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, published in the Federal Register on January 22, 2007, which are hereby incorporated in whole by reference.

Language for Limited English Proficient (LEP) persons 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 federally assisted 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 Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, which provides that no person shall "on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance[.]" and Title VI

regulations against discrimination on the basis of national origin. Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to the federally assisted public housing program.

The PHA will take reasonable steps to communicate with people who need services or information in a language other than English to ensure meaningful access to its federally assisted public housing program. These persons will be referred to as Persons with Limited English Proficiency (LEP).

To determine the level of access needed by LEP persons, the PHA will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the federally assisted public housing program; (2) the frequency with which LEP persons come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) 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.

Language Access Action Plan

The PHA shall establish a Language Access Action Plan and shall revise the plan using the four-factor analysis as necessary to address the changing needs of the LEP population it serves (provided that if the PHA completes the four-factor analysis to decide what language assistance services are appropriate, and determines that the PHA serves very few LEP persons and the PHA has very limited resources, it is not necessary for the PHA to implement the written plan, but will consider alternative ways to provide meaningful access).

The Language Action Plan shall provide:

- How to identify LEP persons who need language assistance;
- How to provide language assistance to LEP persons;
- Provisions on the training of staff;
- Notice to LEP individuals of language assistance services; and
- Monitoring and updating of the Language Access Action Plan.

Until the Language Access Action Plan is established, the PHA may use the procedures as described in the Department of Human Services' Language Access Plan, attached hereto as Exhibit A.

Oral Interpretation

Upon request, a competent interpreter will be provided in a timely manner, free of charge to the LEP person, for any hearing or other situation in which communication between the LEP person and the PHA staff is necessary to access important benefits and services, especially when the loss of a benefit or service is at stake. The PHA may offer to schedule appointments for LEP persons at specified times to minimize wait times and ensure the availability of competent interpreters, provided that use of an appointment facilitates the provision of language assistance and does not impede or delay the LEP person's access to communication with the PHA.

When 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 chosen by the LEP person may be a family member or friend but may not be a minor. However, the PHA shall not require a LEP person to use family members or friends to provide interpretation or translation services. If, after the offer of a free interpreter in the LEP person's primary language, the LEP person elects to use a family member or friend to provide interpretation, the PHA shall take reasonable steps to determine:

- Whether the individual providing the interpretation is competent to provide this service; and
- Whether conflict of interest, confidentiality, or other concerns make use of the family member or friend inappropriate.

The PHA reserves the right to obtain a competent interpreter for the PHA's benefit in the event the LEP person uses an interpreter of their own choosing.

The PHA shall also provide oral interpretation for timely and effective telephone communication between the PHA staff and LEP persons.

Written Translations

To comply with written translation obligations, the PHA shall take the following steps:

- The PHA 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; or
- If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the PHA need not translate vital documents, but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of vital documents, free of cost to the LEP person.

Translation of documents that are not vital documents, if needed, may be provided orally.

Availability of Free Language Assistance

The PHA will provide notice to LEP persons of the provision of free language assistance by displaying posters and flyers prominently in waiting rooms, reception areas, and other initial points of entry, and by including flyers in applicant packets and informational material disseminated to the public.

Complaint Procedure

The PHA shall establish a complaint procedure for complaints by applicants and tenants of the federally assisted public housing program relating to language access.

Definitions

"Oral Interpretation" or "Interpretation" shall mean the act of listening to something in one language and orally translating it into another.

"Person with Limited English Proficiency" or "LEP person" shall mean a person who does not speak

English as his or her primary language and who has limited ability to read, write, speak, or understand English in a manner that permits him or her to communicate effectively with the PHA and have meaningful access to and an equal opportunity to participate fully in the federally assisted public housing program, and includes public housing program applicants and tenants and their household members.

"Vital documents" shall mean generic widely used written materials of the PHA including:

- Notices advising LEP persons of free language assistance;
- Application forms to participate in the PHA's federally assisted public housing program;
- Written notices of rights, denial, loss, or decreases in benefits or services;
- Written notices of hearings;
- Notices of eviction; and
- Leases and project rules.

"Written translation" or "translation" shall mean the replacement of a written text from one language into an equivalent written text in another language.

1-G. PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS) OBJECTIVES [24 CFR 901 & 902]

The PHA operates its public housing program with efficiency and can demonstrate to HUD or independent auditors that the PHA is using its resources in a manner that reflects its commitment to quality and service. The PHA policies and practices are consistent with the new Public Housing Assessment System (PHAS) outlined in the 24 CFR Parts 901 and 902 final published regulations.

The PHA is continuously assessing its program and consistently strives to make improvements. The PHA acknowledges that its performance ratings are important to sustaining its capacity to maintain flexibility and authority. The PHA 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.

1-H. FAMILY OUTREACH

The PHA will publicize and disseminate information to make known the availability of housing units and housing-related services for very low-income families.

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

When the PHA's waiting list is open, the PHA will periodically publicize the availability and nature of housing assistance for very low-income families in a newspaper of general circulation, including local minority publications and other suitable means.

To reach persons who cannot read the newspapers, the PHA will issue press releases to the broadcast media and initiate personal contacts with social service agencies.

1-I. PRIVACY RIGHTS

Applicants and participants, 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.

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

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

The PHA's practices and procedures are designed to safeguard the privacy of applicants and tenants. Files will never be left unattended or placed in common areas.

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

1-J. POSTING OF REQUIRED INFORMATION

The PHA will maintain a bulletin board in a conspicuous area of the central office which will contain:

- Statement of policies and procedures governing Admission and Continued Occupancy Policy (ACOP) or a notice of where the policy is available
- Information on application taking
- Directory of the PHA's housing sites including names, address of offices.
- Income limits for admission
- Required public notices
- Information on preferences

Site developments will maintain a bulletin board in a conspicuous place which will contain:

- Information on application taking

- Income limits for admission
- Current schedule of maintenance charges
- Copy of lease
- PHA's grievance procedures
- Fair Housing poster
- Equal Opportunity in Employment poster
- Security Deposit charges
- Fraud Hotline Information
- Mission statement
- One Strike Policy

1-K. TERMINOLOGY

The Hawaii Public Housing Authority is referred to as "PHA" or "Housing Authority" throughout this document.

"Family" is used interchangeably with "Applicant," "Resident" or "Participant" or and can refer to a single-person family.

"Tenant" is used to refer to participants in terms of their relation as a lessee to the PHA as the landlord.

"Landlord" refers to the PHA.

"Disability" is used where "handicap" was formerly used.

"Noncitizens Rule" refers to the regulation effective June 19, 1995, restricting assistance to U.S. citizens and eligible immigrants.

See Glossary for other terminology.

Chapter 2

ELIGIBILITY FOR ADMISSION

[24 CFR 960.201]

INTRODUCTION

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

2-A. QUALIFICATION FOR ADMISSION

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

- Is a family as defined in this Chapter;
- Heads a household where at least one member of the household is either a citizen or eligible non-citizen. (24 CFR Part 200 and Part 5, Subpart E);
- Has an Annual Income at the time of admission that does not exceed the low-income limits 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) once the PHA has met the annual 40% targeted income requirement of extremely low-income families (families whose income does not exceed 30% of median area income).
- Provides a Social Security number for all family members, age 6 or older, or will provide written certification that they do not have Social Security numbers;
- Meets or exceeds the tenant Selection and Suitability Criteria as set forth in this policy including the attendance and successful completion of the PHA's pre-occupancy class;
- Not have an outstanding debt owed to the PHA as a participant in any of its programs;
- Not have an outstanding liability for unpaid rent or damages incurred while previously participating in any Section 8 rental subsidy program;
- Not have been evicted since March 1, 1985 from a public housing program administered by the PHA or its predecessor, the Hawaii Housing Authority;
- Not have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- Not subject to lifetime registration requirements under any state sex offender's registration program.

Timing for the Verification of Qualifying Factors

The qualifying factors of eligibility, other than citizenship status, will be verified before the family is placed on the waiting list.

2-B. FAMILY COMPOSITION

Definition of Family

The applicant must qualify as a Family. A Family may be a single person or a group of persons.

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

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

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:
 - i. 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) Family may include foster children and hanai children, or a child who is domiciled with, and for whom an adult member of the current household is caring for with written and unwritten permission from the legal parent or other person having legal custody, or child domiciled with, and for whom an adult member of the current household is in the process of securing custody;
 - ii. An elderly family;
 - iii. A near-elderly family;
 - iv. A disabled family;
 - v. A displaced family; and
 - vi. The remaining member of a tenant family.

In addition, for categorizing family as defined above, the terms disabled family, elderly family, and near-elderly family (per 24 CFR 5.403), and sexual orientation, and gender identity (per 24 CFR 100) are defined by HUD as follows:

Disabled family means a family whose head (including co-head), spouse, or sole member is a person with a disability. 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.

Elderly family means a family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

Near-elderly family means a family whose head (including 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 years of age but below the age of 62, living with one or more live-in aides.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

Gender identity means actual or perceived gender-related characteristics.

Person with disabilities is defined in 24 CFR 5.403.

The temporary absence of a child from the home due to placement in foster care shall not be considered in determining the family composition and family size.

Occupancy by Police Officers

In order to provide an increased sense of security for public housing residents, the PHA may allow public housing units to be occupied by police officers.

Police officers will not be required to be income eligible to qualify for admission to the PHA 's public housing program.

Head of Household

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

Emancipated minors who qualify under State law will be recognized as head of household if there is a court order recognizing them as an emancipated minor.

A family may designate an elderly or disabled family member as head of household solely to qualify the family as an Elderly Family, provided that the person is at least partially responsible for paying the rent.

Spouse of Head

Spouse means the husband or wife of the head.

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

Co-head

An individual in the household who is equally responsible for the lease with the Head of Household. A household may have either a spouse or co-head, but not both. A co-head never qualifies as a dependent.

Live-In Attendants

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

- Is determined by the PHA to be essential to the care and wellbeing of an elderly person, a near-elderly person, or a person with disabilities,
- Is not obligated for the support of the person(s), and

- Would not be living in the unit except to provide care for the person(s).

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

- Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
- Live-in aides are not subject to non-citizen rule requirements.

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 attendant may also reside in the unit, providing 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.

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

Verification of the need for a live-in aide must include the hours the care will be provided.

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

Over Income Families

The PHA will rent units to over-income families on a month-to-month basis, if there are no eligible families applying for assistance that month.

Over-income families must agree to vacate the unit with at least 30 days' notice provided by the PHA, if the unit is needed for an income-eligible family.

The PHA will publish a 30-day notice if the PHA determines the need to house over-income families.

2-C. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216]

Families are required to provide verification of Social Security Numbers for all family members aged 6 and older prior to admission, 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 termination of tenancy.

If a member does not have a Social Security Number, they must sign a certification stating that they do not have one. The certification shall:

- State the individual's name, state that the individual has not been issued a Social Security Number;
- State that the individual will disclose the Social Security Number, if they obtain one at a later date; and
- Be signed and dated.

2-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 six immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

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

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

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

The PHA will establish and verify eligibility no later than the date of the family's annual reexamination following October 21, 1998.

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.

2-E. OTHER ELIGIBILITY CRITERIA

All applicants will be processed in accordance with HUD's regulations (24 CFR Part 960) and sound management practices. Applicants will be required to demonstrate ability to comply with essential provisions of the lease as summarized below.

All applicants must demonstrate through an assessment of current and previous one year past behaviors up 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 the PHA premises;
- Not to have ever been convicted of manufacturing or producing methamphetamine, also known as "speed" or "ice."
- To comply with necessary and reasonable rules and program requirements of HUD and the PHA; and
- To comply with local health and safety codes.

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

Previous outstanding debts to this PHA or any PHA resulting from a previous tenancy in the public housing or Section 8 program must be paid in full prior to acceptance of application for admission. No Payment Agreement will be accepted.

At the time of initial application, the applicant must pay any previous debt prior to being placed on the waiting list.

Either spouse is responsible for the entire debt incurred as a previous PHA tenant. Children of the head or spouse who had incurred a debt to the PHA will not be held responsible for the parent's previous debt.

2-F. ONE STRIKE POLICY

Denial of Admission for Drug-Related and/or Other Criminal Activity

- All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of the PHA to fully endorse and implement a policy which is designed to:
- Help create and maintain a safe and drug-free community;
- Keep our program participants free from threats to their personal and family safety;
- Support parental efforts to instill values of personal responsibility and hard work;
- Help maintain an environment where children can live safely, learn and grow up to be

productive citizens; and

- Assist families in their vocational/educational goals in the pursuit of self-sufficiency.

Administration

All screening procedures shall be administered fairly and in such a way as not to discriminate on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial status, handicap or disability or HIV infection, actual or perceived gender identity, sexual orientation, or marital status, and not to violate right to privacy.

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

This policy will be posted on the PHA 's bulletin board and copies made readily available to applicants and tenants upon request.

HUD Definitions

“Drug related criminal activity” is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Drug related criminal activity means *on or off the premises, not just on or near the premises*.

"Criminal activity" includes any criminal activity that threatens the health, safety or right to peaceful enjoyment of the resident's public housing premises by other residents or employees of the PHA.

Screening for "One Strike"

In an effort to prevent drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety, or the right to peaceful enjoyment of the premises by other residents, the PHA will endeavor to screen applicants as thoroughly and fairly as possible.

If in the past the PHA initiated a lease termination, which may or may not have resulted in eviction for any reason cited under the One Strike Notice, for a family, as a prior resident of public housing, the PHA shall have the discretion to consider all circumstances of the case regarding the extent of participation by non-involved family members.

The PHA will not be obligated to ferret out information concerning a family's criminal activities as part of the processing of an application for assistance. Initial screening will be limited to routine inquiries of the family and any other information provided to the PHA regarding this matter. The inquiries will be standardized and directed to all applicants by inclusion in the application form.

If as a result of the standardized inquiry, or the receipt of a verifiable referral, there is indication that the family or any family member is engaged in drug-related criminal or violent criminal activity, the PHA will conduct closer inquiry to determine whether the family should be denied admission.

If the screening indicates that any family member has been arrested or convicted within the prior two (2) years for drug-related or violent criminal activity, the PHA shall obtain verification through police/court

records.

Law Enforcement Records

The PHA will check criminal history for all applicants who are 18 years old and over to determine whether any member of the family has engaged in violent or drug-related criminal activity.

Verification of any past activity will be done prior to final eligibility and will include a check of conviction records.

The PHA has applied to the Federal Bureau of Investigation (FBI) and obtained a unique Originating Agency Identifier (ORI) number in order to maximize its efforts in obtaining applicant criminal record history.

The PHA has contracted with the Criminal Justice Center, an FBI approved channeling agent, to process and funnel requests in order to obtain National Crime Information Center (NCIC) data for the purpose of accessing FBI criminal records.

The PHA will do a name check only through its local law enforcement agency to access limited information from the NCIC.

The PHA acknowledges that a name check only may result in an inconclusive result without a positive fingerprint comparison. The results of an inconclusive name check will not be used to deny an applicant admission to housing.

If the channeling agency indicates to the PHA that there is a criminal history record indexed in the Interstate Identification Index which might belong to the applicant, the PHA must submit an applicant fingerprint card to the FBI through the appropriate channel in order to verify whether the criminal record belongs to the applicant. Should the applicant instead elect to withdraw their application, no further action will be necessary.

Standard for Violation

Persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to Public Housing.

No member of the applicant's family may have engaged in drug related or violent criminal activity within the past two (2) years.

The PHA will permanently deny admission to public housing 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 PHA will deny participation in the program to applicants where the PHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the PHA determines that there is a pattern of illegal use of

controlled substances or a pattern of alcohol abuse.

The PHA will consider the use of a controlled substance or alcohol to be a *pattern* if there is more than one incident during the previous twelve (12) months.

"Engaged in or engaging in or recent history of" drug related criminal activity means any act within the past two (2) years by applicants or participants, household members, or guests which involved drug-related criminal activity including, without limitation, drug-related criminal activity, possession and/or use of narcotic paraphernalia, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

"Engaged in or engaging in or recent history of" criminal activity means any act within the past two (2) years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the HA, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

In evaluating evidence of negative past behavior, the PHA 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.

The PHA will waive the requirement regarding drug-related criminal activity if:

- The person demonstrates successful completion of a credible rehabilitation program approved by the PHA; or
- The individual involved in drug-related criminal activity is no longer in the household because the person is incarcerated.

The PHA may permit eligibility for occupancy and impose conditions that the involved family member(s) does not reside in the unit. The PHA will consider evidence that the person is no longer in the household such as divorce decree, incarceration, death, copy of a new lease with the owner's telephone number and address or other substantiating evidence.

Other Criminal Activity

"Other criminal activity" means a history of criminal activity involving crimes of actual or threatened violence to persons or property, or a history of other criminal acts, conduct or behavior which would adversely affect the health, safety, or welfare of other residents, employees or agents of Management, visitors, or persons doing work on the premises at Management's request.

For the purposes of this policy, this is construed to mean that a member of the current family has been arrested or convicted of any criminal or drug-related criminal activity within the past twenty-four (24) months.

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 is being engaged in by any family member.

- No family member may have threatened abusive or violent behavior toward PHA personnel at any time.
- No family member may have engaged in or threatened or committed abusive or violent behavior toward other residents, PHA personnel, agents of Management, visitors, or persons doing work on the premises at Management's request within the past three years.
- No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last two (2) years.

Evidence

The PHA must have evidence of the violation.

"Preponderance of 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 show that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.

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

"Credible evidence" may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants, evidence gathered by PHA inspectors and/or investigators, and evidence gathered from the PHA Hotline.

The PHA may pursue fact-finding efforts as needed to obtain credible evidence.

Obtaining Information from Drug Abuse Treatment Centers

The PHA will inquire of all applicants whether they are currently using or in the past have ever engaged in the illegal use of a controlled substance.

The PHA will inquire of all applicants who respond in the affirmative whether they are currently receiving treatment or have ever received treatment at a drug abuse treatment facility.

All applicants who respond in the affirmative will be required to sign a written consent authorizing the PHA to receive information from the drug abuse treatment facility stating only whether the facility has reasonable cause to believe that the applicant is currently engaging in the illegal use of a controlled substance.

The authorization will be sent to the drug abuse treatment facility with a PHA postage paid return addressed envelope addressed to the attention of the Public Housing Manager.

The PHA will maintain such information received from a drug abuse treatment facility in a manner that respects its confidentiality.

Such confidential information will be reviewed by the Public Housing Manager who will make a decision as to the outcome of the review.

Such confidential information will not be misused or improperly disseminated and will be destroyed not later than 5 days after the date on which the PHA gives final approval for admission.

If the application is denied, the information will be destroyed within three hundred fifty-two (352) days following the date on which the statute of limitations for commencement of a civil action from the applicant based upon the denial of admission has expired.

Confidentiality of Criminal Records

The PHA 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.

All criminal reports, while needed by the Public Housing Manager for screening for criminal behavior, will be housed in a locked file with access restricted to individuals responsible for such screening.

Misuse of the above information by any employee will be grounds for termination of employment. Penalties for misuse are contained in Personnel Policies.

If the family is determined eligible for initial or continued assistance, the PHA's copy of the criminal report shall be shredded as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family's assistance is denied or terminated, the criminal record information shall be shredded immediately upon completion of the review or hearing procedures and a final decision has been made.

The PHA will document in the family's file that the family was denied admission, or the tenancy was terminated due to findings in the Criminal History Report

Disclosure of Criminal Records to Family

Before the PHA takes any adverse action based on a criminal conviction record, the applicant will be provided with a copy of the criminal record and an opportunity to dispute the record. Applicants will be provided an opportunity to dispute the record at an informal hearing. Tenants may contest such records at the court hearing in the case of evictions.

Hearings

(See Chapter titled "Complaints, Grievances and Appeals")

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

2-G. SCREENING FOR SUITABILITY [24 CFR 960.204, 960.205]

In developing its admission policies, the aim of the PHA is to attain a tenant 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 the PHA 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.

The PHA 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. Answers 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 the PHA.

The PHA 's minimum age for admission as head of household is 18, to avoid entering into leases which would not be valid or enforceable under applicable law.

The PHA does not permit a parent or legal guardian to co-sign the lease on the applicant's behalf if the head of household is under 18.

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

The PHA will complete a rental history check on all applicants.

The PHA shall rely upon sources of information which may include, but not be limited to, PHA 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, and home visits for persons who have had negative landlord reference(s) for poor housekeeping habits.

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.

The PHA will complete a home visit at the current residence of all applicants who have had landlord verifications returned to the PHA with unfavorable comments concerning their housekeeping habits. Applicants shall have at least two working days advance written notice of home visits.

Factors to be considered in the screening are housekeeping habits, rent paying habits, prior history as a tenant, criminal records, the ability of the applicant to maintain the responsibilities of tenancy, and 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 environment, or the financial stability of the project.

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

- 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 an 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.
- The ability and willingness of an applicant to comply with the essential lease requirements will be verified and documented by the PHA. The information to be considered in the screening process shall 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 an applicant's 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. [24CFR 960.205(b)]
- Adversely affect the physical environment or financial stability of the project. [24CFR 960.205(b)]
- Violate the terms and conditions of the lease.
- Require services from PHA staff that would alter the fundamental nature of the PHA's program.

Rent Paying Habits

The PHA will examine any Housing Authority records from a prior tenancy and will request written references from the applicant's current landlord and may request written references from former landlords for up to the past two (2) years.

Based upon these verifications, the PHA will determine if the applicant was chronically late with rent payments, was evicted at any time during the past two (2) 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 had a poor rent paying history clearly related to an excessive rent relative to their income (using 50% of their gross income as a guide,) and responsible efforts were made by the family to resolve the nonpayment problem.

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

Where past rent paying ability cannot be documented, the PHA will check with the utility company(s) to determine whether the family has been current and timely on their payments.

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 shall 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, the PHA shall have the right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. The PHA shall 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

Evidence of successful rehabilitation;

Evidence of the applicant family's participation in and completion of social service or other appropriate counseling service approved by the PHA;

Evidence of successful and sustained modification of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. The PHA 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 which has been verified by the PHA 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;
- Preference category (if any) to which the family is entitled.

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 PHA procedures, except for a pending PHA 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. The PHA shall provide applicants an opportunity for an informal hearing (see Chapter titled "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.

The PHA will make every effort to accurately estimate an approximate date of occupancy. However, the date given by the PHA 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 the PHA, such as turnover rates, and market demands as they affect bedroom sizes and project location.

Documenting Findings

An authorized representative of the PHA shall document any pertinent information received relative to the following:

- Criminal Activity - Includes the activities listed in the definition of criminal activity in this Chapter.
- 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 peaceful occupancy of neighbors.
- Pattern of Drug Use - includes a determination by the PHA that the applicant has exhibited a pattern of illegal use of a controlled substance which might interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Drug Related Criminal Activity - includes a determination by the PHA that the applicant has been involved in the illegal manufacture, sale, distribution, use or possession of a controlled substance.
- Pattern of Alcohol Abuse - includes a determination by the PHA 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.

- Initiating Threats - or behaving in a manner indicating an intent to assault employees or other tenants.
- Abandonment of a Public Housing Unit - without advising PHA officials so that staff may secure the unit and protect its property from vandalism.
- Non-Payment of Rightful Obligations - including rent and/or utilities and other charges owed to the PHA
- Intentionally Falsifying an Application for Leasing - including uttering or otherwise providing false information about family income and size, using an alias on the application for housing, or making any other materially false statement or omission intended to mislead.
- 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 the grounds of nuisance or objectionable conduct, or frequent loud parties, which have resulted in serious disturbances of neighbors.
- Grossly Unsanitary or Hazardous Housekeeping - includes the creation of a fire hazard through acts such as hoarding rags, papers, or other materials; severe damages to premises and equipment, if it is established that the family is responsible for the condition; seriously affecting neighbors by causing infestation, foul odors, depositing garbage in halls; or serious neglect of the premises.
- Destruction of Property from previous rentals.
- 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 applicant's physician, social worker, or other health professional will be among factors considered in making this determination. The availability of a live-in attendant will be considered in making this determination.

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

The PHA may waive the policies prohibiting admission in these circumstances if the person demonstrates to the PHA's satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and has successfully completed a supervised drug or alcohol rehabilitation program.

Prohibited Criteria for Denial of Admission

Applicants will NOT be rejected because:

- They have no income;
- They are not employed;
- They do not participate in a job training program;
- They will not apply for various welfare or benefit programs;
- They have children;
- They have children born out of wedlock;
- They are on welfare;
- They are students; or
- Of their actual or perceived:
 - Marital status;
 - Sexual orientation; or
 - Gender identity.

Resident Participation in the Screening Process

It is the PHA 's policy to encourage resident participation in the applicant intake and screening process. The PHA recognizes that screening is only part of the occupancy cycle, and for the PHA-resident partnership to be effective, work is required both before and after admission. Given this policy the PHA, in conjunction with its resident leaders, proposes the following areas of involvement:

- **Orientation for families in shelters.** The objective is to introduce shelter families to the PHA's screening requirements so that families with poor tenancy histories or no tenancy history can take actions to demonstrate that they meet PHA 's criteria for admission.
- **Home visits.** To work with residents to establish home visit inspection standards. To train residents on the standards and use residents along with the PHA staff to conduct home visits.
- **Applicant pre-occupancy orientation.** Attendance at pre-occupancy orientation is a requirement of the screening process. The PHA and its residents will develop the agenda for this orientation to include such issues as rent, house rules, lease provisions, security, social services, and utilities.

2-H. HEARINGS

If information is revealed that would cause the PHA to deny admission to the household and the person disputes the information, s/he shall be given an opportunity for an informal hearing according to the PHA's informal hearing procedures outlined in Chapter 17-2028, Hawaii Administrative Rules.

Chapter 3

APPLYING FOR ADMISSION

INTRODUCTION

The policy of the PHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement 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 the PHA 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.

3-A. HOW TO APPLY

Families who wish to apply for any of the PHA'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.

- Persons with disabilities may call the PHA to receive an application through the mail or make other arrangements to complete their pre-application.
- Applications will be accepted at the main administrative office and development site management office for all waiting lists.

The application process will involve two phases:

1. The first is the "initial" application for admission (referred to as a pre-application). This first phase is to determine the family's eligibility for, and placement on, the waiting list. The pre-application will be dated, time-stamped, and referred to the PHA's office where tenant selection and assignment is processed.
2. The second phase is the "final determination of eligibility for admission" (referred as the full application). The full application takes place when the family reaches the top of the waiting list. At this time the PHA ensures that verification of all HUD and PHA eligibility factors is current in order to determine the family's eligibility for an offer of a suitable unit.

3-B. "INITIAL" APPLICATION PROCEDURES

The PHA will utilize a preliminary-application form (pre-application) for the initial application for public housing. The application is taken in person and the data is entered into the computer. The application may also be mailed to the applicant and, if requested, it will be mailed in an accessible format.

The purpose of the pre-application is to permit the PHA to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list.

The pre-application will contain questions designed to obtain the following information:

- Names of head and spouse
- Names of adult 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 to determine preference qualification
- Information regarding request for reasonable accommodation or for accessible unit
- Social Security Numbers
- Race/ethnicity
- Arrests/Convictions for Drug Related or Violent Criminal Activity
- Previous address
- Names and address of current and previous landlords
- Emergency contact person and address

- Questions regarding previous participation in HUD programs
- Outstanding debts to the PHA
- Prior eviction or termination for assistance
- Illegal use or pattern of abuse of a controlled substance or alcohol
- Subject to lifetime registration requirements under any state sex offender's registration program

Applications will be taken over the phone or in person and data will be entered into the computer.

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

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

Failure to provide information or to respond to mailings will result in the applicant being removed from the waiting list. (See Chapter on Complaints, Grievances and Appeals.)

3-C. NOTIFICATION OF APPLICANT STATUS

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

This written notification of preliminary eligibility will be mailed to the applicant by first class mail.

If the family is determined to be ineligible based on the information provided in the pre-application, the PHA will notify the family in writing, state the reason(s), and inform them of their right to an informal hearing. Persons with disabilities may request to have an advocate attend the informal hearing as an accommodation. (See Chapter on Complaints, Grievances and Appeals.)

3-D. COMPLETION OF A FULL APPLICATION

All preferences claimed on the pre-application or while the family is on the waiting list will be verified. Upon receipt of the preliminary application and prior to placement on the waiting list.

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

Applicants on the waiting list who will be selected in the near future will be sent a letter. (See Chapter on Tenant Selection and Assignment Plan.) The letter will notify the applicant of an application interview and request the applicant to bring all documents which verify all factors to be verified. Factors to be verified will be listed in the letter.

These documents will be used for verification only if third party verification cannot be obtained.

After the preference is verified, when the PHA is ready to select applicants, the PHA will send the applicant a letter notifying him/her of an appointment. Applicants will be required to:

- Complete a Personal Declaration Form prior to the full application interview.
- Complete a full application in their own handwriting, unless assistance is needed, or a request for accommodation is made by a person with a disability. Applicant will then be interviewed by PHA staff to review the information on the full application form.
- Participate in a full application interview with a PHA representative during which the applicant will be required to furnish complete and accurate information verbally as requested by the interviewer. The PHA interviewer will complete the full application form with answers supplied by the applicant. The applicant will sign and certify that all information is complete and accurate.

The full application will be mailed/communicated as requested as an accommodation to a person with a disability.

Requirement to Attend Interview

The PHA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other PHA services or programs which may be available.

All adult family members must 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 two scheduled meeting(s), the PHA will reject the application.

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

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

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 hearing. (See Chapter 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 the PHA. Applicants will be required to sign specific verification forms for information which is 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 the PHA.

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 the PHA determines at or after the interview that additional information or document(s) are needed, the PHA will request the document(s) or information in writing. The family will be given seven (7) working days to supply the information.

If the information is not supplied in this time period, the PHA will provide the family a notification of denial for assistance. (See Chapter on Complaints, Grievances and Appeals.)

3-E. PROCESSING APPLICATIONS

As families approach the top of the waiting list, the following items will be verified to determine qualification for admission to the PHA's housing:

- Preference verification
- Family composition and type (elderly/non-elderly)
- Annual Income
- Assets and Asset Income
- Deductions from Annual Income
- Social Security Numbers of all family members
- Information used in applicant screening
- Citizenship or eligible immigration status
- Criminal History Report

3-F. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

After the verification process is completed, the PHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the PHA, and the tenant suitability determination (see Chapter 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 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 preliminarily determined eligible and may have been listed on the waiting list.

Chapter 4

TENANT SELECTION AND ASSIGNMENT PLAN

[24 CFR 960.204]

INTRODUCTION

It is the PHA's policy that each applicant shall be assigned an appropriate place on a jurisdiction-wide waiting list. Applicants will be listed in sequence based upon date and time the application is received, the size and type of unit they require, and factors of preference or priority. In filling an actual or expected vacancy, the PHA will offer the dwelling unit to an applicant in the appropriate sequence, with the goal of accomplishing deconcentration of poverty and income-mixing objectives. The PHA will offer the unit until it is accepted. This Chapter describes the PHA's policies with regard to the number of offers that will be made to applicants selected from the waiting list.

PHA's Objectives

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

It is the PHA'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 sequence.

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

4-A. MANAGEMENT OF THE WAITING LIST

The PHA will administer its waiting list as required by 24 CFR Part 5, Subparts E and F, 24 CFR 960 Subpart B. The waiting list will be maintained in accordance with the following guidelines:

- The application will be a permanent file.
- All applicants in the pool will be maintained in order of date and time of application receipt.
- Applications equal in preference will be maintained by date and time sequence.
- All applicants must meet applicable income eligibility requirements as established by HUD.

Opening and Closing the Waiting Lists

The PHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The PHA may open or close the list by local preference category.

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 the PHA to house an applicant in an appropriate unit within a reasonable period of time.

- When the PHA opens the waiting list, the PHA will advertise through public notice in the newspaper of general circulation and minority publications.

The notice will contain:

- The dates, times, and the locations where families may apply;
- Any system of waiting list offered by the PHA;
- The programs for which applications will be taken;
- A brief description of the program;
- Limitations, if any, on who may apply; and
- The closing date if the list is opened for only a limited time.

Upon request from a person with a disability, additional time 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 Taking is Suspended

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, the PHA 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 shall be long enough to achieve a waiting list adequate to cover projected turnover over the next twenty-four (24) months. The PHA will give at least three (3) days' notice prior to closing the list. When the period for accepting applications is over, the PHA will add the new applicants to the list by:

- Date and time of application receipt.

The PHA will update the waiting list quarterly by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by mail or telephone. At the time of initial intake, the PHA will advise families of their responsibility to notify the PHA when mailing address or telephone numbers change.

Reopening the List

If the waiting list is closed and the PHA decides to open the waiting list, the PHA will publicly announce the opening.

Any reopening of the list is done in accordance with the HUD requirements.

Even though there are enough applicants on the waiting list to fill the turnover within the next 24 months, if there are not enough applicants who claim a local preference, the PHA may elect to accept applications from applicants who claim a local preference ONLY and continue to keep the waiting list closed.

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 submitted to the PHA:

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.

4-B. GEOGRAPHICAL BASED WAITING LISTS

The PHA offers a system of geographical area waiting lists.

Applicants may choose which geographical-based waiting list they wish to be placed on, regardless of the application site. Applicants may apply directly at or otherwise designate the geographical areas in which

they seek to reside.

When there are insufficient applicants on a geographical waiting list the PHA will contact applicants on other geographical area waiting lists who may qualify for the type of housing with insufficient applicants. "Insufficient applicants" on a list will be defined as enough families to fill vacancies for at least six (6) months, based on anticipated turnover at the development.

Every reasonable action will be taken by the PHA to assure that applicants can make informed choices regarding the project(s) in which they wish to reside. The PHA will disclose information to applicants regarding the location of available sites, occupancy number and size of accessible units. The PHA will also include basic information relative to amenities such as day care, security, transportation, training programs, and an estimate of the period of time the applicant will likely have to wait to be admitted to units of different types.

Monitoring Geographical Area Waiting Lists

The system geographical area waiting lists will be carefully monitored to assure that civil rights and fair housing are affirmatively furthered.

The PHA's adoption of geographical area waiting lists is not in violation of any court order or settlement agreement and is not inconsistent with any pending complaint brought by HUD.

The PHA will monitor its system of geographical waiting list at least bi-annually to assure that racial steering does not occur. If the PHA's bi-annual analysis of its geographical area waiting list indicates that a pattern of racial steering is or may be occurring, the PHA will take corrective action.

For purposes of this policy these are the geographical area waiting lists:

1. City and County of Honolulu
 - a. Honolulu (Red Hill to Palolo)
 - b. Central Oahu (Wahiawa to Waialua)
 - c. Windward Oahu
 - d. Leeward Oahu (Pearl City, Waipahu, Waianae, Nanakuli, Kapolei)
2. County of Hawaii
 - a. East Hawaii (Hilo, Honokaa to Ka'u)
 - b. West Hawaii (Kona, Kohala, Waimea)
3. County of Maui
 - a. East Maui (Kahului to Wailuku)
 - b. West Maui (Lahaina)
 - c. Molokai
4. County Kauai
 - a. East Kauai (Hanamaulu to Kapaa, Kilauea)
 - b. West Kauai (Koloa to Kekaha)

4-C. WAITING LIST PREFERENCES

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the waiting list. Every applicant must meet the PHA's Selection Criteria as defined in this policy.

The PHA's preference system will work in combination with requirements to match the characteristics for the family to the type of unit available, including units with targeted populations, and further deconcentration of poverty in public housing. When such matching is required or permitted by current law, the PHA will give preference to qualified families.

Families who reach the top of the waiting list will be contacted by the PHA to verify their preference and, if verified, the PHA will complete a full application for occupancy. Applicants must complete the application for occupancy and continue through the application processing and may not retain their place on the waiting list if they refuse to complete their processing when contacted by the PHA.

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

An applicant will not be granted any preference if any member of the family has been evicted from any federally assisted housing during the past two (2) years because of drug-related criminal activity.

The PHA will grant an exception to such a family if the responsible member has successfully completed a rehabilitation program.

If an applicant makes a false statement in order to qualify for a local preference, the PHA will deny admission to the program for the family

Local Preferences

The PHA uses the following Local Preferences pursuant to its PHA Plan:

These preferences shall be given first priority but have equal weight within this group:

Victims of domestic violence.

Actual or threatened physical violence directed against the applicant or the applicant's family by a spouse or other household member who lives in the unit with the family.

The actual or threatened violence must have occurred within the past 7 days or be of a continuing nature.

An applicant who lives in a violent neighborhood or is fearful of other violence outside the household is not considered involuntarily displaced.

To qualify for this preference, the abuser must still reside in the unit from which the victim was displaced. The applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval.

The PHA will approve the return of the abuser to the household under the following conditions:

- The PHA verifies that the abuser has received therapy or counseling that appears to minimize the likelihood of recurrence of violent behavior.
- A counselor, therapist or other knowledgeable professional recommends in writing that the individual be allowed to reside with the family.

If the abuser returns to the family without approval of the PHA, the PHA will deny or terminate assistance for breach of the certification.

The PHA will take precautions to ensure that the new location of the family is concealed in cases of domestic abuse.

Homeless families that are residing in transitional shelter for the homeless and who are in compliance with a social service plan.

An applicant who is a "Homeless Family" is considered to be living in substandard housing. "Homeless Families":

- Lack a fixed, regular, and adequate nighttime residence; and
- Have a primary nighttime residence that is a supervised public or private shelter providing temporary accommodations (including welfare hotels, congregate shelters and transitional housing) or an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not ordinarily used as a sleeping accommodation for human beings.

Homeless families may not maintain their place on the waiting list while completing a transitional housing program.

Families who are residing with friends or relatives on a temporary basis will not be included in the homeless definition.

Persons who reside as part of a family unit shall not be considered a separate household.

Involuntary displaced.

Involuntarily Displaced applicants are applicants who have been involuntarily displaced and are not living in standard, permanent replacement housing, or will be involuntarily displaced within no more than six months from the date of verification by the PHA. Standard replacement housing is defined as housing that is decent, safe, and sanitary according to local housing code that is adequate for the family size according to Housing Quality Standards, and that the family is occupying pursuant to a written or oral lease or occupancy agreement.

Standard replacement housing does not include transient facilities, hotels, motels, temporary shelters, and (in the case of Victims of Domestic Violence) housing occupied by the individual who engages in such violence. It does not include any individual imprisoned or detained pursuant to State Law or an Act of Congress.

Shared housing with family or friends is not considered temporary and is not considered standard replacement housing.

Families are considered to be involuntarily displaced if they are required to vacate housing as a result of:

1. A disaster (fire, flood, earthquake, etc.) that has caused the unit to be uninhabitable.
2. Federal, state, or local government action related to code enforcement, public

improvement, or development.

3. Action by a housing owner which is beyond an applicant's ability to control, and which occurs despite the applicant's having met all previous conditions of occupancy and is other than a rent increase.

If the owner is an immediate family relative and there has been no previous rental agreement and the applicant has been part of the owner's family immediately prior to application, the applicant will not be considered involuntarily displaced.

For purposes of this definitional element reasons for an applicant's having to vacate a housing unit include, but are not limited to:

- Conversion of an applicant's housing unit to non-rental or non-residential use;
- Closure of an applicant's housing unit for rehabilitation or non-residential use;
- Notice to an applicant that s/he must vacate a unit because the Owner wants the unit for the owner's personal or family use or occupancy;
- Sale of a housing unit in which an applicant resides under an agreement that the unit must be vacant when possession is transferred: or
- Any other legally authorized act that results, or will result, in the withdrawal by the owner of the unit or structure from the rental market.

Displacement by non-suitability of the unit when a member of the family has a mobility or other impairment that makes the person unable to use critical elements of the unit and the owner is not legally obligated to make changes to the unit.

Critical elements are:

- Entry and egress of unit and building;
- A sleeping area;
- A full bathroom; and
- A kitchen if the person with a disability must do their own food preparation

Due to HUD disposition of a multifamily project under Section 203 of the Housing and Community Development Amendments of 1978.

These preferences shall be given second priority but have equal weight within this group:

Living in substandard housing.

Applicants who live in substandard housing are families whose dwelling meets one or more of the following criteria:

- Is dilapidated, and does not provide safe, adequate shelter; has one or more critical defects or a combination of defects requiring considerable repair; endangers the health, safety, and well-being of family.
- Does not have operable indoor plumbing.
- Does not have usable flush toilet in the unit for the exclusive use of the family.
- Does not have usable bathtub or shower in unit for exclusive family use.
- Does not have adequate, safe electrical service.
- Does not have an adequate, safe source of heat.
- Should, but does not, have a kitchen. (Single Room Occupancy [SRO] Housing is not substandard solely because it does not contain sanitary and/or food preparation facilities in the unit).
- Has been declared unfit for habitation by a government agency.
- Is overcrowded according to HQS local code.
- Applicants living in Public Housing or publicly assisted housing shall not be denied this preference if unit meets the criteria for the substandard preference.

Paying more than fifty per cent of annual income for rent.

Families paying more than 50% of their income for rent and utilities for at least 90 days and continuing through the verification of preference will receive this preference.

For purposes of this preference, "Family Income" is Gross Monthly Income as defined in the regulations.

"Rent" is defined as the actual amount due under a lease or occupancy agreement calculated on a monthly basis without regard to the amount actually paid, plus the monthly amount of tenant-supplied utilities which can be either:

- The PHA's reasonable estimate of the cost of such utilities, using the Section 8 Utility Allowance Schedule; or
- The average monthly payments the family actually made for these utilities in the most recent 12-month period, or if information is not obtainable for the entire period, the average of at least the past three (3) months.

An applicant family may choose which method to use to calculate utilities expense. Any amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the total rent burden if included in Family Income.

To qualify for the Rent Burden preference, the applicant must pay rent directly to the landlord or agent.

If the applicant pays their share of rent to a cohabitant and is not named on the lease, the PHA will require both verification from the Landlord that the applicant resides in the unit, and verification from the cohabitant of the amount of rent paid by the applicant.

If the applicant is subletting, the lessor must have the legal right to sublet.

Members of a cooperative are "renters" for the purposes of qualifying for the preference. In this case, "Rent" would mean the charges under the occupancy agreement.

These other preferences have equal weight within this group:

Veterans and veterans' surviving spouses.

“Veteran” means a person who has served in the active military or naval service of the United States at any time and who has been discharged or released from active duty under conditions other than dishonorable;

Residents who live and/or work in the jurisdiction (by county).

The counties include the County of Maui, Hawaii, Kauai and City and County of Honolulu.

Families that contribute to meeting the PHA's income targeting requirements.

Victims of reprisals or hate crimes.

To avoid reprisals because the family provided information on criminal activities to a law enforcement agency and, after a threat assessment, the law enforcement agency recommends rehousing the family to avoid or reduce risk of violence against the family.

The family must be part of a Witness Protection Program, or the HUD Office or law enforcement agency must have informed the PHA that the family is part of a similar program.

The PHA will take precautions to ensure that the new location of the family is concealed in cases of witness protection.

By hate crimes if a member of the family has been the victim of one or more hate crimes, and the applicant has vacated the unit because of the crime or the fear of such a crime has destroyed the applicant's peaceful enjoyment of the unit.

A hate crime is actual or threatened physical violence or intimidation that is directed against a person or his property and is based on the person's race, color, religion, sex, national origin, disability, or familial status (including sexual orientation) and occurred within the last [number of] days or is of a continuing nature.

Working families and those unable to work because of age or disability.

Working families are families with at least one adult who is employed and has been employed for twelve (12) months. This preference is extended equally to an applicant whose head or spouse are age 62 or older or are receiving social security disability, supplemental security income disability benefits, or any other payments based on an individual's inability to work.

Treatment of Single Applicants

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

Singles Preference

Applicants who are elderly, disabled, or displaced households of no more than two persons will be given a selection priority over all "Other Single" applicants regardless of preference status.

"Other Singles" denotes a one-person household in which the individual member is neither elderly, disabled, or displaced by government action. Such applicants will be placed on the waiting list in accordance with their preferences but cannot be selected for assistance before any one- or two-person elderly, disabled or displaced family regardless of local preferences.

4-D. FACTORS OTHER THAN PREFERENCES THAT AFFECT SELECTION OF APPLICANTS

Before applying its preference system, the PHA will first match the characteristics of the available unit to the applicants available on the waiting lists. Factors such as unit size, accessible features, deconcentration or income mixing, income targeting, or units in housing designated for the elderly limit the admission of families to those characteristics that match the characteristics and features of the vacant unit available.

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

Any admission mandated by court order related to desegregation or Fair Housing and Equal Opportunity will take precedence over the Preference System. Other admissions required by court order will also take precedence over the Preference System. If permitted by the court order, the PHA may offer the family a housing voucher.

4-E. INCOME TARGETING

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

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

The PHA shall have the discretion, at least annually, to exercise the "fungibility" provision of the QHWRRA by admitting less than 40 percent of "extremely poor families" to public housing in a fiscal year to the extent that the PHA has provided more than 75 percent of newly available vouchers and certificates to "extremely poor families". This fungibility provision discretion by the PHA is also reflected in the PHA's Administrative Plan.

The fungibility credits will be used to drop the annual requirement below 40 percent of admissions to public housing for extremely poor families by the lowest of the following amounts:

The number of units equal to 10 percent of the number of newly available vouchers and certificates in the fiscal year; or

The number of public housing units that 1) are in public housing projects located in census tracts having a poverty rate of 30% or more, and 2) are made available for occupancy by and actually occupied in that year by, families other than extremely low- income families.

The Fungibility Floor: Regardless of the above two amounts, in a fiscal year, at least 30% of the PHA's admissions to public housing will be to extremely low-income families. The fungibility floor is the number of units that cause the PHA's overall requirement for housing extremely low- income families to drop to 30% of its newly available units.

Combining Low and Very Low-Income Family Admissions

Once the PHA has exceeded the 40% targeted income requirement for new admissions of extremely low-income families, the PHA will fill the remaining 60% of its new admission units with both low and very low-income families.

4-F. UNITS DESIGNATED FOR THE ELDERLY

In accordance with the 1992 Housing Act, elderly families with a head, spouse or sole member at least 62 years of age may receive a preference for admission to such units or buildings covered by a HUD-approved Allocation Plan, except for the units which are accessible, which may be offered to persons with disabilities.

The PHA may take the following action when processing families for developments designated for the elderly:

- When there are insufficient elderly families who wish to reside in a development, near- elderly families (head or spouse ages 50-61) receive a preference for this type of unit.
- When there are insufficient elderly or near-elderly families who wish to reside in a development, and units are ready for leasing more than 60 days, all other family types are eligible for such units.
- Families with members who require a unit with accessible features may receive preference for such units over families who do not require such features.

Procedure to Be Used When There Are Insufficient Applicants on the List

When there are insufficient applicants on the waiting list for the elderly-designated development, the development will contact applicants on other waiting lists to determine their interest in applying for the waiting list of the development with insufficient applicants on it. If an interested elderly family is located, the housing management staff of the development with no waiting list will place the applicant on its waiting list, also, and contacted to verify their preference and complete a full application when their name is close to the top of the waiting list.

Where the PHA anticipates that there are insufficient elderly or near-elderly families on the waiting list

for these units the PHA will notify local senior service centers and local media sources aimed at the elderly] to recruit elderly families for the waiting list for these projects.

When there are no elderly applicants from other sites interested in the elderly-designated development, after conducting outreach, near-elderly applicants who are 50-62 years of age can be admitted to the elderly-designated development. If there are no near-elderly applicants on the list, the development housing management staff will contact near elderly applicants on other development lists to determine interest and add to their list, if applicable.

When there are no near-elderly applicants from other sites interested in the elderly-designated development, after conducting outreach, single applicants who are below 50 years of age can be admitted to the elderly-designated development.

4-G. UNITS DESIGNATED FOR THE DISABLED

In accordance with the 1992 Housing Act, disabled families with a head, spouse or sole member who qualifies as a person with disabilities as defined in 24 CFR 945.105 will receive a preference for admission to units that are covered by a HUD-approved Allocation Plan.

The PHA has units designed for persons with mobility, sight, and hearing impairments (referred to as accessibility units). These units were designed and constructed specifically to meet the needs of persons requiring the use of wheelchairs and persons requiring other modifications.

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.

4-H. MIXED POPULATION UNITS

A mixed population project is a public housing project or portion of a project that was reserved for elderly families and disabled families at its inception (and has retained that character).

In accordance with the 1992 Housing Act, 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. All other PHA preferences will be applied.

4-I. GENERAL OCCUPANCY UNITS

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

The PHA will use its local preference system as stated in this chapter for admission of eligible families to its general occupancy units.

All families with children, elderly families, and disabled families, will have an admission preference over

"Other Singles."

The PHA will treat all single applicants who are not elderly or disabled as they would any other family for admission purposes.

4-J. DECONCENTRATION OF POVERTY AND INCOME-MIXING

It is the intent of the PHA to promote adequate and affordable housing, economic opportunity and a suitable living environment free of discrimination. Tenant selection and assignment for federal public housing shall be made without regard to race, color, religion, ancestry/national origin, sex, familial status, physical or mental disability, marital status, age, or HIV infection. To improve community quality of life and economic vitality, the PHA will implement measures to provide for deconcentration of poverty and income-mixing. The PHA will bring higher income tenants into lower income developments and lower income tenants into higher income developments. Additionally, the PHA will support measures to raise the income of households that currently reside in federal public housing. All measures and incentives that are undertaken to accomplish deconcentration and income-mixing will be uniformly applied.

The PHA's admission policy is designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects.

Gross annual income is used for income limits at admission 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.

The PHA will gather data and analyze, at least annually, the tenant characteristics of its public housing stock, including information regarding tenant incomes, to assist in the PHA's deconcentration efforts.

The PHA will use the gathered tenant incomes information in its assessment of its public housing developments to determine the appropriate designation to be assigned to the project for the purpose of assisting the PHA in its deconcentration goals.

If the PHA's annual review of tenant incomes indicates that there has been a significant change in the tenant income characteristics of a particular project, the PHA will evaluate the changes to determine whether. Based on the PHA methodology of choice, the project needs to be redesignated as a higher or lower income project or whether the PHA has met the deconcentration goals and the project needs no particular designation.

Deconcentration and Income-Mixing Goals

Admission policies related to the deconcentration efforts of the PHA do not impose specific quotas. Therefore, the PHA will not set specific quotas, but will strive to achieve deconcentration and income-mixing in its developments.

The PHA's income-mixing goal is a long-range goal and may not be achieved in the first year of implementation. The PHA will use its annual analysis of its public housing stock and tenant incomes to provide benchmarks for the PHA.

The PHA will add additional sites to its deconcentration goals each year until it has met its desired goal for all of its developments.

Project Designation Methodology

The PHA will determine and compare tenant incomes at the developments listed in this Chapter.

Upon analyzing its findings, the PHA will apply the policies, measures and incentives listed in this Chapter to bring higher income families into lower income developments and lower income families into higher income developments.

The PHA's goal is to have eligible families having higher incomes occupy dwelling units in projects predominantly occupied by eligible families having lower incomes, and eligible families having lower incomes occupy dwelling units in projects predominantly occupied by eligible families having higher incomes.

Families having lower incomes include very low- and extremely low-income families.

When selecting applicant families and assigning transfers for a designated project the PHA will determine whether the selection of the family will contribute to the PHA's deconcentration goals.

The PHA will not select families for a particular project if the selection will have a negative effect on the PHA's deconcentration goals. However, if there are insufficient families on the waiting list or transfer list, under no circumstances will a unit remain vacant longer than necessary.

Method No. 1 - Aggregate Average Method

- The PHA will review the annual resident income of all family sites in the various county jurisdiction and using the incomes of all families in the targeted developments as a baseline, determine the average income of all of its resident families.
- The PHA will designate higher income developments those with average income above the aggregate average.
- The PHA will designate lower income developments those with average income below the aggregate average.

PHA Incentives for Higher Income Families

The PHA will offer certain incentives to higher income families willing to move into lower income projects. The PHA will not take any adverse action against any higher income family declining an offer by the PHA to move into a lower income project.

In addition to maintaining its public housing stock in a manner that is safe, clean, well landscaped and attractive, the PHA may offer the following incentives for higher income families moving into lower income projects:

- PHA may pay for the installation of cable television.

- PHA may pay for the installation of telephone service.
- PHA may pay for utilities hookup.

4-K. VERIFICATION OF PREFERENCE QUALIFICATION [24 CFR 5.415]

The family may be placed on the waiting list upon their certification that they qualify for a preference. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.

The PHA will verify all preference claims at the time they are made.

The PHA will re-verify a preference claim, if the PHA feels the family's circumstances have changed, at time of selection from the waiting list.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list and ranked without the Local Preference and given an opportunity for a review.

If at the time the family applied, the preference claim was the only reason for placement of the family on the waiting list and the family cannot verify their eligibility for the preference as of the date of application, the family will be removed from the list.

When the PHA anticipates that the family will be notified in the near future to complete a full application, the family will be sent a Preference Verification letter to the applicant's last known address, requesting verification of the family's preference. The PHA will verify the preference before the applicant's interview is conducted.

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the PHA in writing when their circumstances change. When an applicant claims an additional preference, s/he will be placed on the waiting list in the proper order of their newly claimed preference.

4-L. PREFERENCE DENIAL [24 CFR 5.415]

If the PHA denies a preference, the PHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal meeting. The applicant will have 14 days to request the meeting in writing/or by phone. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the waiting list with notification to the family.

4-M. OFFER OF PLACEMENT ON THE SECTION 8 WAITINGLIST

The PHA will not merge the waiting lists for public housing and Section 8. However, if the Section 8 waiting list is open when the applicant is placed on the public housing list, the PHA must offer to place the family on both lists. If the public housing waiting list is open at the time an applicant applies for Section 8, the PHA must offer to place the family on the public housing waiting list.

4-N. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 960.204(a)]

An applicant will be removed from the waiting list if:

- The applicant requests the applicant's name be removed;
- The applicant fails to notify the HPHA of applicants continued interest in housing at least once every 12 months;
- The applicant no longer meets eligibility criteria;
- The applicant fails to respond to HPHA's reasonable contact efforts. Correspondence to the last known address will constitute reasonable effort to contact.
- The applicant fails without good cause to keep a scheduled interview or to provide requested information necessary to determine eligibility; or
- The applicant misrepresents any material information to the HPHA in the application or otherwise.

4-O. OFFER OF ACCESSIBLE UNITS

The PHA has units designed for persons with mobility, sight, and hearing impairments, referred to as accessible units.

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

Before offering a vacant accessible unit to a non-disabled applicant, the PHA will offer such units:

To an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

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

(See Chapter 9, Leasing)

4-P. PLAN FOR UNIT OFFERS

The selection of applicants and assignment of dwelling units will assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, marital status, creed, national or ethnic origin, age, familial status, handicap or disability or HIV infection.

The PHA will offer a unit of the appropriate size to the first qualified applicant in sequence on the waiting list. The applicant will be afforded 3 offers of a suitable unit before they are removed from the waiting list.

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

4-Q. CHANGES PRIOR TO UNIT OFFER

Changes that occur during the period between removal from the waiting list and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal hearing when applicable (See Chapter 17-2028, Hawaii Administrative Rules, for the HPHA's informal hearing procedures)

4-R. APPLICANT STATUS AFTER FINAL UNIT OFFER

When an applicant rejects the final unit offer, the PHA will remove the applicant's name from the waiting list. Removal from the waiting list means the applicant must reapply.

4-S. TIME-LIMIT FOR ACCEPTANCE OF UNIT

Applicants must accept a unit offer within three (3) working days of the date the offer is made. Offers made over the telephone will be confirmed by letter. If unable to contact an applicant by telephone, the PHA will send a letter.

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 or drop out of an educational institution or a job training program;
- Presence of lead paint in the unit offered when the applicant has children under the age specified by current law;
- The family demonstrates to the PHA'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. The PHA shall not lease a unit to a family whose occupancy will overcrowd or underutilize the unit.

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

4-T. 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, the PHA will follow the applicable policy as listed in sections 4-N. and 4-O.

4-U. PERMANENT DENIAL OF MANUFACTURERS/PRODUCERS OF METHAMPHETAMINES AND SEX OFFENDERS

The PHA will permanently deny admission to persons who are:

- Subject to lifetime registration requirements under a state sex offender's lifetime registration program; or
- Convicted of manufacturing/distributing methamphetamines ("speed or ice").

Chapter 5

OCCUPANCY GUIDLINES

INTRODUCTION

The Occupancy Guidelines are established by the PHA 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. This is not to be confused with the PHA's occupancy standards which is based in accordance with prevailing zoning and County building, health and fire codes.

5-A. DETERMINING UNIT SIZE

The PHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. The PHA's Occupancy Guideline standards for determining unit size shall be applied in a manner consistent with Fair Housing guidelines; the federal Fair Housing Act; Chapter 515, Hawaii Revised Statutes; and section 12-46-307, Hawaii Administrative Rules.

For occupancy standards, an adult is a person 18 years or older.

All guidelines in this section relate to the number of bedrooms in the unit. Dwelling units will be so assigned that:

- One bedroom will generally be assigned for every two family members. The PHA will consider factors such as family characteristics including sex, age, or relationship. the number of bedrooms and size of sleeping areas or bedrooms and the overall size of the dwelling unit. Consideration will also be given for medical reasons and the presence of a live-in aide.
- Single person families shall be allocated one bedroom.

Guidelines for Determining Bedroom Size for Waiting List

Bedroom Size	Persons in Household (Minimum #)	Persons in Household (Maximum #)
0 Bedroom	-	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10

5-B. EXCEPTIONS TO WAITLIST GUIDELINES

The PHA will grant exceptions from the guidelines in cases where it is the family's request or the PHA 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:

- Applicants may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, as long as the unit is not overcrowded according to local codes. The family must agree not to request a transfer until their family composition changes.
- For a three-person family that includes two adults and an infant, the PHA may allow the family to lease a one-bedroom unit in a desired general occupancy project.
- The PHA may offer a family a unit that is larger than required by the PHA's occupancy standards, if the waiting list is short of families large enough to fill the vacancy. The family may request to be placed on a larger bedroom size waiting list than indicated by the PHA's occupancy guidelines. The request must explain the need or justification for a larger bedroom size and must be verified by the PHA before the family is placed on the larger bedroom size list. The PHA will

consider these requests:

Person with Disability

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

- All members of the family residing in the unit must be approved by the PHA. 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, or where the child is domiciled with the family based on written or unwritten permission from the legal parent or other person having legal custody of a minor, such as a hanai relationship, or when the family is in the process of securing legal custody of a minor child or children and the child is or children are domiciled with the family, in which case the family must inform the PHA within seven (7) days.
- To avoid vacancies, the PHA 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.

5-C. ACCESSIBLE UNITS

The PHA has units designed for persons with mobility, sight, and hearing impairments. These units were designed and constructed specifically to meet the needs of persons requiring the use of wheelchairs and persons requiring other modifications.

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 applicants have been considered.

Accessible units will be offered and accepted by non-mobility impaired applicants only with the understanding that such applicants 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 housing and is determined eligible.

5-D. FAMILY MOVES

When a change in the circumstances of a tenant family requires another unit size, the family's move depends upon the availability of a suitable size and type of unit. If the unit is not available at the time it is requested, the family will be placed on the Transfer List.

The unit considerations in this section should be used as a guide to determine whether and when the bedroom size should be changed. If an unusual situation occurs, which is not currently covered in this policy, the case should be taken to the manager who will make determination after review of the situation, the individual circumstances, and the verification provided.

See chapter on Re-certifications for changes in unit size for tenants.

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.

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. The formula for the calculation of TTP is specific and not subject to interpretation. The PHA's policies in this Chapter address those areas which allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

6-A. RENT

The minimum rent for this PHA is \$0.

The family has a choice of rent.

- A Total Tenant Payment which is the greatest of:
 - 30% of the adjusted monthly income;
 - 10% of the gross monthly income; or
 - The minimum rent. (The minimum rent refers to a minimum total tenant payment and not a minimum tenant rent.)

OR

- Flat Rent which shall be determined by the fair market rents (FMR) established by HUD, annually, pursuant to 24 CFR 888.113. These fair market rents which include utilities (exclusive of telephone and cable TV), are established for dwelling units of various sizes.

The Total Tenant Payment does not include charges for excess utility consumption or other charges.

6-B. INCOME AND ALLOWANCES

Income: The types of money, which are to be used as income for purposes of calculating the TIP are defined by HUD in federal regulations. In accordance with this definition, income from all sources of each member of the household is documented. (See Income Inclusions and Income Exclusions in the Glossary of Terms of this policy.)

Annual Income [24 CFR 5.609]

- (a) Annual income means all amounts, monetary or not, which:
 - (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
 - (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
 - (3) Which are not specifically excluded in paragraph (c) of this section.
 - (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.
- (b) Annual income includes, but is not limited to:
 - (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 the 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 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 deductions in

- determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of 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 all 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 amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(9) of this section);
 - (5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);
 - (6) Welfare assistance. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income 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 reduced from the standard of need by applying a percentage, the amount calculated under this paragraph (b)(6)(ii) shall be the amount resulting from one application of the percentage;
 - (7) Periodic and determinable allowances, such as alimony and child support payments, regular contributions or gifts received from organizations or from persons not residing in the dwelling;
 - (8) All regular pay, special pay, and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section).
- (c) Annual income does not include the following:
- (1) Income from employment of children (including foster children) under the age of 18 years of age;
 - (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
 - (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 (except as provided in paragraph (b)(5) of this section);
 - (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 in 24 CFR 5.403;
 - (6) 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 in the Armed Forces who is exposed to hostile fire;
 - (8) (i) Amounts received under training programs funded by HUD; (ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS); (iii) 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; (iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, 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; (v) 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);
- (10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- (11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- (12) Adoption assistance payments in excess of \$480 per adopted child.
- (13) The incremental earnings and benefits to any resident: 1) whose annual income increases due to employment of a family member who was unemployed for one or more years previous to employment; or 2) whose annual income increases as the result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or 3) whose annual income increases due to new employment or increased earnings of a family member during or within six months of receiving state-funded assistance, benefits or services, will not be increased during the exclusion period. For purposes of this paragraph, the following definitions apply:
 - (i) State-funded assistance, benefits or services means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering Temporary Assistance for Needy Families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance-provided that the total amount over a six-month period is at least \$500.
 - (ii) During the 12 month period beginning when the member first qualifies for a disallowance, the PHA must exclude from Annual Income any increase in income as a result of employment. For the 12 months following the exclusion period, 50% of the income increases shall be excluded.
 - (iii) Regardless of how long it takes a resident to work for 12 months (to qualify for the first exclusion) or the second 12 months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is 48 months.
 - (iv) The disallowance of increased income under this section is only applicable to current residents and will not apply to applicants who have begun working prior to admission (unless their earnings are less than would be earned working ten hours per week at minimum wage, under which they qualify as unemployed.)
- (14) Deferred periodic amounts from supplemental security income and social security

- benefits that are received in a lump sum amount or in prospective monthly amounts;
- (15) 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;
 - (16) Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
 - (17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in the above list of excluded income apply. The following list of benefits is excluded income:
 - (i) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 [7 USC 2017 (h)];
 - (ii) Payments to volunteers under the Domestic Volunteer Service Act of 1973 [42 USC 5044 (g), 5088]; Examples of programs under this Act include but are not limited to:
 - (a) The Retired Senior Volunteer Program (RSVP);
 - (b) Foster Grandparent Program (FGP);
 - (c) Senior Companion Program (SCP);
 - (d) The Older American Committee Service Program; and
 - (e) National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs.
 - (iii) Small Business Administration Programs, such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE);
 - (iv) Payments received under the Alaska Native Claims Settlement Act [43 USC 1626 (a)];
 - (v) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes [25 USC 459e];
 - (vi) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program [42 USC 8624 (f)];
 - (vii) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 USC 1552 (b));
 - (viii) Income derived from the disposition of funds of the Grand River Band of Ottawa Indians [Pub. L. 94-540, 90 Stat 2503-04]; and
 - (ix) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims [25 USC 1407-08), or from funds held in trust for an Indian Tribe by the Secretary of Interior [25 USC 117 (b), 1407]
 - (18) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs [20 USC 1087 (uu)]. Examples of Title IV programs include but are not limited to:
 - (i) Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.
 - (ii) Payments received from programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)]: Examples of programs under this act include but are not limited to:

- (a) Senior Community Services Employment Program (CSEP);
 - (b) National Caucus Center on the Black Aged;
 - (c) National Urban League;
 - (d) Association National Pro Personas Mayors;
 - (e) National Council on Aging;
 - (f) American Association of Retired Persons;
 - (g) National Council on Senior Citizens; and
 - (h) Green Thumb.
- (iii) Payments received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established in the Agent Orange product liability litigation;
 - (iv) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420, 94 Stat. 1785);
 - (v) The value of any childcare 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 USC 9858 (q)];
 - (vi) Earned income tax credit refund payments received on or after 1/1/91 [26 USC 32 U)];
 - (vii) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
 - (viii) Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990;
 - (ix) Any allowance paid under the provisions of 38 USC 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran;
 - (x) 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; and
 - (xi) Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998

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

6-C. ALLOWABLE DEDUCTIONS AND OTHER ALLOWABLE EXCLUSIONS [24 CFR 5.611]

Adjusted income means annual income (as determined by the responsible entity) of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:

- (a) Mandatory deductions. In determining adjusted income, the responsible entity must deduct the following amounts from annual income:
 - (1) \$480 for each dependent;
 - (2) \$400 for any elderly family or disabled family;
 - (3) The sum of the following, to the extent the sum exceeds three percent of annual income: (i) Unreimbursed medical expenses of any elderly family or disabled family; and (ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18

years of age or older who are able to work because of such attendant care or auxiliary apparatus; and

- (4) Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.
- (b) Permissive deductions--for public housing only. For public housing only, a PHA may adopt additional deductions from annual income. The PHA must establish a written policy for such deductions.

PHA shall adopt all mandatory HUD Income Exclusions.

6-D. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, the PHA will annualize current income and conduct an interim reexamination if income changes.

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

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

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

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

6-E. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income are required to complete a written certification every three months. See attached form.

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

The PHA will request credit checks for all adult members of families that report zero income.

Where credit reports show credit accounts open and payments current, the PHA will take action to investigate the possibility of fraud or program abuse.

6-F. INCOME OF PERSON PERMANENTLY 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, the PHA will calculate the Total Tenant Payment by:

- Including the income of the person permanently confined to the nursing home and giving the family the medical deductions allowable on behalf of the person in the nursing home.

6-G. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609(a)(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 twelve (12) months or more frequently will be considered a "regular" contribution or gift unless the amount is less than one hundred dollars (\$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, the PHA will make inquiry of the family about contributions and gifts.

6-H. ALIMONY AND CHILD SUPPORT [24 CFR 5.609(a)(7)]

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

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

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

- The HPHA 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 a certified copy of the divorce decree.

6-I. 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.

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

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt

- The PHA uses a calculation method which calculates retroactively or prospectively depending on

the circumstances.

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.

Retroactive Calculation Methodology

The family must pay this "retroactive" amount to the PHA in a lump sum.

At the PHA's option, the PHA may enter into a Repayment Agreement with the family. The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

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

6-J. 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.

6-K. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

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

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

The PHA's minimum threshold for counting assets disposed of for less than Fair Market value is \$1,000. If the total value of assets disposed of within a one-year period is less than \$1,000, they will not be considered an asset.

6-L. CHILD CARE EXPENSES

Un-reimbursable childcare expenses for children under 13 may be deducted from annual income if they enable an adult to work, attend school full time, or actively seek employment.

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

Childcare expenses must be reasonable. Reasonable is determined by what the average childcare rates are in the PHA's jurisdiction.

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

Childcare to work: The maximum childcare expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Childcare for school: The number of hours claimed for childcare may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).

- **Amount of Expense:** The PHA will survey the local care providers in the community to determine what is reasonable. The PHA will use the collected data as a guideline. If the hourly rate materially exceeds the guideline, the PHA may calculate the allowance using the guideline.

6-M. 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, 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.

Acupressure, acupuncture, and related herbal medicines will not be considered allowable medical expenses.

Chiropractic services will be considered allowable medical expenses.

6-N. 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.

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

Prorated Assistance Calculation

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

TTP will be calculated by:

- Dividing the Family Maximum Subsidy by the number of persons in the family to determine Member Maximum Subsidy.
- Multiplying the Member Maximum Subsidy by the number of eligible family members to determine Eligible Subsidy.
- Subtracting the amount of Eligible Subsidy from the applicable Maximum Rent for the unit the family occupies to get the family's Revised Total Tenant Payment.

6-O. REDUCTION IN BENEFITS

See Chapter 11 entitled "Recertifications" Item D for reduction in welfare benefits.

6-P. 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, the PHA will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant.

6-Q. EXCESS UTILITY PAYMENTS

Need to Address Individual Relief [24 CFR 965.502]

Residents in units where the PHA pays the utilities may be charged for excess utilities if additional appliances or equipment are used in the unit. This charge shall be applied as specified in the lease. [24 CFR 966.4(b)(2)]

6-R. FLAT RENTS

Fair Market Rent as a Basis for Flat Rents

The PHA will set flat rents to some of its public housing units using as a basis the current fair market rent for units comparable in size in the area in which each public housing development is located.

The PHA will not set flat rents below the monthly operating cost to operate the units.

Notice to Residents

The PHA will provide thirty (30) day notice to all families affected by any new flat rent policies.

Chapter 7

VERIFICATION

[24 CFR 960.259, 24 CFR 5.230]

INTRODUCTION

The PHA 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 PHA must not pass on the cost of verification to the family.

The PHA will follow the verification guidance provided by HUD in PIH Notice 2010 – 19 (HA) Administrative Guidance for Effective and Mandated Use of the EIV System (extended by PIH Notices 2011-25 and 2012-26) and any subsequent mandatory changes or extensions issued by HUD. This chapter summarizes those requirements and provides supplementary PHA 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 PHA.

PART I: GENERAL VERIFICATION REQUIREMENTS

7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230]

The family must supply any information that the PHA or HUD determines is necessary to the administration of the program and must consent to PHA verification of that information.

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 PHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). 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 PHA 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 PHA procedures.

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

The PHA will follow the verification guidance provided by HUD in PIH Notice 2010-19 and any subsequent guidance issued by HUD.

Implementation of the Enterprise Income Verification (EIV) System

PHAs must use all features of the EIV system to:

- a. 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
- b. Reduce administrative and subsidy payment errors in accordance with HUD administrative guidance.

HUD's Verification Hierarchy

HUD authorizes the PHA to use five methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires the PHA to use the most reliable form of verification that is available and to document the reasons when the PHA uses a lesser form of verification.

HUD recommends PHAs to begin with the highest level of verification techniques. HUD requires PHAs to access the EIV system and obtain an Income Report for each household and 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, HUD recommends that the PHA attempt the next lower level verification technique, as noted in the below chart.

PHA Policy

The PHA will use the forms of verification as required or recommended by HUD as follows:

The PHA must begin with the highest level of verification techniques.

The PHA must access the EIV system and obtain an Income Report for each household. The PHA must 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 PHA will attempt the next lower-level verification technique, as noted in the below chart.

<u>Level</u>	<u>Verification</u>	<u>Technique Ranking</u>
6	Upfront Income Verification (UIV) Using HUD's Enterprise Income Verification (EIV) System	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	Medium-Low (Mandatory if written third party Verification Form verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation)
2	Oral Third-Party Verification	Low (Mandatory if written third party verification is not available)
1	Tenant Declaration	Low (Use as a last resort when unable to obtain any type of third-party verification)

Note: This verification hierarchy applies to income determinations for applicants and participants. However, EIV is not available for verifying income of applicants.

Each of the verification methods is discussed in subsequent sections below.

Requirements for Acceptable Documents

PHA Policy

Any documents used for verification must be the original (not photocopies) and must be dated within 60 calendar days preceding the agency’s request date. For applicants and participants, they are valid for one hundred twenty (120) days from date of receipt. The documents must not be damaged, altered or in any way illegible.

The PHA will accept documents dated up to 6 months before the effective date of the family's reexamination if the document represents the most recent scheduled report from a source. For example, if the holder of a pension annuity provides semi-annual reports, the PHA would accept the most recent report.

Printouts from web pages are considered original documents.

The PHA staff member who views the original document must make a photocopy, annotate the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy.

Any tenant declaration must be made in a format acceptable to the PHA and must be signed in the presence of a notary public.

File Documentation

The PHA must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family’s file in sufficient detail to demonstrate that the PHA has followed all of the verification policies set forth in this plan. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

Verification of Minors Domiciled with Applicant or Tenant

The PHA requires verification to prevent fraud and ensure that the applicant or tenant is not claiming a minor who will not actually reside in the unit.

An applicant or tenant shall certify that the household is the primary residence of the minor by completing the “Verification Form for Minor Child Domiciled with Applicant or Tenant” (“Verification Form”). If any of the information listed in the Verification Form relates to an adult member of the household who is not the head of household, co-head, or spouse, that adult must also certify on the Verification Form that the information is correct. The applicant or tenant shall provide any of the following to show proof of authority to include the minor in the household:

- Birth certificate (showing the minor was born to the applicant, tenant, or a member of the applicant’s or tenant’s household);
- Adoption documents (showing the minor was adopted by the applicant, tenant, or a member of the applicant’s or tenant’s household);
- Court-awarded custody or legal guardianship documents (showing that the applicant, tenant, or a member of the applicant’s or tenant’s household has custody or guardianship of the minor);
- Written permission from the legal parent or person having legal custody of the minor for the minor to be domiciled with the applicant, tenant, or adult member of the applicant’s or tenant’s household, such as an affidavit or power-of-attorney;
- Written certification, on the Verification Form, that the applicant, tenant, or adult member of the applicant’s or tenant’s household has unwritten (verbal) permission from the legal parent or person having legal custody of the minor for the minor to be domiciled with the applicant, tenant, or adult member of the household. The applicant, tenant, or adult member of the household must also provide the name of the legal parent or legal custodian who gave the unwritten permission, and if available, that parent’s or legal custodian’s contact information;
- Document(s) showing that the applicant, tenant, or adult member of the applicant’s or tenant’s household is in the process of securing legal custody of the minor; or
- For a foster child, documentation from a state or local government agency responsible for the placement of the child with the household.

In the event that multiple public housing households claim that a minor is domiciled with them, the PHA may require the following to verify the primary residence of the minor:

- (1) Third party proof that the subsidized household is the primary residence of the minor, such as the minor’s school records, receipt of TANF assistance, or documentation from a government agency showing the minor’s place of residence;
- (2) In the absence of, or conflicting third-party proof, the PHA may require proof of court-awarded physical custody of the minor, or in the cases of shared custody, proof of which person was awarded more than 50% physical custody; and
- (3) In the event that both households share 50% physical custody of the minor, the households shall settle the dispute amongst themselves as to which household will include the minor on the lease agreement and claim the dependent rent deduction. If the households are unable to agree, the PHA may require the households to obtain a court order showing which household is entitled to add the minor to the lease agreement and claim the dependent rent deduction.”

7-I.C. VERIFICATION TECHNIQUES

Verification Technique Definitions

Third Party Verification Techniques

Upfront Income Verification (UIV) (Level 6/5): UIV is 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 all PHAs as a UIV technique. In addition, PHAs are 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.

PHA Policy

The PHA will inform all applicants and participants of its use of the following UIV resources during the admission and reexamination process:

HUD's EIV system (when it is available to the PHA) The Work Number

Hawaii Automated Welfare Information (HAWI)

The PHA must restrict access to and safeguard UIV data in accordance with HUD guidance on security procedures, as issued and made available by HUD.

There may be legitimate differences between the information provided by the family and UIV- generated information. No adverse action can be taken against a family until the PHA has independently verified the UIV information and the family has been granted an opportunity to contest any adverse findings through the informal review/hearing process of the PHA.

Use of HUD's Enterprise Income Verification (EIV) System

HUD's EIV system contains data showing earned income, unemployment benefits, Social Security and SSI benefits for participant families. HUD requires the PHA to use the EIV system when available. The following policies will apply when the PHA has access to HUD's EIV system.

The EIV system contains two main components: tenant income data reports and "exceeds threshold" reports.

Tenant Income Data (TID) Reports

The data shown on TID reports is updated quarterly. Data may be between 3 and 6 months old at the time reports are generated.

PHA Policy

The PHA will obtain TID reports for annual reexaminations. Reports will be generated as part of the regular reexamination process.

All earned income will be verified by third party verification in order to project annual income. If unable to verify directly with the third party, the verification hierarchy will be followed pursuant

to 7-I.B.

TID reports will be used in interim reexaminations when it is necessary to verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits.

TID reports will be retained in participant files with the applicable annual or interim reexamination documents.

When the PHA determines through TID reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 14, Program Integrity.

Income Discrepancy Reports (IDRs)

The IDR is a tool for identifying families who may have concealed or under-reported income. Data in the IDR represents income for past reporting periods and may be between 6 months and 30 months old at the time IDRs are generated.

Families who have not concealed or under-reported income may appear on the IDR in some circumstances, such as loss of a job or addition of new family members.

PHA Policy

The PHA will generate and review IDRs on a monthly basis. The IDR threshold percentage will be set at 100% each month.

In reviewing IDRs, the PHA will begin with the largest discrepancies.

When the PHA determines that a participant appearing on the IDR has not concealed or under-reported income, the participant's name will be placed on a list of "invalid" reviews. To avoid multiple reviews in this situation, participants appearing on this list will be eliminated from IDR processing until a subsequent interim or annual reexamination has been completed.

When it appears that a family may have concealed or under-reported income, the PHA will request third-party written verification of the income in question.

When the PHA determines through IDR review and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 14, Program Integrity.

EIV Identity Verification

The EIV system verifies tenant identities against SSA records. These records are compared to PIC data for a match on Social Security number, name, and date of birth.

When identity verification for a participant fails, a message will be displayed within the EIV system, and no income information will be displayed.

PHA Policy

The PHA will identify participants whose identity verification has failed as part of the annual

reexamination process.

The PHA will attempt to resolve PIC/SSA discrepancies by reviewing file documents. When the PHA determines that discrepancies exist due to PHA errors such as spelling errors or incorrect birth dates, the errors will be corrected promptly.

PHA will inform tenant in writing to correct discrepancy with SSA records.

Written Third Party Verification (Level 4): Written Third Party Verification is an original or authentic document generated by a third-party source dated either within the 60-day period preceding the reexamination or PHA request date. Such documentation may be in the possession of the tenant (or applicant) and is commonly referred to as tenant-provided documents. HUD accepts such tenant-provided documents as written third party verification since these documents originated from a third-party source. The PHA 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. 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, HUD recommends the PHA to project income based on the information from a traditional written third-party verification form or the best available information.

Note: 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, Written Third Party Verification Form is a standardized form to collect information from a third-party source. The form is completed by the third party by hand (in writing or typeset). PHAs send the form directly to the third-party source by mail, fax, or email.

HUD acknowledges that the administrative burden and risk associated with use of the traditional third-party verification form may be reduced by PHAs 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.).

HUD 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.

HUD requires PHAs to rely on documents that 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. HUD recommends PHA staff to 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 confirmed information.

This verification method is commonly used in the event that the independent source does not respond to the PHA'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 declaration is a submission of an affidavit or notarized statement of reported income and/or expenses to the PHA. HUD recommends that this verification method be used as a last resort when the PHA has not been successful in obtaining information via all other verification techniques. When the PHA relies on tenant declaration, the PHA must document in the tenant file why third-party verification was not available.

PHA Policy

The tenant declaration must be made in a format acceptable to the PHA, signed by the family member whose information or status is being verified, and be signed in the presence of a notary public.

Exceptions to Third Party Verification Requirements

HUD requires PHAs to obtain and document in the family file third party verification of certain factors, or to document in the file why third-party verification was not available." (24 C.F.R. §960.259(c)(1) and §982.516(a)(2)) However, in situations where third party verification is not available for a variety of reasons even after making 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, the PHA is required to document in the family file the reason(s) why third party verification was not available. The factors that this requirement applies to are: (i) reported family annual income; (ii) the value of assets; (iii) expenses related to deductions from annual income; and (iv) other factors that affect the determination of adjusted income. (24 C.F.R. §960.259(c)(1) and §982.516(a)(2))

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

Reasonable Effort and Timing

Unless third-party verification is not required as described below, HUD requires the PHA to make at least two unsuccessful attempts to obtain third-party verification before using another form of verification [VG, p. 15].

PHA Policy

The PHA 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 PHA 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 PHA will send a written request for verification to each required source and allow the source 10 calendar days to respond in writing. If a response has not been received by the due date specified, the PHA will request third-party verification, which may be oral.

The PHA will make a minimum of two documented 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, PHA 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 Third-Party Information is Late

In situations where third-party verification has been requested and the timeframes for submission have been exceeded, the PHA will use the next form of verification available on a provisional basis. If the PHA 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 PHA will conduct a correction to the reexamination to adjust the figures used for the reexamination if the difference in amount is over \$200 or is for a new income source.

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

The PHA will accept a self-certification from a family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28].

The PHA 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 [VG, p. 15].

PHA Policy

For any family declaring assets valued at \$5,000 or less the PHA will accept both the value of the assets and the amount the assets are expected to produce from the Family Annual/Update Report form, when this method is allowed by HUD. No other documentation or verification is required by the family or the PHA. The HPHA's application and reexamination documentation, which is signed by all adult family members, will serve as the declaration. (Effective until March 31, 2014.)

Certain Income, Asset and Expense Sources

The PHA 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 [VG, p. 15]. For example, the PHA will rely upon review of documents when the PHA determines that a third party's privacy rules prohibit the source from disclosing information.

PHA Policy

The PHA 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 PHA will pay the service charge required to obtain third-party verification, unless it is not cost effective. The cost of verification will not be passed on to the family. To determine the cost effectiveness, the actual administrative cost must be greater than the asset income. You will be allowed to use the documents provided by the applicant/tenant. However, if the prospective asset income is greater than the administrative cost, you must secure third party asset verification. Actual administrative cost is determined by the cost to do business, plus the cost or service fee the institution charges our agency. In determining the base administrative cost, it has been determined that it will cost HPHA \$22.00 in employee time and miscellaneous expenses. The following has been used to determine this number:

Base Administrative Cost (BAC) has been determined by:

Time for process:	1 hour
Employee wages:	\$15.00
Mileage cost:	<u>\$7.00</u>
Base Administrative Cost:	\$22.00

The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost [VG, p. 18].

7.I.E. THIRD-PARTY VERIFICATION REQUIREMENTS

For employment, wage, unemployment compensation and social security benefits, and any other information that is verifiable using EIV, the PHA can:

- Review the EIV Income Report to confirm/validate tenant-reported income; and
- Print and maintain an EIV Income Report (or an EIV Individual Control Number (ICN) page for interim reexaminations as prescribed in Section 12 of this Notice) in the tenant file; and
- Obtain current acceptable tenant-provided documentation to supplement EIV information; and
- Use current tenant-provided documentation and/or third-party verification to calculate annual income.

The PHA may rely on acceptable documents that are generated by a third party, but provided by the tenant, such as those derived from third party sources (i.e., employers, federal, state and/or local agencies, banks, etc.).

Written third party verification is required under the following circumstances:

- a. When the tenant disputes the EIV information and is unable to provide acceptable documentation

- to support his/her dispute (24 CFR §5.236(b));
- b. When the PHA requires additional information that is not available in EIV and /or the tenant is unable to provide the PHA with current acceptable tenant-provided documentation. Examples of additional information, includes but is not limited to:
 - i. Effective dates of income (i.e., employment, unemployment compensation, or social security benefits)
 - ii. For new employment: pay rate, number of hours worked per week, pay frequency, etc.
 - iii. Confirmation of change in circumstances (i.e., reduced hours, reduced rate of pay, temporary leave of absence, etc.)

Required file documentation

- A. For each new admission (form HUD-50058 action type 1), the PHA is required to do the following:
 - i. Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
 - ii. Print and maintain a copy of the EIV Income Report in the tenant file; and
 - iii. Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.
- B. For each historical adjustment (form HUD-50058 action type 14), the PHA is required to do the following:
 - i. Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
 - ii. Print and maintain a copy of the EIV Income Report in the tenant file; and
 - iii. Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.
- C. 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:
 - i. ICN Page when there is no household income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report.
 - ii. EIV Income Report when there is an income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report.
- D. For each annual reexamination of family income and composition, the PHA is required to have the following documentation in the tenant file:
 - i. 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).
 - ii. Disputed EIV Information: EIV Income report, current acceptable tenant provided documentation, and/or traditional third-party verification form(s) for disputed information.
 - iii. 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).

PART II: VERIFYING NON-FINANCIAL FACTORS

7-II.A. VERIFICATION OF LEGAL IDENTITY

PHA Policy

The PHA 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	Certificate of birth Adoption papers
Church issued baptismal certificate	Custody agreement
Current, valid driver's license or Department of Motor Vehicles identification card	Health and Human Services ID
U.S. military discharge (DD 214)	School records
U.S. passport	HAWI
Employer identification card	
HAWI	
State identification card	
Alien cards	
Hospital certificate	

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 PHA’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 PHA and be signed in the presence of a PHA representative or PHA notary public.

Legal identity will be verified on an as needed basis.

7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and HCV GB, p. 5-12]

For every family member aged 6 or older, the family must provide documentation of a valid social security number (SSN), or a self-certification stating that no SSN has been issued. The self-certification must be executed personally by any family member 18 or older, or by a parent or guardian for a minor.

PHA Policy

The PHA will also accept the following documents as evidence if the SSN is provided on the document:

Driver's license

Other identification card issued by a federal, state, or local agency, a medical insurance company or provider, or employer or trade union

HAWI

Benefit award letters from government agencies; retirement benefit letters; life insurance policies

Court records (real estate, tax notices, marriage and divorce, judgment, or bankruptcy records)

If the family reports an SSN but cannot provide acceptable documentation of the number, the PHA will require a self-certification stating that documentation of the SSN cannot be provided at this time. The PHA 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.

PHA Policy

The PHA 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 PHA 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. In addition, if a child reaches the age of 6 and has no SSN, the parent or guardian must execute a self-certification stating that the child has no SSN at the next regularly scheduled reexamination.

The social security numbers of household members, such as live-in aids, must be verified for the purpose of conducting criminal background checks.

7-II.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.

PHA Policy

If an official record of birth or evidence of social security retirement benefits cannot be provided, the PHA 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 to provide a self-certification.

Age must be verified only once during continuously assisted occupancy.

7-II.D. VERIFICATION OF ABSENCE OF ADULT MEMBER

PHA Policy

If an adult member who is a member of the household is reported to be permanently absent, the family shall provide a written statement from the adult person to remove him/herself from the household. If unable to obtain a written statement from that adult household member, the family must provide evidence to support that the person is no longer a member of the household (e.g., documentation of another address at which the person resides such as a lease or utility bill, legal separation, order of protection/restraining order obtained by one family member against another, statements from other agencies such as social services that the adult family member is no longer living at that location, a document from the Court or prison should the adult member be incarcerated).

If no other proof can be provided, tenant declaration must be provided by the Head of Household via the Family Update Report.

If a written statement by the adult member requesting his/her removal is not obtained, and the adult member is a lessee, the adult member will be removed from the household on the HUD Form 50058 but will not be removed from the rental agreement.

7-II.E. VERIFICATION OF FOSTER CHILDREN AND FOSTER ADULTS

PHA Policy

Third-party verification from the state or local government agency, legal guardian, etc. responsible for the placement of the individual with the family is required.

7-II.F. VERIFICATION OF STUDENT STATUS

PHA Policy

The PHA 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 cohead, or

The family claims a childcare deduction to enable a family member to further his or her education.

7-II.G. DOCUMENTATION OF DISABILITY

The PHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. The PHA is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. The PHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA will not place this information in the tenant file. Under no circumstances will the PHA 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
- 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].

PHA Policy

For family members claiming disability who receive disability benefits from the SSA, the PHA will attempt to obtain information about disability benefits through the HUD Enterprise Income Verification (EIV) system when it is available, or HUD's Tenant Assessment Subsystem (TASS). If documentation from HUD's EIV System or TASS is not available, the PHA 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 PHA 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 PHA.

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.

PHA Policy

For family members claiming disability who do not receive disability benefits from the SSA, a knowledgeable 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.

7-II.H. 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 PHA 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 [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 PHA may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

PHA Policy

Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless the PHA receives information indicating that an individual's declaration may not be accurate.

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 noncitizens 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. Exhibit 7-1 at the end of this chapter summarizes documents family members must provide.

PHA Verification [HCV GB, pp. 5-3 and 5-7]

For family members aged 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-II.C. of this plan. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, the PHA must verify immigration status with the United States Citizenship and Immigration Services (USCIS).

The PHA will follow all USCIS protocols for verification of eligible immigration status.

7-III. VERIFICATION OF PREFERENCE STATUS

The PHA must verify any preferences claimed by an applicant.

PHA Policy

The PHA will offer a preference to any family that has been determined to be considered Involuntarily Displaced, Victims of Domestic Violence or Homelessness.

The PHA will verify Involuntarily Displacement by:

Statement from the owner of the critical elements that are inaccessible, and that the owner is not going to make the needed modifications or permit the family to make the modifications.

Inspection by PHA to verify inaccessibility of critical elements.

Statement from the owner of the building that the accommodations required will not be made.

If the owner permits the tenant to make the modifications, verification that the family cannot afford the expense.

Determination of Standard Replacement Housing: Inspection by a PHA Inspector.

Displacement by HUD disposition of a project: Written verification from HUD.

The PHA will verify Victims of Domestic Violence by:

Written verification from police, social service agency, court, clergyperson, physician, and/or public or private facility giving shelter and/or counseling to victims.

Verification must be obtained (from a landlord or other source) that the abuser still resides at the unit.

The family must certify that the abuser will not return to the household without the advance written approval of the PHA. Before giving approval, the PHA will require verification of the following:

That the family members involved have been through a counseling program and the service provider believes that reconciliation is likely.

Statement from social worker, psychologist, or other professional familiar with the abuser that he/she has received counseling/treatment and is unlikely to continue the abuse.

Statement from local law enforcement agency that no complaints have been filed since the date of the preference approval.

The PHA will verify Homelessness by:

Verification that family is participating in or graduated from a Homeless or transitional shelter or receiving supportive services housing program.

PART III: 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 PHA policies that supplement the general verification procedures specified in Part I of this chapter.

7-III.A. EARNED INCOME

Wages and Salaries

PHA Policy

Verification forms request the employer to specify the:

- Dates of employment
- Position
- Amount and frequency of pay
- Average number of actual work hours per week based on the past 12 months
- If on commission, base salary, and average commission per month
- Date of the last pay increase
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
- Year to date earnings
- Past income from overtime, tips, and bonus

Tips

PHA Policy

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.

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

PHA Policy

Business owners and self-employed persons will be required to provide:

A statement of income and expenses 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 PHA 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 PHA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.

If a family member has been self-employed less than three (3) months, the PHA 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 PHA will require the family to provide documentation of income and expenses for this period and use that information to project income.

7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

Social Security/SSI Benefits

PHA Policy

To verify the SS/SSI benefits of applicants, the PHA 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 PHA 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 PHA.

To verify the SS/SSI benefits of participants, the PHA will obtain information about social security/SSI benefits through the HUD EIV System or the Tenant Assessment Subsystem (TASS). If benefit information is not available in HUD systems, the PHA 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 PHA 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 PHA.

7-III.D. ALIMONY OR CHILD SUPPORT

PHA Policy

The way the PHA 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.

Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.

If payments are made through a state or local entity, the PHA 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.

Third-party verification from the person paying the support 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.

7-III.E. ASSETS AND INCOME FROM ASSETS

Assets Disposed of for Less than Fair Market Value

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. The PHA needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28].

PHA Policy

The PHA will verify the value of assets disposed of only if:

The total value of the asset is greater than \$1,000; and

The PHA 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 PHA verified this amount. Now the person reports that she has given this \$10,000 to her son. The PHA has a reasonable estimate of the value of the asset; therefore, reverification 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 PHA will verify the value of this asset.

7-III.F. NET INCOME FROM RENTAL PROPERTY

PHA Policy

The family must provide:

A current executed lease for the property that shows the rental amount or certification from the current tenant; and

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 PHA 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.

7-III.G. RETIREMENT ACCOUNTS

PHA Policy

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 PHA 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 PHA 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 PHA 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.

7-III.H. INCOME FROM EXCLUDED SOURCES

A detailed discussion of excluded income is provided in Chapter 6, Part I.

The PHA must obtain verification for income exclusions only if, without verification, the PHA would not be able to determine whether the income is to be excluded. For example: If a family's 16-year-old has a job at a fast-food restaurant, the PHA will confirm that PHA records verify the child's age but will not send a verification request to the restaurant. However, if a family claims the earned income disallowance for a source of income, both the source and the income must be verified.

PHA Policy

The PHA will reconcile differences in amounts reported by the third party and the family only when the excluded amount is used to calculate the family share (as is the case with the earned income disallowance). In all other cases, the PHA will report the amount to be excluded as indicated on documents provided by the family.

7-III.I. ZERO ANNUAL INCOME STATUS

Families claiming to have no annual income will be required to execute verification forms to determine that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household. Families who report zero income are required to complete a written certification every three months.

PART IV: VERIFYING MANDATORY DEDUCTIONS

7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent and elderly/disabled family deductions require only that the PHA 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 (6-II.B.) for a full discussion of this deduction. The PHA will verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse, or cohead of the family and is not a foster child
- Any person aged 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 (6-II.C.) for a discussion of the deduction. The PHA will verify that the head, spouse, or cohead is 62 years of age or older or a person with disabilities.

7-IV.B. MEDICAL EXPENSE DEDUCTION

Policies related to medical expenses are found in 6-II.D. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

PHA Policy

The PHA will provide a third-party verification form directly to the medical provider requesting the needed information.

Medical expenses 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 medical expense payments and/or printouts or receipts from the source will be used. In this case the PHA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The PHA 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.

In addition, the PHA 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 cohead is at least 62, or a person with disabilities. The PHA 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 (7-IV.A.) of this plan.

Qualified Expenses

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. The PHA shall use the current IRS Publication 502 as a guide to determine allowable medical expenses.

Unreimbursed Expenses

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

PHA 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

PHA Policy

When anticipated costs are related to on-going payment of medical bills incurred in past years, the PHA will verify:

The anticipated repayment schedule;

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.

7-IV.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

Attendant Care

PHA Policy

The PHA 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

PHA Policy

Expenses for auxiliary apparatus will be verified through:

Third-party verification of anticipated purchase costs of auxiliary apparatus. If third-party is 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 PHA must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).
- The expense permits a family member, or members, to work (as described in 6-II.E.).
- The expense is not reimbursed from another source (as described in 6-II.E.).

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 PHA will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

Family Member(s) Permitted to Work

The PHA must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

PHA Policy

The PHA 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.

PHA 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.

7-IV.D. 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 PHA 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.
- The costs are reasonable.

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 PHA will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

Unreimbursed Expense

To be eligible for the childcare deduction, the costs must not be reimbursed by another source.

PHA 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.

Pursuing an Eligible Activity

The PHA 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.

PHA Policy

Information to be Gathered

The PHA 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 PHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the PHA will request verification from the agency of the member's job seeking efforts to date and require the family to submit to the PHA any reports provided to the other agency.

In the event third-party verification is not available, the PHA will provide the family with a form on which the family member must record job search efforts. The PHA will review this information at each subsequent reexamination for which this deduction is claimed.

Furthering Education

The PHA 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 PHA 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.

PHA Policy

The PHA will verify that the type of childcare selected by the family is allowable, as described in

Chapter 6 (6-II.F).

The PHA 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 PHA will verify that the childcare provider is not an assisted family member. 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.

PHA Policy

The actual costs the family incurs will be compared with the PHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, the PHA will request additional documentation, as required, to support a determination that the higher cost is appropriate.

**EXHIBIT 7-1: SUMMARY OF DOCUMENTATION REQUIREMENTS FOR NONCITIZENS
[HCV Guidebook, pp. 5-9 and 5-10]**

- All noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to the PHA.
- Except for persons aged 62 or older, all noncitizens must sign a verification consent form.
- Additional documents are required based upon the person’s status.

Elderly Noncitizens

- A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits.

All Other Noncitizens

- Noncitizens that claim eligible immigration status also must present the applicable USCIS document. Acceptable USCIS documents are listed below

- Form I-551 Alien registration Receipt Card (for permanent resident aliens)
- Form I-94 Arrival-Departure Record annotated with one of the following:
 - “Admitted as a Refugee Pursuant to Section 207”
 - “Section 208” or “Asylum”
 - “Section 243(h)” or “Deportation stayed by Attorney General”
 - “Paroled Pursuant to Section 221(d)(5) of the USCIS”

- Form I-94 Arrival-Departure Record with no annotation accompanied by:
 - Final court decision granting asylum (but only if no appeal is taken);
 - Letter from a USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90);
 - Court decision granting withholding of deportation; or
 - Letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90).

- Form I-688 Temporary Resident Card annotated “Section 245A” or “Section 210.”

- Form I-688B Employment Authorization Card annotated “Provision of Law 274a.12(1)” or “Provision of law 274a.12.”

- A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant’s entitlement to the document has been verified; or
- Other acceptable evidence. If other documents are determined by the USCIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the *Federal Register*.

Chapter 8

TRANSFER POLICY

INTRODUCTION

This chapter explains the PHA's transfer policy, based on HUD regulations, HUD guidance, and PHA policy decisions. In implementing this chapter, the PHA shall be in compliance with H.A.R. Section 12-46-307.

This chapter describes HUD regulations and PHA policies related to transfers in four parts:

Part I: Emergency Transfers. This part describes emergency transfers and emergency transfer procedures.

Part II: PHA Required Transfers. This part describes types of transfers that may be required by the PHA, including transfers for demolition, disposition, revitalization, and rehabilitation, and notice requirements.

Part III: Transfers Requested by Residents. This part describes types of transfers that may be requested by residents, eligibility requirements, and handling of transfer requests.

Part IV: Transfer Processing. This part describes creating a waiting list, prioritizing transfer requests, the unit offer policy, examples of good cause, payment of transfer costs, de-concentration, rent and reexamination, effective date of transfer, and maintenance charges and security deposits.

The PHA may require the tenant to move from the unit under some circumstances. There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer.

The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation. The PHA must have specific policies in place to deal with acceptable transfer requests.

PART I: EMERGENCY TRANSFERS

8-I.A. OVERVIEW

HUD categorizes certain situations that require emergency transfers [PH Occ GB, p. 147]. The emergency transfer differs from a typical transfer in that it requires immediate action by the PHA.

In the case of a genuine emergency, it may be unlikely that the PHA will have the time or resources to immediately transfer a tenant. Due to the immediate need to vacate the unit, placing the tenant on a transfer waiting list would not be appropriate. Under such circumstances, if an appropriate unit is not immediately available, the PHA should find alternate accommodations for the tenant until the emergency passes, or a permanent solution, i.e., return to the unit or transfer to another unit, is possible.

8-I.B. EMERGENCY TRANSFERS

If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, the PHA must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

PHA Policy

The following is considered an emergency circumstance warranting an immediate transfer of the tenant or family:

Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak; no water; toxic contamination; and serious water leaks.

8-I.C. EMERGENCY TRANSFER PROCEDURES

PHA Policy

If the transfer is necessary because of maintenance conditions, and an appropriate unit is not immediately available, the PHA will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location. If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, the PHA will transfer the resident to the first available and appropriate unit after the temporary relocation.

Emergency transfers are mandatory for the tenant.

PART II: PHA REQUIRED TRANSFERS

8-II.A. OVERVIEW

HUD regulations regarding transfers are minimal, leaving it up to the PHA to develop reasonable transfer policies.

The PHA may require that a resident transfer to another unit under some circumstances. For example, the PHA may require a resident to transfer to make an accessible unit available to a disabled family. The PHA may also transfer a resident in order to maintain occupancy standards based on family composition. Finally, a PHA may transfer residents in order to demolish or renovate the unit.

A transfer that is required by the PHA is an adverse action and is subject to the notice requirements for adverse actions [24 CFR 966.4(e)(8)(i)].

8-II.B. TYPES OF PHA REQUIRED TRANSFERS

PHA Policy

The types of transfers that may be required by the PHA, include, but are not limited to, transfers to make an accessible unit available for a disabled family, transfers to comply with occupancy standards, transfers for demolition, disposition, revitalization, or rehabilitation, and emergency transfers as discussed in Part I of this chapter.

Transfers required by the PHA are mandatory for the tenant.

Transfers to Make an Accessible Unit Available

When a family is initially given an accessible unit, or the family's unit is rehabilitated to provide accessible features, but the family does not require the accessible features, the PHA may require the family to agree to move to a non-accessible unit when it becomes available [24 CFR 8.27(b)].

PHA Policy

When a non-accessible unit becomes available, or as part of the Relocation Plan prepared under this Section, the PHA will transfer a family living in an accessible unit that does not require the accessible features, to an available unit that is not accessible. The PHA may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit.

Occupancy Standards Transfers

The PHA may require a resident to move when a reexamination indicates that there has been a change in family composition, and the family is either overcrowded or over-housed according to PHA policy [24 CFR 960.257(a)(4)]. On some occasions, the PHA may initially place a resident in an inappropriately sized unit at lease-up, where the family is over-housed, to prevent vacancies. The public housing lease must include the tenant's agreement to transfer to an appropriately sized unit based on family composition [24 CFR 966.4(c)(3)].

PHA Policy

The PHA will transfer a family when the family size has changed, and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied.

For purposes of the transfer policy, overcrowded and over-housed are defined as follows:

Overcrowded: the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides, according to the applicable occupancy guidelines.

Over-housed: the family no longer qualifies for the bedroom size in which they are living based on the PHA's occupancy standards as described in the applicable occupancy guidelines.

The PHA may also transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on the PHA's occupancy standards, when the PHA determines there is a need for the transfer.

The PHA may elect not to transfer an over-housed family in order to prevent vacancies.

A family that is required to move because of family size will be advised by the PHA that a transfer is necessary, and that the family has been placed on the transfer list.

Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) in accordance with the applicable exceptions to the occupancy guidelines in Chapter 5 will only be required to transfer if it is necessary to comply with the approved exception.

Demolition, Disposition, Revitalizations, or Rehabilitation Transfers

These transfers permit the PHA to demolish, sell or do major capital or rehabilitation work at a building site [PH Occ GB, page 148].

PHA Policy

It is the policy of the PHA to comply with all federal and state relocation laws and regulations governing displacement and subsequent modifications thereto, including:

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended;

Section 104(d) of the Housing and Community Development Act of 1974, as amended;

Section 18 of the United States Housing Act of 1937, as amended;

24 CFR Part 968, Subpart A;

24 CFR Part 970;

49 CFR Part 24;

Chapter 111, Hawaii Revised Statutes (HRS); and

Chapter 17-2017, Hawaii Administrative Rules (HAR), which are incorporated in whole by reference.

The PHA shall ensure that activities undertaken with federal, or state funds do not cause unnecessary displacement or relocation. The PHA will administer demolition, disposition, revitalization, and rehabilitation (“rehabilitation”) projects in such a manner that careful consideration is given during the planning phase to avoid displacement. Displacement of any nature shall be reserved as a last resort action necessitated only when no other alternative is available and when the activity is determined necessary in order to carry out a specific goal or objective that is of benefit to the public housing program.

If the displacement is precipitated by federally assisted activities that require the acquisition (either in whole or in part) or rehabilitation of real property directly by the PHA, all appropriate benefits as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, or section 104(d) of the Housing and Community Development Act of 1974, shall be provided to the displaced person or persons. If the displacement is precipitated by activities that require the acquisition (either in whole or in part) of real property directly by the PHA, or code enforcement activities, and that are funded solely by state funds, all appropriate benefits as required by Chapter 111, HRS and Chapter 17-2017, HAR, shall be afforded to the displaced person or persons.

The HPHA will provide housing that is decent, safe, and sanitary on a nondiscriminatory basis for families who are moved permanently from the housing project as a result of the demolition, disposition, revitalization, or rehabilitation project as well as for families who are moved temporarily to other units on site or at other projects, or who are provided other housing options, such as accommodation at a hotel.

Relocation Plan

The PHA shall establish a Relocation Plan for each demolition, disposition, revitalization, and rehabilitation project it administers. The Relocation Plan shall provide the following information:

Description of the proposed demolition, disposition, revitalization, or rehabilitation activities;

Source of funding;

Who will be relocated or displaced;

Provisions for advisory services, including but not limited to any required notices and the location of temporary or replacement housing;

Description of moving assistance to be provided, including a moving cost schedule; and

Treatment of expenses incidental to the move, including but not limited to utility reconnection fees.

To the extent possible, the PHA will stage rehabilitation of units to allow tenants to remain in the building. The PHA will relocate a family, in accordance with the Relocation Plan, when the unit or site in which the family lives is undergoing major rehabilitation that requires the unit to be

vacant, or the unit is being disposed of or demolished. The PHA's Relocation Plan may or may not require transferring affected families to other available public housing units.

In cases of revitalization or rehabilitation, the family may be offered a temporary relocation. Families offered temporary relocation will be allowed to return to the same public housing development upon completion of the rehabilitation project if practicable and if consistent with a Relocation Plan, subject to 24 C.F.R.

§968.108, that has been approved by the Office of the Executive Director. Families who do not qualify for a unit at the rehabilitated property upon completion of the rehabilitation project, due to changes in household composition, occupancy standards, or other criteria set forth in the Occupancy Guidelines (see Chapter 5), may be transferred to public housing units at other properties or may be allowed to remain permanently at their temporary public housing units.

Families who are not offered temporary relocation will be relocated in accordance with the URA and its implementing regulations, as applicable, or in accordance with HRS Chapter 111 and its implementing administrative rules, as applicable.

Relocation Assistance

Eligible families will be afforded relocation assistance in accordance with federal and state law. The PHA will implement procedures to assure the families understand the relocation process, their rights, and their options.

The PHA shall provide all tenants in good standing who are temporarily relocated due to the rehabilitation project, the date and approximate duration of the temporary relocation as well as advisory services regarding their benefits and options. To the extent possible, the PHA will house families who are temporarily relocated in other public housing units. If it is necessary to temporarily house families in units other than public housing, the HPHA will relocate the families to non-public housing units that, upon inspection, are found to be decent, safe, and sanitary. If the HPHA offers a temporary unit and the family elects to stay with relatives or other privately-owned housing, the family will complete the waiver form regarding the condition of housing. The PHA will offer any tenant who has been temporarily relocated for more than one-year permanent relocation assistance.

Families who are to be displaced from the housing project will be given a Notice of Eligibility for assistance under the URA or state relocation laws, as applicable. Families who are to be displaced from the housing project and moved to another public housing project will also receive notice stating the final date by which they must be moved, providing an explanation of the moving assistance to be provided, indicating their replacement housing option, and an explanation of the appeals process.

The PHA, at its discretion, may offer assistance with moving expenses to families who move in after the date that would allow them to be eligible for relocation assistance, hereinafter referred to as the "date of initiation of negotiations." A family's refusal of an offer after the date of initiation of negotiations and upon receipt of notice that they will be ineligible for relocation assistance shall be considered a refusal for good cause. In such cases, the PHA will follow the applicable policies as listed in Chapter 4, Tenant Selection and Assignment Plan.

The PHA will provide families who are temporarily relocated to facilities that lack cooking facilities a per diem to assist with the costs of meals. The PHA, at its option, may offer a per

diem to families who opt to stay with family members for the duration of a temporary relocation period.

Moving Costs

The PHA will cover moving expenses to and from the temporary housing unit for tenants who will be relocated temporarily to another unit and to replacement housing for tenants who will be relocated permanently to another public housing unit or to non-public housing programs such as Section 8. The PHA will use a schedule of moving estimates by unit size based on estimates from local movers to determine the reasonableness of moving expenses.

Families who will be relocated temporarily as part of a federally assisted demolition, disposition, rehabilitation, or revitalization project must submit their moving cost estimates to the PHA for approval prior to moving and will receive notice that failure to obtain approval prior to paying for packing materials or moving costs may result in the tenant not being reimbursed fully. Such tenants also will receive reimbursement for reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporarily occupied unit and any increase in monthly rent or utility costs at such housing.

The PHA reserves the right to choose the type of moving assistance to be provided to families who will be displaced but are offered the opportunity to relocate to a comparable replacement public housing unit. The PHA will cover moving expenses to the replacement public housing unit for tenants who will be relocated to another public housing unit.

Tenants who require assistance with packing their items may request packing assistance as a reasonable accommodation.

The HPHA will provide direct payment or reimbursement for all disconnection and reconnection fees of necessary utilities, i.e., water, sewer, gas, and electricity. The HPHA also will reimburse disconnection, transfer of service, and reconnection fees for tenants with telephone, cable, or internet services. Where certain utilities require a non-refundable deposit, the HPHA will reimburse the costs of those deposits. New or increased security or utility deposits that are refundable are ineligible for reimbursement; however, the HPHA may consider an advancement of funds under a repayment agreement for hardship cases.

If the newly rehabilitated project changes the utility services from HPHA- furnished utilities to tenant-purchased utilities and new or increased utility deposits will be required, the HPHA cannot pay for the new utility deposits. These are costs required to be paid by any tenant currently living in a housing project that is being converted to tenant-purchased utilities or by any new tenant moving into such a project.

Appeals Process

Individuals who disagree with the PHA's determination regarding a) whether they qualify for relocation assistance or b) the amount or type of relocation assistance for which they may be eligible may submit a written appeal within 60 days of receiving written notification of the PHA's determination and in accordance with the PHA's grievance procedures. The PHA shall issue a written determination on the appeal and provide the individual a copy. Where the PHA does not grant the individual the full relief requested, the PHA shall notify the individual of his or her right to seek further administrative or judicial review of the PHA decision.

If the relocation plan calls for transferring public housing families to other public housing units, affected families will be placed on the transfer list.

8-II.C. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]

A PHA required transfer is an adverse action. As an adverse action, the transfer is subject to the requirements regarding notices of adverse actions. If the family requests a grievance hearing within the required timeframe, the PHA may not take action on the transfer until the conclusion of the grievance process.

PART III: TRANSFERS REQUESTED BY TENANTS

8-III.A. OVERVIEW

HUD provides the PHA with discretion to consider transfer requests from tenants. The only requests that the PHA is required to consider are requests for reasonable accommodation. All other transfer requests are at the discretion of the PHA. To avoid administrative costs and burdens, this policy limits the types of requests that will be considered by the PHA.

Some transfers that are requested by tenants should be treated as higher priorities than others due to the more urgent need for the transfer.

8-III.B. TYPES OF RESIDENT-REQUESTED TRANSFERS

PHA Policy

The types of requests for transfers that the PHA will consider are limited to requests for transfers due to a threat of physical harm or criminal activity, reasonable accommodation, and transfers to a location closer to employment. No other transfer requests will be considered by the PHA.

The PHA will consider the following as high priority transfer requests, in the following order:

When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the PHA's discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, a hate crime, or domestic violence, dating violence, sexual assault, or stalking.

When a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first-floor unit for a person with mobility impairment, or a transfer to a unit with accessible features

The PHA will consider the following as regular priority transfer requests:

When the head of household or spouse is employed 25 miles or more from the public housing unit, has no reliable transportation, and public transportation is not adequate.

Transfers requested by the tenant are considered optional for the tenant.

8-III.C. ELIGIBILITY FOR TRANSFER

Transferring residents do not have to meet the admission eligibility requirements pertaining to income or preference. However, the PHA may establish other standards for considering a transfer request [PH Occ GB, p. 150].

PHA Policy

Except where reasonable accommodation is being requested, the PHA will only consider transfer

requests from residents that meet the following requirements:

Not within the initial occupancy period of one year (this may be waived for high priority requests)

Have not engaged in criminal activity that threatens the health and safety of residents and staff

Owe no back rent or other charges, or have a pattern of late payment

Have no housekeeping lease violations or history of damaging property

Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities)

Any other outstanding violation.

A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.

Exceptions to the good record requirement may be made when it is to the PHA's advantage to make the transfer. Exceptions may also be made when the PHA determines that a transfer is necessary to protect the health or safety of a resident who is a victim of domestic violence, dating violence, or stalking and who provides documentation of abuse in accordance with the PHA's VAWA policy.

If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

8-III.D. HANDLING OF REQUESTS

PHA Policy

Residents requesting a transfer to another unit or development will be required to submit a written request for transfer, stating the reason for the transfer. The manager will interview the resident to determine the reason for the request and whether a transfer is justified. If the manager determines that there is a problem at the family's present site, the manager will address the problem and once solved to the manager's satisfaction, the request for transfer will be cancelled. If the manager determines that the transfer is justified, the request will be transmitted to PMMSB for consideration.

In case of a reasonable accommodation transfer, the PHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the PHA will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

The PHA will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family, such as documentation of domestic violence, dating violence, or stalking in accordance with the PHA's

VAWA policy.

If the family does not meet the eligibility requirements under Section 8-III.C., the manager will address the problem and, until resolved, the request for transfer will be denied.

The PHA will respond within twenty (20) business days of the submission of the family's request, except in the case additional information is required and has not been provided by the family. If the PHA denies the request for transfer, the family will be informed of its grievance rights.

PART IV: TRANSFER PROCESSING

8-IV.A. OVERVIEW

Generally, families who request a transfer should be placed on a transfer list and processed in a consistent and appropriate order. The transfer process must be clearly auditable to ensure that residents do not experience inequitable treatment.

8-IV.B. TRANSFER LIST

PHA Policy

The PHA will maintain a centralized transfer lists for the island of Oahu and separate transfer lists for each Asset Management Project Office on the neighbor islands, and monitor the transfer offers centrally, to ensure that transfers are processed in the correct order and that procedures are uniform across all properties.

Emergency transfers will not automatically go on the transfer list. Instead, emergency transfers will be handled immediately, on a case-by-case basis. If the emergency cannot be resolved by a temporary accommodation, and the resident requires a permanent transfer, the family will be placed at the top of the transfer list.

Transfers will be processed in the following order:

1. Emergency transfers (hazardous maintenance conditions)
2. High-priority transfers: threat of harm or criminal activity
3. High-priority transfers: reasonable accommodation
4. Transfers to make accessible units available
5. Demolition, renovation, etc.
6. Occupancy standards
7. Other PHA-required transfers
8. Other tenant-requested transfers

Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date.

With the approval of the executive director, the PHA may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of a family in crisis.

Demolition and renovation transfers will gain the highest priority as necessary to allow the PHA to meet the demolition or renovation schedule.

Emergency transfers, high priority tenant requested transfers, transfers to make accessible units available, and demolition transfers will take precedence over waiting list admissions, except as otherwise determined by the PHA to meet operational needs and comply with regulatory requirements.

All other transfers will be processed as units become available for transfer offers without adversely affecting the PHA's operational needs.

8-IV.C. TRANSFER OFFER POLICY

PHA Policy

Residents will receive one offer of a transfer.

When the transfer is required by the PHA, the refusal of that offer without good cause will result in lease termination.

When the transfer has been requested by the resident, the refusal of that offer without good cause will result in the removal of the family from the transfer list. In such cases, the family must wait one year to reapply for another transfer.

8-IV.D. GOOD CAUSE FOR UNIT REFUSAL

PHA Policy

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

The family demonstrates to the PHA's satisfaction that accepting the unit offer will require an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.

The family demonstrates to the PHA's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, or stalking in accordance with the PHA's VAWA policy.

Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member, except where moving arrangements will be made by the PHA, and immediate transfer is required to meet the demolition or renovation schedule.

The unit is inappropriate for the resident's disabilities, except where the unit offered is

similar in feature to the current unit and the resident can be placed on the waitlist for a subsequent transfer to a unit meeting the resident's disability-related needs, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

The unit will be demolished, disposed, rehabilitated, or renovated, and the unit offer is made after the date of initiation of negotiations and therefore the family would not be eligible for relocation assistance.

The unit has lead-based paint, and the family includes children under the age of six.

The PHA will require documentation of good cause for unit refusals.

8-IV.E. COSTS OF TRANSFERS

The PHA must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability [Notice PIH 2006-13].

PHA Policy

The PHA will bear the reasonable costs of temporarily accommodating the tenant and of long-term transfers, if any, due to emergency conditions.

The PHA will bear the reasonable costs of transfers that the PHA requires, except that residents will be required to bear the cost of occupancy standards transfers and transfers to make accessible units available, except as pursuant to a relocation plan for demolition, disposition, revitalization, or rehabilitation. See 8.II.B. Demolition, Disposition, Revitalization, or Rehabilitation Transfers for costs related to these types of transfers.

The resident will bear all of the costs of transfer s/he requests. However, the PHA will bear the reasonable cost of transfers when the transfer is to an accessible unit as a reasonable accommodation.

The reasonable cost of transfers only includes, as applicable, the cost of essential packing supplies, moving, and unloading, and does not include transportation costs or the cost of disconnecting and reconnecting any existing resident-paid services, such as telephone and cable television.

The PHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, the PHA will collect information from companies in the community that provide these services.

The PHA will reimburse the family for eligible out-of-pocket moving expenses up to the PHA's established moving allowance. The PHA may opt to either complete the move, or make arrangements and pay for the move, in the event of hardship.

8-IV.F. DECONCENTRATION

PHA Policy

If subject to deconcentration requirements, the PHA will consider its deconcentration goals when transfer units are offered. When feasible, families above the Established Income Range will be offered a unit in a development that is below the Established Income Range, and vice versa, to achieve the PHA's deconcentration goals. A deconcentration offer will be considered a "bonus" offer; that is, if a resident refuses a deconcentration offer, the resident will receive one additional transfer offer.

8-IV.G. RENT AND REEXAMINATION POLICIES FOR TRANSFERS

PHA Policy

A resident will pay the same rent at the new unit as at the old unit during the month of the transfer. If there is a change in utility allowance at the new unit, a new rent will be calculated to take effect on the first day of the next month following the month of the transfer.

Upon placement at the new unit, a supplemental lease will be signed with the new unit information and new rent amount.

The date of transfer does not change the reexamination date, with the exception of transfers to or from the Towers at Kuhio Park, which are handled as new placements.

8-IV.H. EFFECTIVE DATE OF TRANSFER

PHA Policy

Effective date of transfer must not overlap, nor will both projects carry the resident on their books at the same time. The effective date of move-in shall be the next calendar day after the move-out.

8-IV.I. MAINTENANCE CHARGES AND SECURITY DEPOSIT

PHA Policy

Upon taking possession of the new unit, the resident has four calendar days to return the unit and mailbox keys for the old unit to the management office for the old unit. After this time, a \$10 per day lost key fee will be charged in addition to maintenance charges, if any, until all keys are returned to the management office, up to a maximum of \$80.

Resident must also make arrangements with the management office for the old unit for a move-out inspection within 10 days of move.

When a family transfers from one federally assisted public housing unit to another, the PHA will transfer their security deposit to the new unit, with the exception of transfers to or from the Towers at Kuhio Park, which are handled as new placements. The tenant will be billed for any maintenance or others charges due for the "old" unit, including any charges for disposal, cleaning, replacement, or repair of broken or missing items, or storage.

Chapter 9

LEASING [24 CFR 966.4]

INTRODUCTION

It is the PHA'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 PHA's policies pertaining to rental agreement execution, security deposits, other charges, and additions to the rental agreement.

9-A. RENTAL AGREEMENT ORIENTATION

Prior to execution of the rental agreement, a PHA representative will provide a rental agreement orientation to the family head and spouse. The orientation may be conducted with more than one family.

The family must attend an orientation before taking occupancy of the unit.

Orientation Agenda

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

- A copy of the Rental Agreement;
- A copy of the PHA's lease and grievance procedure;
- A copy of the House Rules; and
- House Keeping.

Topics to be discussed will include, but are not limited to:

- Applicable deposits and other charges;
- Provisions of the Rental Agreement;
- Orientation to the community;
- Unit maintenance and work orders;
- Explanation of occupancy forms; and
- Terms of occupancy

9-B. EXECUTION OF RENTAL AGREEMENT

The rental agreement shall be executed by the head of household, spouse and by an authorized representative of the PHA, prior to admission.

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 rental agreement. One executed copy of the rental agreement will be given to the tenant, and the PHA will retain one in the tenant's file. The rental agreement is incorporated into this policy by reference. The rental agreement document will reflect current PHA policies as well as applicable Federal, State and Local law.

The following provisions govern rental agreement execution and amendments:

- A rental agreement is executed at the time of admission for all new tenants.
- A new rental agreement is executed at the time of the transfer of a tenant from one PHA unit to another with no change in reexamination date.
- If, for any reason, any signer of the rental agreement ceases to be a member of the household, the rental agreement will be amended by drawing a line through the party's name and both parties will be required to initial and date the change.
 - Rental agreement signers must be persons legally eligible to execute contracts. If no member of the household is qualified to sign a rental agreement, a legal guardian may co-

sign the rental agreement, subject to PHA approval.

- The names and date of birth of all household members are listed on the rental agreement at initial occupancy and on the Application for Continued Occupancy each subsequent year. Only those persons listed on the most recent certification shall 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 the PHA, which becomes an attachment to the rental agreement. Documentation will be included in the tenant file to support proper notice.
- Households that include a Live-In Attendant are required to execute a rental agreement addendum authorizing the arrangement and describing the status of the attendant.
- Households that include a Live-In Attendant will contain file documentation that the Live-In Attendant is not a party to the rental agreement and is not entitled to PHA assistance, with the exception of occupancy while serving as the attendant for the participant family member.
- The PHA may modify its form of rental agreement from time to time, 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 rental agreement modifications, or those modifications required by HUD, is grounds for termination of tenancy.

9-C. ADDITIONS TO THE RENTAL AGREEMENT

Requests for the addition of a new member of the household must be approved by the PHA, prior to the actual move-in by the proposed new member.

Following receipt of a family's request for approval, the PHA will conduct a pre-admission screening, including the Criminal History Report, of the proposed new member. Only new members approved by the PHA will be added to the household.

Factors determining household additions:

1. Household additions subject to screening:
 - a. Resident plans to marry;
 - b. Resident desires to add a new family member to the lease or have a live-in aide; and
 - c. A unit is 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:
 - a. Children born to a family member, whom a family member legally adopts, where a court has awarded custody of the child to a family member, or foster child(ren) - children under 18 are exempt from the pre-screening process.

- b. A minor child or children who is domiciled with the family based on written or unwritten permission from the legal parent or other person having custody of the minor, such as a hanai relationship; or a minor child or children domiciled with the family and the family is in the process of securing legal custody of the minor child or children.
3. Except for the additions to the family that are due to marriage, birth, adoption, court-awarded custody, a minor child or children becoming domiciled with the family based on written or unwritten permission from the legal parent or other person having custody of the minor, such as a hanai relationship, or a minor child or children becoming domiciled with the family and the family is in the process of securing legal custody of the minor child or children, if the addition will result in the household exceeding the maximum occupancy allowable by the applicable local housing, zoning, building, health or fire codes and therefore affect the bedroom size required by the family, the PHA may not approve the addition. The PHA can, however, require the family to move to a dwelling unit more appropriate to its size, as may be required, or be more in line with any requirement provided by law.
4. The PHA will not approve adding a family consisting of more than one member to the lease. Such applicants will be encouraged to apply to the waiting list.
5. Residents who fail to notify the PHA of additions to the household, or who permit persons to join the household without undergoing screening, are in violation of the lease. Such persons are considered to be unauthorized occupants by the PHA, and the entire household will be subject to eviction [24 CFR 966.4(f)(3)].
6. Family members aged 18 and over who move from the dwelling unit to establish new households shall be removed from the lease. The tenant must notify the PHA of the move-out within three (3) days of its occurrence.

These individuals may not be readmitted to the unit and must apply as a new applicant for placement on the waiting list.

The PHA in making determinations under this paragraph will consider medical hardship or other extenuating circumstances.

7. The manager may authorize overnight visitors provided the visit does not exceed thirty (30) days.

The family must request PHA approval prior to visitors arriving who will be in the unit in excess of one (1) day in a year.

Visitors who remain beyond this period shall be considered trespassers, and their presence constitutes a breach of the lease.

If an individual other than a leaseholder is representing to an outside agency that they are residing in the lessee's unit, the person will be considered an unauthorized member of the household.

8. Roomers and lodgers are not permitted to occupy a dwelling unit, nor are they permitted to move in with any family occupying a dwelling unit.

Residents are not permitted to allow a former tenant of the PHA who has been evicted to occupy

the unit for any period of time.

Residents must advise the PHA when they will be absent from the unit for more than [3] days and provide a means for the PHA to contact the resident in the event of an emergency. Failure to advise the PHA of extended absences is grounds for termination of the lease.

9-D. LEASING UNITS WITH ACCESSIBLE OR ADAPTABLE FEATURES [24 CFR 8.27(a)(1)(2) and (b)]

Before offering a vacant accessible unit to a non-disabled applicant, the PHA will offer such units:

- First, to a current occupant of another unit of the same development, or other public housing developments under the PHA's control, who has a disability that requires the special features of the vacant unit.
- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

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

9-E. UTILITY SERVICES

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 rental agreement violation and grounds for eviction.

Non-payment of excess utility charge payments to the PHA is a violation of the rental agreement and is grounds for eviction.

9-F. SECURITY DEPOSITS

Security Deposit

New tenants must pay a security deposit to the PHA at the time of admission.

The amount of the security and/or pet deposit required is specified in the rental agreement.

The PHA will hold the security deposit for the period the tenant occupies the unit.

The PHA will refund to the Tenant the amount of the security deposit, less any amount needed to pay the cost of:

- Unpaid Rent;

- Damages listed on the Move-Out Inspection Report that exceed normal wear and tear;
- Other charges under the Rental Agreement.

The PHA will refund the Security Deposit less any amounts owed, within 15-30 (State Law) days after moving out and tenant's notification of new address.

The PHA 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.

The PHA will return the Pet Deposit to the former tenant or to the person designated by the former tenant, less any damage caused by the pet to the dwelling unit, in the event of the former tenant's incapacitation or death.

The PHA will provide the tenant or designee identified above with a written list of any charges against the security or pet deposits. If the tenant disagrees with the amount charged to the security or pet deposits, the PHA will provide a meeting to discuss the charges.

The resident must leave the dwelling unit in a clean and undamaged (beyond normal wear and tear) condition and must furnish a forwarding address to the PHA. All keys to the unit must be returned to the Management upon vacating the unit.

The PHA will not use the security deposit for payment of rent or other charges while the tenant is living in the unit.

If the tenant transfers to another unit, the PHA will transfer the security deposit to the new unit. The tenant will be billed for any maintenance or other charges.

Pet Deposit

See chapter 10 for Pet Deposit policy.

9-G. RENT PAYMENTS

The tenant rent is due and payable at the PHA-designated location on the seventh (7th) of every month. If the seventh (7th) falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

If the PHA does not receive payment by the agreed-upon date, a delinquent rent notice will be sent.

9-H. FEES AND NONPAYMENT PENALTIES

If the tenant fails to make payment by the seventh (7th) day of the month, and the PHA has not agreed to accept payment at a later date, a Notice to Vacate will be issued to the tenant with a fourteen (14) day notice period for failure to pay rent, demanding payment in full or the surrender of the premises.

A charge of twenty-five dollars (\$25) will be assessed against the tenant for checks which are returned for non-sufficient funds (NSF), or checks written on a closed account. If the check is not redeemed and the

rent satisfied by the end of the month, the rent will be considered unpaid.

The PHA will always consider the rent unpaid when a check is returned as NSF, or a check is written on a closed account.

If the PHA has not agreed to accept payment at a later date, a *Notice to Vacate* will be issued for failure to pay rent.

Any payment received will be applied to the oldest charges in the resident's account with the exception of debts currently under a payment agreement.

9-I. SCHEDULES OF SPECIAL CHARGES

Schedules of special charges for services, repairs, utilities and rules and regulations which are required to be incorporated into the rental agreement by reference shall be publicly posted in a conspicuous manner in the project office, and they will be provided to applicants and tenants upon request.

9-J. MODIFICATIONS TO THE RENTAL AGREEMENT

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 shall be posted in the central office, and:

- Mailed by first class mail to the tenant.

Any modifications of the rental agreement must be accomplished by a written addendum to the rental agreement and signed by both parties.

9-K. CANCELLATION OF THE RENTAL AGREEMENT

Cancellation of the tenant's rental agreement is to be in accordance with the provisions contained in the rental agreement and as stated in this policy.

9-L. INSPECTIONS OF PUBLIC HOUSING UNITS

Initial Inspections

The PHA 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 the PHA and the tenant, will be kept in the tenant file.

Any adult member may sign the inspection form for the head of household.

Vacate Inspections

The PHA Inspection Department will access the Vacate Report prepared by housing management staff and 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. The HA will determine if there are tenant caused damages to the unit.

Tenant caused damages may affect part or all of the family's security deposit.

The move-out inspection also assists the HA in determining the time and extent of the preparation and repairs necessary to make the unit ready for the next tenant.

The resident is encouraged to participate in the move-out inspection.

Annual Inspections

- The PHA will inspect all units annually using HUD's minimum Uniform Physical Conditions Standards (UPCS) as a guideline.
- Residents who "fail" the inspection due to housekeeping or tenant-caused damages will be given seven (7) days to correct noted items. Another inspection will be conducted.
- 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 the HA.
- 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 the HA.
- Required corrections will be repaired by the HA within 14 of the inspection date.
- Resident will be notified at least two (2) days before the date of the required repairs.
- 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 may be in violation of their rental agreement.
- Residents who are in violation of their rental agreement due to repeated failed inspection will be scheduled for a rental agreement violation conference.

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 the PHA can be of service to the family.

The PHA Inspection staff will conduct quality control inspections on all units in which housing management staff requested an inspection:

- Where repairs were made to vacant units generated by move-out inspections

- That are under general contract maintenance or contracted out to low bid contractors

The purpose of these quality control inspections is to assure that repairs were completed at an acceptable level of craftsmanship and within an acceptable time frame.

The PHA inspection staff will conduct quality control inspections for five (5) % of units receiving a preventive maintenance inspection within fourteen (14) days of the preventive maintenance inspection.

PHA Inspection Supervisor conducts quality control inspections for five (5) % of the preventive maintenance inspections conducted.

The property manager will conduct periodic inspections to determine the condition of the unit and to identify problems or issues in which the PHA can be of service to the family.

Special Inspections

Housing management staff may request the inspector to conduct a special inspection for housekeeping, unit condition, or suspected rental agreement violation.

HUD representatives or local government officials may review PHA operations periodically and as a part of their monitoring may inspect a sampling of the PHA's inventory.

Other Inspections

The PHA inspector will periodically conduct windshield and/or walk-through inspections to determine whether there may be rental agreement violations, adverse conditions, or local code violations.

Playground inspections are conducted quarterly to determine playground safety.

Building exterior and grounds inspections are conducted at all Public Housing properties to determine hazardous conditions as well as to assist in budget preparation.

Emergency Inspections

Housing management staff, including PHA inspectors may initiate an emergency inspection report to generate a work order if they believe that an emergency exists in the unit or on a Public Housing site. In addition, the inspector may conduct an emergency inspection without a work order and generate a work order after the inspection has been conducted (see Entry of Premises Notice in this chapter.) Repairs are to be completed within 24 hours from the time the work order is issued.

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:

- Lock-out (with proper identification of resident)
- Broken lock which affects unit security
- Broken window glass which affects unit security, is a cutting hazard, or occurs within

inclement weather (to be secured or abated)

- Escaping gas
- Plumbing leaks which have the capacity to create flooding or cause damage to the unit
- Natural gas leaks or smell of fumes
- Backed-up sewage
- Electrical hazard

Units with elderly residents have the following additional standards for repairs to be conducted in less than 24 hours:

- Inoperable PHA-owned air conditioner/heater (seasonal) or refrigerator

Inoperable smoke detectors will be treated as a 24-hour emergency and will be made operable by the PHA if the smoke detector is in need of repair.

Residents who disengage smoke detectors for convenience purposes will be cited. (See "Housekeeping Citations" below)

Entry of Premises Notices

The PHA will give prior written notice for non-emergency inspections. Non-emergency entries to the unit will be made during reasonable hours of the day.

The PHA will provide the family with 48-hour notice prior to entering the unit for non-emergency reasons other than the annual inspection.

An adult family member must be present in the unit during the inspection and be required to show identification.

If no person is at home, the inspector and another staff member will enter the unit and conduct the inspection.

If no one is in the unit, the person(s) who enters the unit will leave a written notice to the resident explaining the reason the unit was entered and the date and time.

Where the HA is conducting regular annual examinations of its housing units. the family will receive at least two (2) weeks' notice of the inspection to allow the family to prepare and be able to pass the inspection.

Reasons the PHA will enter the unit are:

- Inspections and maintenance
- To make improvements and repairs

- To show the premises for leasing
- In cases of emergency

The family must call the PHA at least 24 hours prior to the scheduled date of inspection to reschedule the inspection, if necessary.

The HA will reschedule the inspection no more than once unless the resident has a verifiable medical reason which has hindered the inspection. The HA may request verification.

Repairs requested by the family will not require prior notice to the family. Residents are notified in the rental agreement that resident-requested repairs presume permission for the HA to enter.

Non-Inspection Emergency Entry

The PHA 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

The HA must be allowed to inspect the unit at reasonable times with reasonable notice. Forty-eight (48) hour written notice will be considered reasonable in all cases.

The resident is notified of the inspection appointment by mail. The family must call the HA at least twenty-four (24) hours before the inspection date to reschedule the inspection, if necessary.

The HA will reschedule the inspection no more than once unless the resident has a verifiable medical reason which has hindered the inspection. The HA may request verification.

If the resident refuses to allow the inspection, the resident will be in violation of the rental agreement and the HA will notify the family of its intended action.

If the resident refuses to allow the inspection, the resident will be in violation of the rental agreement.

Housekeeping Citations

Residents who "fail" an inspection due to housekeeping will be issued a Housekeeping Citation, and a reinspection will be conducted within seven (7) working days by housing management staff.

If the family fails to comply with the reinspection it can result in rental agreement termination. Or if the family is issued another Housekeeping Citation within seven (7) days of the reinspection, the family will be summoned for a rental agreement violation conference.

Citations will be issued to residents who purposely and for convenience disengage the unit's smoke detector.

More than one (1) such citations will be considered a violation of the rental agreement.

Tenant Damages

Repeated failed inspections or damages to the unit beyond normal wear and tear may constitute serious or

repeated rental agreement 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.

Chapter 10

PETS AND ASSISTANCE ANIMAL POLICY

10-A. PET POLICY

Tenants of federal public housing under Section 31 of the United States Housing Act of 1937 may own and keep common household pets, if the Tenant maintains each pet responsibly, in accordance with applicable State and local public health, animal control and animal anti-cruelty laws and regulations, and policies established in the Public Housing Agency Plan, in certain designated projects/apartments owned and/or operated by the PHA. The PHA shall bear full responsibility of enforcing the pet policy, including but not limited to providing any notification to a pet owner, removal of the pet or termination of the Tenant's tenancy or both. This Pet Policy does not apply to assistance animals that reside in public housing or that visit PHA properties. Assistance animals are covered by Section II – Assistance Animals Policy set forth below.

- A. Each housing project having pets shall have the resident association and/or a project pet committee, which will consist of both residents who own a pet and those who do not own a pet, to participate in a pet monitoring program. The association or pet committee will assist the project management in monitoring the pet policy in their respective projects. Any violation of the pet policy and/or sighting of any stray animals within the boundaries of the housing project will be immediately reported to the housing project management staff.
- B. A Tenant may have one animal, regardless of the category of animal, except if a Tenant has a small bird, the Tenant may have two small birds.
- C. Definition: "Pets" mean the following domesticated, common household animals, and no others: cats, dogs, birds, fish. Only one four-legged furry, warm bodied pet per household will be permitted. The weight of a dog or cat shall not exceed 21 pounds (adult size). Tenants are prohibited from housing dangerous, fighting, or attack dogs. The PHA prohibits full or mixed pit bull, Rottweiler, and wolf breeds. Examples of dog breeds that typically exceed 26 pounds at adulthood are:

Medium

American Cocker Spaniel
Australian Terrier
Bichon Frise
Border Terrier
Brussels Griffon
Bulldog (Any Breed)
Cavalier King Charles Spaniel
Chinese Crested
Dachshund
Dutch Smoushond
French Bulldog
Italian Greyhound
Lakeland Terrier
Lowchen
Miniature Pinscher
Miniature Schnauzer

American Eskimo Dog (Toy & Miniature)
Basset Hound
Bolognese
Boston Terrier
Bull Terrier (Miniature)
Cardigan Welsh Corgi
Cesky Terrier
Coton de Tulear
Dandie Dinmont Terrier
English Toy Spaniel
Icelandic Sheepdog
Jack Russell Terrier
Lhasa Apso
Miniature Bull Terrier
Miniature Poodle
Staffordshire Bull Terrier

Large

Aidi
Alapaha Blue Blood Bulldog
Alpine Dachsbracke
American Foxhound
American Staffordshire Terrier
Ardennes Cattle Dog
Australian Cattle Dog
Australian Kelpie
Australian Stumpy Tail Cattle Dog
Austrian Shorthaired Pinscher
Barbet
Beagle
Bedlington Terrier
Belgian Laekenois
Belgian Tervuren
Bernese Mountain Dog
Black and Tan Coonhound
Bourbonnais Pointer
Boykin Spaniel
Brittany Spaniel
Bullmastiff
Cao Fila de Sao Miguel
Catalonian Sheepdog
Chesapeake Bay Retriever
Chow Chow
Clumber Spaniel
Dalmatian
Dutch Schapendoes
English Cocker Spaniel
English Setter
Eurasier
Finnish Lapphund
Flat-Coated Retriever
German Shpherd
Glen of Imaal Terrier
Harrier
Irish Terrier
Kerry Blue Terrier
Labrador Retriever
Miniature Australian Shepherd
New Guinea Singing Dog
Norwegian Buhund
Norwegian Lundehund
Old English Sheepdog
Polish Lowland Sheepdog
Portuguese Water Dog
Pumi
Samoyed
Airedale Terrier
Alaskan Malamute
American Eskimo Dog
American Pitbull Terrier
American Water Spaniel
Ariege Hound
Australian Dingo
Australian Shepherd
Austrian Black and Tan Hound
Auvergne Pointer
Basenji
Bearded Collie
Belgian Groenendael
Belgian Malinois
Bergamasco
Billy
Border Collie
Boxer
Briard
Bull Terrier
Canaan Dog
Catahoula Leopard
Central Asian Shepherd
Chinese Shar-Pei
Cirneco dell Etna
Collie
Drentsch Partridge Dog
Dutch Shepherd Dog
English Foxhound
English Pringer Spaniel
Field Spaniel
Finnish Spitz
German Hunt Terrier German Pinscher
German Shorthaired Pointer
Golden Retriever
Hokkaido
Keeshond
Kooikerhondje
Manchester Terrier
Mudi
Norbottenspets
Norwegian Elkhound
Nova Scotia Duck Tolling Retriever
Olde English Bulldog
Portuguese Podengo Medio
Puli
Rottweiler
Shetland Sheepdog

Shiba Inu
Stabyhoun

Smooth Fox Terrier
Whippet

Extra Large

Afghan
Azawakh
Black Russian Terrier
Borzoi
Cane Corso
Chinook
Doberman Pinscher
Dogo Canario
Fila Brasileiro
Great Pyrenees
Hovawart
Irish Setter
Kuvasz
Leonberger
Neapolitan Mastiff
Portuguese Podengo Grande
Romanian Carpathian Shepherd
Tatra Shepherd Dog

Akita
Beauceron
Bloodhound
Bouvier des Flandres
Caucasian Ovtcharka
Curly-Coated Retriever
Dogo Argentino
Dogue de Bordeaux
Gordon Setter
Greyhound
Ibizan Hound
King Shepherd
Landseer Newfoundland
Mastiff
Newfoundland Pointer Dog
Rhodesian Ridgeback
Saarloos Wolfdog

One small or medium sized bird or two small birds (parakeet size) may be kept. Only one aquarium, which shall not exceed 5 gallons, may be kept. All dogs and cats must be spayed or neutered, unless the tenant provides certification from a licensed veterinarian that such procedures would jeopardize the medical well-being of the animal. This definition does not include assistance animals, i.e., animals that are used to assist the disabled.

D. Application. Prior to housing any pet on premises owned and/or operated by the PHA, a tenant shall apply to the PHA for a permit to do so. The application must be accompanied by the following:

1. A full pet deposit of \$75.00 (per household) or an amount equal to Total Tenant Payment, whichever is lower. This deposit is refundable within 14 days after the Tenant disposes of the pet or vacates and if PHA verifies that there are no expenses directly attributable to the presence of the pet. However, for expenses exceeding the deposited amount, the household shall be responsible to reimburse the PHA for those costs. In addition to the pet deposit, each tenant owning a dog or cat will be charged a non-refundable fee of \$5.00 per month (per household). This non-refundable pet fee will cover reasonable operating costs expended by the PHA associated to the maintenance of the housing project's common use areas relating to the presence of pets. The pet fee will be included as a separate item on tenant's monthly housing rental bill. This pet fee shall not apply to residents of projects for the elderly and persons with disabilities.
2. A current dog license issued by the appropriate authority. In the case of cats, proof of identification as required by local ordinances (such as a collar or microchip).
3. A signed statement from a veterinarian verifying that the animal is in good health, has no communicable diseases or pests, and in the case of a cat or dog, is spayed or neutered, unless

- the tenant provides certification from a licensed veterinarian that such procedures would jeopardize the medical well-being of the animal.
4. Evidence that the pet has received all current vaccinations or boosters, including parvovirus, distemper, hepatitis, leptospirosis, parainfluenza and bordetella for dogs, and feline distemper, rhinotracheitis, calicivirus, pneumonitis, and feline leukemia virus for cats (the latter two only when recommended by a veterinarian).
 5. A signed affidavit or declaration from an alternate custodian verifying that he/she will take temporary custody of the pet from the premises for a period of time not to exceed ten (10) days when the Tenant is to be away overnight or longer and will assume all the responsibilities of the pet owner in caring for the pet. In addition, the alternate custodian must be available to take temporary custody of the pet from the premises within twelve (12) hours after any emergency causing the Tenant not to be able to care for the pet.
 6. A signed statement from the Tenant acknowledging that he/she has received and read the Pets and Assistance Animals Policy and agrees to comply with said policy and accept any and all financial and personal liability associated with the personal pet ownership in the housing project.
 7. PHA may request a letter of reference on the pet from a previous landlord.
 8. If the pet is a dog or cat, the Management, resident association, and/or pet committee must interview the Tenant and pet.
 9. A color picture of the pet, except for fish, must be provided both at the time of application and when the pet reaches adult size.
- E. Approval of Pet Application. Once all of the applicable conditions for application for pet ownership permit have been met, PHA shall make a decision on the resident's application within five working days. If approved, the resident will be informed in writing and an anniversary date (Month and Day Only) will be established for purposes of the annual update of the pet ownership permit. It is the responsibility of the resident to re-validate the pet ownership permit within 30 days after the anniversary date. Failure to re-validate the pet ownership permit shall result in the removal of the pet or termination of the Tenant's tenancy or both.
- F. Refusal of Pet Application. PHA may refuse, subject to PHA's grievance procedure, to approve a pet application due to the following reasons:
1. The animal does not meet the definition of "pets".
 2. Tenant fails to provide complete application information required by this Policy.
 3. Management determines that the Tenant will not be able to keep the pet in compliance with this Pets and Assistance Animals Policy and other Rental Agreement obligations, including such factors as pet's temperament and size and Tenant's habits and practices.
- G. Revoking Pet Ownership. Maintaining a pet in a facility owned and/or operated by PHA shall be subject to the rules set forth herein. The Tenant's pet ownership may be revoked at any time, subject to PHA's Grievance Procedure, due to any of the following reasons:

1. Management determines that the pet is not properly cared for.
2. The pet presents a threat to the safety and security of other tenants, PHA employees, contractors, and others on the premises.
3. The pet is destructive or causes an infestation.
4. The pet disturbs other tenants for reasons including but not limited to noise, odor, cleanliness, sanitation, and allergic reactions.
5. Tenant fails to re-validate the pet ownership permit as required in this Policy.
6. Tenant fails to pay the monthly non-refundable pet fee on a timely basis, if applicable.
7. Written recommendation from the Resident Association and/or Project Pet Committee to revoke a Tenant's pet permit due to a demonstrated lack of cooperation and responsibility in maintaining the pet.

H. All tenants allowed to keep a pet shall comply with the following rules:

1. In the case of dogs, proof that the pet is currently licensed as required by local ordinances must be provided at Tenant's annual pet permit re-validation. In the case of cats, proof of identification as required by local ordinances (such as a collar or microchip) must be provided at Tenant's annual pet permit revalidation.
2. Evidence that the pet has received all current vaccinations or boosters including parvovirus, distemper, hepatitis, leptospirosis, parainfluenza, and bordetella for dogs, and feline distemper, rhinotracheitis, calicivirus, pneumonitis, and feline leukemia virus for cats must be provided at the Tenant's annual pet permit revalidation.
3. The presence of offspring of an approved dog or cat is conclusive evidence of violation of the requirement to have a cat or dog spayed or neutered. Upon discovery of the violation, Management immediately will enforce this requirement.
4. A signed affidavit or declaration from an alternate custodian declaring he/she will take temporary custody of the pet from the premises for a period of time not to exceed ten (10) days when the Tenant is to be away overnight or longer and will assume responsibilities of the pet owner in caring for the pet. In addition, the alternate custodian must be available to take temporary custody of the pet from the premises within twelve (12) hours after any emergency causing the Tenant not to be able to care for the pet. The affidavit or declaration shall also include the alternative custodian's contact information.
5. No pet may be kept in violation of state law, or local ordinances with respect to humane treatment or health. Tenant shall be responsible for proper care of the pet, including flea control.
6. If pets are left unattended for a period of twenty-four (24) hours or longer, the Management may enter the dwelling unit to remove the pet. The Management will transfer the pet to the proper authorities, subject to the provisions of Hawaii State law and pertinent local ordinances. PHA accepts no responsibility for the animal under such circumstances.

7. No animal shall be kept, raised, or bred for any commercial purpose.
8. If offspring are born to a pet, removal of the offspring from the premises is required within a reasonable time. For dogs or puppies and cats or kittens, removal is required by twelve (12) weeks after birth. For all other animals, removal will be required by six (6) weeks after birth.
9. Dogs and cats must wear identification tags specifying resident's name and apartment number.
10. All pets shall remain inside the Tenant's dwelling unit. No animal shall be permitted in laundromats, hallways, community rooms, public restrooms, or other designated common areas unless to allow for ingress and egress to the building. Pets must be carried at all times while in an elevator.
11. When taken outside the unit, dogs and cats must be kept on a leash, no longer than six (6) feet, and controlled by a responsible individual.
12. No animal may be leashed to any stationary object outside the Tenant's dwelling unit.
13. Birds must be confined to a cage at all times.
14. Vicious and/or intimidating dogs or animals with a past history of attack or aggressive behavior towards other animals or people will not be allowed.
15. Tenants with cats shall not permit their pet to disturb, interfere, or diminish the peaceful enjoyment of other tenants. The terms "disturb", "interfere", and "diminish" shall include but not be limited to barking, howling, chirping, biting, scratching, and other similar actions.
16. Tenants must provide litter boxes, which must be kept in the dwelling unit for cat waste. Tenants shall not permit refuse from litter boxes to accumulate nor to become unsightly or unsanitary. Litter shall be changed not less than once a week and placed in a plastic bag, properly disposed of by being placed in a trash container outside of the building, and at no time washed down any drains or flushed down any toilets. Pet waste may not be put down the garbage chutes, if any.
17. Tenants shall take adequate precautions and measures necessary to eliminate pet odors within or around the unit and shall maintain the unit in a sanitary condition at all times.
18. Tenants are responsible for cleaning up pet waste from their pet both inside and outside the dwelling unit and on project grounds. Pet waste must be disposed of by being placed in a sealed plastic bag and then placed in a trash container outside of the building. Tenant shall not wash pet waste down any drains or flush pet waste down any toilets. Pet waste may not be put down the garbage chutes, if any.
19. PHA may designate areas on the project grounds for pet exercise and deposit of waste or may prohibit the entire grounds from being used for pet exercise and deposit of waste. PHA shall provide adequate written notification to Tenant in event of any designation or prohibition.
20. Tenants shall not alter their dwelling unit, patio, or unit area to create an enclosure for any pet. No doghouses, animal runs, etc. will be permitted.
21. Tenants are responsible for all damages caused by their pets including the cost of professional

cleaning of carpets and/or fumigation of units.

22. PHA may designate areas within a project, building, floor, or section of building, where pet owners must live and may direct such moves as may be necessary to establish such areas. The areas may be adjusted and PHA may direct such additional moves as may be necessary to meet changing needs. PHA shall provide adequate written notification to tenant should any designation be made. Tenant agrees to comply with PHA's request to move pursuant to this paragraph.
 23. Tenants are prohibited from feeding or harboring stray animals. The feeding of stray animals shall constitute having a pet without the written permission of PHA.
 24. Guests may not bring pets onto the project premises. No pet sitting will be allowed except as allowed in paragraph E.5 (Alternate Custodian). Tenants and Tenants' guests shall not bring onto the property pets that are not approved by PHA or do not have a current PHA pet permit. This is to ensure the health and safety of residents and approved pets.
- I. Violation of these rules may be grounds for removal of the pet or termination of the Tenant's tenancy or both. Termination will be in accordance with procedures set forth in the Rental Agreement and State law.

10-B. ASSISTANCE ANIMAL POLICY

The above Section I – Pet Policy does not apply to animals that are used to assist the disabled (assistance animals). However, a disabled tenant whose pets are not approved as an assistance animal must still comply with Section I – Pet Policy.

- A. Definition. “Assistance Animals” means animals that work, provide assistance, or perform tasks for the benefit of a person with a disability. This term includes “service animals,” “support animals,” “therapy animals,” and “comfort animals.”
- B. To determine that an animal is excluded from Section I – Pet Policy, a Tenant must first request approval for an assistance animal by submitting a request for a reasonable accommodation. If the individual’s disability is not obvious or readily known, the Tenant must provide a written certification from a reliable third party, such as a physician, on a form provided by the PHA verifying that the individual has a qualifying disability and the need for the assistance animal.
- C. The request may be denied if the use of a particular assistance animal poses a direct threat to the health or safety of other or results in actual damage to the property unless the damage can be eliminated or substantially reduced.
- D. Disabled individuals who are approved for an assistance animal must still comply with the provisions of the Rental Agreement and are subject to the reasonable conditions listed below. If any of these reasonable conditions are breached or any provision of the Rental Agreement is violated, or if an approved assistance animal causes bodily injury or property damage, the approval may be rescinded, and the Tenant may be requested to remove the assistance animal within 24 hours of notice. Violation of the reasonable conditions may also be grounds for termination of the Tenant’s tenancy.
- E. Reasonable Conditions. All tenants with assistance animals shall comply with the following

conditions:

1. After receiving approval for an assistance animal, the Tenant must provide Management with proof of current licensing or identification. In the case of dogs, Tenant shall provide proof that the dog is currently licensed as required by local ordinances. In the case of cats, Tenant shall provide proof of identification as required by local ordinances (such as a collar or microchip). The Tenant shall also provide proof of current licensing or identification at every annual re-examination.
2. After receiving approval for an assistance animal, the Tenant must provide Management with a statement signed by veterinarian that the assistance animal is in good health and has no communicable diseases or pests.
3. In the case of cats and dogs, the assistance animal must be spayed or neutered, unless the tenant provides certification from a licensed veterinarian that such procedures would jeopardize the medical well-being of the animal.
4. Provide evidence to the Management that the dog or cat has received all current vaccinations or boosters, including parvovirus, distemper, hepatitis, leptospirosis, parainfluenza, bordetella for dogs, and feline distemper, rhinotracheitis, calicivirus, pneumonitis, and feline leukemia virus for cats (the latter two only when recommended by a veterinarian).
5. Provide a signed affidavit or declaration from an alternative custodian to the Management, at every annual re-certification. The affidavit or declaration shall provide that the alternative custodian is willing to take temporary custody of the assistance animal when the tenant is unable to care for the assistance animal for a period of time not to exceed ten (10) days. The affidavit or declaration shall also include the alternative custodian's contact information.
6. Not keep the assistance animal in violation of state law or local ordinances with respect to humane treatment or health.
7. If the assistance animal is left unattended for a period of twenty-four (24) hours or longer, the Management may enter the dwelling unit to remove the assistance animal. The Management will transfer the assistance animal to the proper authorities, subject to provisions of Hawaii State law and pertinent local ordinances. PHA accepts no responsibility for the assistance animal under such circumstances.
8. No assistance animal shall be kept, raised, or bred for any commercial purpose.
9. Dogs and cats must wear identification tags specifying Tenant's name and unit number.
10. Keep the assistance animal inside the Tenant's dwelling unit unless under the animal handler's supervision and on a leash, or otherwise under the animal handler's control.
11. When the assistance animal is a dog or cat and taken outside of the dwelling unit, the dog or cat must be kept on a leash, no longer than six (6) feet, and controlled by a responsible individual, unless keeping the animal on a leash would prevent the animal from adequately performing their job, and the animal can be controlled by the handler by alternate means.
12. No assistance animal may be leashed to any stationary object outside of Tenant's dwelling unit.

13. If the assistance animal is a bird, the bird must be confined to a cage at all times, unless keeping the bird in a cage would prevent the bird from adequately performing their job, and the bird can be controlled by the handler by alternate means.
14. Vicious and/or intimidating assistance animals with a past history of attack or aggressive behavior toward other animals or people will not be allowed.
15. Tenants shall not permit their assistance animals to disturb, interfere, or diminish the peaceful enjoyment of other tenants. The terms “disturb”, “interfere”, and “diminish” shall include but not be limited to barking, howling, chirping, biting, scratching, and other similar actions.
16. Tenants must provide litter boxes, which must be kept in the dwelling unit for cat waste. Tenant shall not permit refuse from litter boxes to accumulate nor to become unsightly or unsanitary. Litter shall be changed not less than once a week and placed in a plastic bag, properly disposed of by being placed in a trash container outside of the building, and at no time washed down any drains or flushed down any toilets. Waste from the assistance animal may not be put down the garbage chutes, if any.
17. Tenants shall take adequate precautions and measures necessary to eliminate pet odors within and around the unit and shall maintain the unit in a sanitary condition at all times.
18. Tenants are responsible for cleaning up waste from the assistance animal both inside and outside the dwelling unit and on project grounds. Animal waste must be disposed of by being placed in a sealed plastic bag and then placed in a trash container outside of the building. Tenant shall not wash or place animal waste down any drains or flush the waste down any toilet.
19. PHA may designate areas on the project grounds for assistance animal exercise and deposit of animal waste or may prohibit the entire grounds from being used for exercise and deposit of waste. PHA shall provide adequate notification to Tenant in the event of any designation or prohibition.
20. Tenants shall not alter their dwelling unit, patio, or unit area in order to create an enclosure for any assistance animal. No doghouses, animal runs, etc. will be permitted.
21. Tenants are responsible for all damages caused by their assistance animals including the cost of professional cleaning of carpets and/or fumigation of the dwelling unit.
22. PHA may designate areas within a project, building, floor, or section of building where tenants with assistance animals must live and may direct such moves as may be necessary to establish such areas. The areas may be adjusted and PHA may direct such additional moves as may be necessary to meet changing needs. PHA shall provide adequate written notification to tenant should any designation be made. Tenant agrees to comply with PHA’s request to move pursuant to this paragraph.
23. Tenants are prohibited from feeding or harboring stray animals. The feeding of stray animals shall constitute having a pet without the written permission of PHA.
24. Unless the animal is a “service animal,” as defined in Titles II and III of the Americans with Disabilities Act, guests may not bring any animal onto the project premises. No pet sitting will be allowed unless the Tenant is an “alternative custodian.”

25. Provide a color picture of the assistance animal to Management after Tenant receives approval for an assistance animal, and another color picture when the assistance animal reaches adult size.
26. Provide a signed statement from the Tenant acknowledging that he/she has received the Pet and Assistance Animal Policy and agrees to the comply with the Assistance Animal Policy and accept any and all financial and personal liability associated with personal assistance animal ownership in the housing project.
27. Follow any additional conditions imposed by PHA at the time of approval of the assistance animal.

Chapter 11

RECERTIFICATIONS

[24 CFR 5.617, 960.209]

INTRODUCTION

HUD requires that the PHA re-certify all families at least annually if they are on income-based rents or once every three years if family chooses flat rent. Flat rent household composition must be verified at least annually. At the annual re-certification a family must report their current household composition, income, deductions, and allowances. Between regular annual re-certifications, HUD requires that families report all changes in household composition, but the PHA decides what other changes must be reported and the procedures for reporting them. This Chapter defines the PHA's policy for conducting annual re-certifications. It also explains the interim reporting requirements for families, and the standards for timely reporting.

11-A. ELIGIBILITY FOR CONTINUED OCCUPANCY

Residents who meet the following criteria will be eligible for continued occupancy:

- Qualify as a family as defined in this policy;
- Are in full compliance with the obligations and responsibilities described in the dwelling lease;
- Whose family members, age 6 and older, each have submitted their Social Security numbers or have certifications on file that they do not have a Social Security number;
- Whose family members have submitted required citizenship/eligible immigration status/non-contending documents.
- Conform to Community Service and Economic Self-Sufficiency requirements. (See Appendix)

11-B. ANNUAL RECERTIFICATIONS

The terms *annual re-certification* and *annual reexamination* are synonymous.

For tenants who pay an income-based rent, the PHA shall reexamine a tenant's annual income, assets, family composition, and any other matter necessary to determine a tenant's rent and eligibility for continued occupancy at least once every twelve (12) months. In addition, income verification and rent determination for elderly and disabled families on fixed incomes do not need to be re-verified on an annual basis. The HPHA will send the Family Annual Update Report Form to each qualifying family. If no changes are reported, the HPHA will obtain updated income information and process the annual recertification without reverification of income or redetermination of rent. If changes to the household are reported, the family will be required to go through the normal recertification process. For tenants who pay a flat rent, the PHA shall conduct reexaminations as follows:

- At least once every twelve (12) months, the PHA shall reexamine a tenant's family composition and any other matter necessary to determine a tenant's eligibility for continued occupancy; and
- At least once every three (3) years, the PHA shall reexamine a tenant's annual income, assets, and any other matter necessary to determine a tenant's eligibility for continued occupancy.

In order to be re-certified, families are required to provide current and accurate information on income, assets, allowances and deductions, and family composition.

For families who move in on the first of the month, the annual re-certifications will be completed within 12 months of the anniversary of the move-in date. [Example: If family moves in August 1, the annual re-certification will be conducted to be effective on August 1, the following year].

For families who move in during the month, the annual re-certifications 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 re-certification is August 1].

When families move to another dwelling unit:

- An annual re-certification will be conducted unless a re-certification has occurred in the last one hundred twenty (120) days and the anniversary date will be changed.

Reexamination Notice to the Family

All families will be notified of their obligation to re-certify by first class mail. The notification shall be sent at least one hundred twenty (120) days in advance of the anniversary date. The PHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

Methodology

The PHA's method for conducting annual re-certifications will be:

- To schedule the specific date and time of appointments in the written notification to the family.

Persons with Disabilities

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

Collection of Information

The PHA representative will interview the family and enter the information provided by the family on the recertification form.

Requirements to Attend

The following family members will be required to attend the re-certification interview and sign the application for continued occupancy:

- All adult household members

If the head of household is unable to attend the interview:

- The appointment will be rescheduled.

- Any adult may re-certify for the family, provided that the head of household comes in within seven (7) days to re-certify.

Failure to Respond to Notification to Recertify

The written notification will explain which family members are required to attend the re-certification interview. The family may call to request another appointment date up to two (2) days prior to the interview.

If the family does not appear for the re-certification interview and has not rescheduled or made prior arrangements with the PHA, the PHA will reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the PHA will:

- Not schedule a third appointment; and
- Terminate tenancy for the family.

Exceptions to these policies may be made by Manager 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, the PHA will include instructions for the family to bring the following:

- Documentation of income for all family members
- Documentation of liquid and non-liquid assets
- Documentation to substantiate any deductions or allowances
- Personal Declaration Form completed by head of household

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. Verifications used for re-certification must be less than 120 days old. All verifications will be placed in the file, which has been established for the family.

When the information has been verified, it will be analyzed to determine:

- The continued eligibility of the resident as a *family* or as the *remaining member* of a family;
- The unit size required by the family; and
- The amount of rent the family should pay.

Changes in the Tenant Rent

If there is any change in rent, the lease will be amended, or a new lease will be executed, or a Notice of Rent Adjustment will be issued [24 CFR 966.4(c) & (o)].

Tenant Rent Increases

If tenant rent changes notice will be mailed to the family prior to the anniversary date.

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

Tenant Rent Decreases

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

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

If the tenant rent decreases and the tenant reported the change within a month prior to the annual re-certification anniversary date or between the annual re-certification anniversary date and the effective date of the annual re-certification, the change will be treated as an interim. The change will be effective the first of the following month that the family reported the change. If necessary, the HA will run another HUD 50058 as an annual re-certification.

11-C. REPORTING INTERIM CHANGES

Families must report all changes in household composition to the PHA between annual reexaminations. This includes additions of minors due to birth, adoption, and court-awarded custody or by written or unwritten permission from the legal parent or other person having legal custody of the minor, such as a hanai relationship, and the child is domiciled with the family or when the family is in the process of securing legal custody of a minor child or children and the child is domiciled with the family. The family must obtain PHA 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, the PHA will complete an application for continued occupancy and re-verify, using the same procedures the PHA staff would use for an annual reexamination, except for effective dates of changes. In such case, the Interim Reexamination Policy would be used.

The annual reexamination date will not change as a result of this action.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified prior to the approval by the HA of the family member being added to the lease.

Interim Reexamination Policy

Increases in Income to be Reported

Families must report all increases in income/assets of all household members to the PHA in writing immediately. -

Families are only required to report the following increases in income:

- Increases in earned income from the employment of a current household member;
- Increases in income because a person with income joins the household; or
- Increases in household income which comes as a result of a *new* income source.

Increases In Income and Rent Adjustments

The PHA will not process rent adjustments resulting from any increase in income until the next regularly scheduled re-certification, other than when a new member joins the household.

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.

The PHA will process the rent adjustment unless the PHA confirms that the decrease in income will last less than 30 calendar days.

The PHA will process rent adjustments whenever there is a decrease in income.

11-D. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The HA will not reduce the public housing rent for families whose welfare assistance is reduced specifically because of:

- Fraud;
- Failure to participate in an economic self-sufficiency program; or
- Noncompliance with a work activities requirement

However, the HA will reduce the rent if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where the family has complied with welfare program requirements but cannot or has not obtained employment (e.g., the family 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).

Verification Before Denying a Request to Reduce Rent

The HA will 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.

Cooperation Agreements

The HA has an unwritten cooperation agreement in place with the local welfare agency which assists the HA in obtaining the necessary information regarding welfare sanctions.

The HA has taken a proactive approach to culminating an effective working relationship between the HA and the local welfare agency for the purpose of targeting economic self-sufficiency programs throughout the community that are available to public housing residents.

The HA and the local welfare agency have mutually agreed to notify each other of any economic self-sufficiency and/or other appropriate programs or services that would benefit public housing residents.

11-E. OTHER INTERIM REPORTING ISSUES

A monthly interim reexamination will be scheduled for families with zero income for a maximum of one hundred twenty 120 days.

If there is a change from benefit income to employment income, the PHA will defer the family's rent increase for six months, or until the annual reexamination, in order to encourage families to move to self-sufficiency. This incentive will only be provided once to any family member.

If the family member leaves the job without good cause after six months and before twelve months, the rent will be calculated retroactively to include the employment income.

- This incentive is not provided to persons who work seasonally.

In the following circumstances, the PHA may conduct the interim re-certification by mail:

- Changes that will not result in a change in tenant rent.
- Changes in income that is normal for the family, such as seasonal employment.
- As a reasonable accommodation when requested. (See Chapter titled "Statement of Policies and Objectives")

Any changes reported by residents other than those listed in this section will be notated in the file by the staff person but will not be processed between regularly scheduled annual re-certifications.

PHA Errors

If the PHA 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.

11-F. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)

Standard for Timely Reporting of Changes

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

If the change is not reported within the required time period, or if the family fails to provide signatures, certifications, or documentation, (in the time period requested by the PHA), it will be considered untimely reporting.

Procedures When the Change is Reported in a Timely Manner

The PHA will notify the family of any changes in Tenant Rent to be effective according to the following guidelines:

- Increases in the Tenant Rent are effective on the first of the month following at least thirty days' notice.
- Decreases in the Tenant Rent are effective the first of the month following the month in which the change is reported.

The change may be implemented based on documentation provided by the family, pending third- party written verification.

The change will not be made until the third-party verification is received.

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

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

- Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any underpaid rent and may be required to sign a Repayment Agreement.
- The PHA will not execute a payment agreement if the payback is so much that it will take the family longer than 6 months to complete the agreement.
- Decrease in Tenant Rent will be effective on the first of the month following completion of processing by the PHA and not retroactively.

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

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

Therefore, an increase will be effective after the required thirty days' notice prior to the first of the month after completion of processing by the PHA.

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

11-G. REPORTING OF CHANGES IN FAMILY COMPOSITION

The members of the family residing in the unit must be approved by the PHA. The family must inform the PHA and request approval of additional family members other than additions due to birth, adoption, marriage, court-awarded custody, written or unwritten permission from the legal parent or other person having legal custody of the minor, such as a hanai relationship, and the child is domiciled with the family, or when the child is domiciled with the family and the family is in the process of securing legal custody of a minor child or children before the new member occupies the unit.

Except for the additions to the family that are due to marriage, birth, adoption, court-awarded custody, a minor child or children becoming domiciled with the family based on written or unwritten permission from the legal parent or other person having custody of the minor, such as a hanai relationship or a minor child or children becoming domiciled with the family and the family is in the process of securing legal custody of the minor child or children, if the addition will affect the bedroom size required by the family, the PHA may not approve the addition if the addition will result in the household exceeding the maximum occupancy allowable by the applicable local housing, zoning, building, health and fire codes.

All changes in family composition must be reported within seven (7) 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 or spouse that the member (who may be the head of household) removed is permanently absent.

The head of household must provide a statement that the head of household or spouse will notify the HA if the removed member returns to the household for a period longer than the visitor period allowed in the lease.

Increase in Family Size

The PHA 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 of any relation of the Head or Spouse.
- Addition due to birth, adoption or court-awarded custody, a minor becoming domiciled with the family based on written or unwritten permission from the legal parent or other person having legal custody of the minor, such as a hanai relationship, or a minor becoming domiciled with the family and the family is in the process of securing legal custody of a minor child or children.

Families who need a larger sized unit because of voluntary additions will have lower priority on the Transfer List than other families who are required to change unit size.

If a change due to birth, adoption, court-awarded custody, a minor becoming domiciled with the family based on written or unwritten permission from the legal parent or other person having legal custody of the minor, such as a hanai relationship, or a minor becoming domiciled with the family and the family is in the process of securing legal custody of a minor child or children, or need for a live-in attendant requires a larger size unit due to overcrowding, the change in unit size shall be made effective upon availability of an appropriately sized unit.

Definition of Temporarily/Permanently Absent

The PHA 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. The PHA 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, the PHA will terminate tenancy in accordance with the appropriate lease termination procedures contained in this Policy. Families are required to notify the PHA before they move out of a unit in accordance with the lease and to give the PHA information about any family absence from the unit.

Families must notify the PHA if they are going to be absent from the unit for more than fifteen consecutive days. A person with a disability may request an extension of time as an accommodation.

"Absence" means that no family member is residing in the unit.

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

- Conduct home visit
- Write letters to the family at the unit
- Post letters on exterior door
- Telephone the family at the unit
- Interview neighbors
- Verify if utilities are in service
- Check with Post Office for forwarding address

- Contact emergency contact

If the entire family is absent from the unit, with PHA permission, for more than seven (7) consecutive days, the unit will be considered to be vacant and the PHA will terminate tenancy.

As a reasonable accommodation for a person with a disability, the PHA may approve an extension. (See Absence Due to Medical Reasons for other reasons to approve an extension.) During the period of absence, the rent and other charges must remain current.

If the absence which resulted in termination of tenancy was due to a person's disability, and the PHA can verify that the person was unable to notify the PHA in accordance with the lease provisions regarding absences, and if a suitable unit is available, the PHA may reinstate the family as an accommodation if requested by the family.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for six (6) consecutive months except as otherwise provided in this Chapter.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the PHA 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. If the verification indicates that the family member will return in less than one hundred eighty (180) consecutive days, the family member will not be considered permanently absent, as long as rent, and other charges remains current.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the PHA's "Absence of Entire Family" policy.

Absence due to Incarceration

If the sole member is incarcerated for more than one hundred eighty (180) 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 one hundred eighty

(180) consecutive days. The rent and other charges must remain current during this period.

The PHA will determine if the reason for incarceration is for drug-related or criminal activity which would threaten the health, safety and right to peaceful enjoyment of the dwelling unit by other residents.

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, the PHA 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 six (6) months 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.

Absence of Adult

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the PHA will treat that adult as a visitor for the first seven (7) calendar days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, and the caretaker qualifies under Tenant Suitability criteria, the lease will be transferred to the caretaker.

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

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

The PHA will transfer the lease to the caretaker, in the absence of a court order, if the caretaker qualifies under the Tenant Suitability criteria and has been in the unit for more than three months and it is reasonable to expect that custody will be granted.

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

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

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

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

- Full time students who attend school away from the home and live with the family during school recess will be considered temporarily absent from the household.

Visitors (See Chapter on Leasing)

Any adult not included on the HUD 50058 who has been in the unit more than seven (7) consecutive days, or a total of fifteen (15) cumulative days in the month will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is an unauthorized household member.

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

The HA will consider:

- Statements from neighbors and/or PHA staff

- Vehicle license plate verification
- Post Office records
- Driver's license verification
- Law enforcement reports
- Credit reports

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

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

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 ninety (90) 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 ninety (90) days per year, the minor will be considered to be an eligible visitor and not a family member.

In a joint custody arrangement, if the minor is in the household less than ninety (90) days per year, the minor will be considered to be an eligible visitor and not a family member. 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.

11-H. 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 the HA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

- The court has to have awarded emancipated minor status to the minor or is legally married; or
- The HA has to have 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.

A reduction in family size may require a transfer to an appropriate unit size per the Occupancy Standards.

11-I. CHANGES IN UNIT SIZE

The HA shall grant exceptions from the occupancy standards if the family requests and the HA determines the exceptions are justified according to this policy.

The PHA will not assign a larger bedroom size due to additions of family members other than by birth, adoption, marriage or court-awarded custody, or a child becoming domiciled with the family based on written or unwritten permission from the legal parent or person having legal custody, such as a hanai relationship, or a child becoming domiciled with the family and the family is in the process of securing legal custody of a minor child.

The PHA will consider the size of the unit and the size of the bedrooms, as well as the number of bedrooms, when an exception is requested.

When an approvable change in the circumstances in a tenant family requires another unit size, the family's move depends upon the availability of a suitable size and type of unit. If the unit is not available at the time it is requested, the family will be placed on the Transfer List.

(Reference chapter on Occupancy Standards)

11-J. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES

Under the Non-citizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

"Mixed" families who were participants on June 19, 1995, shall continue receiving full assistance if they meet the following criteria:

The head of household, co-head or spouse is a U.S. citizen or has eligible immigrant status; AND
The family does not include any ineligible immigrants other than the head or spouse, or parents or children of the head, co-head, or spouse.

Mixed families who qualify for continued assistance after 11/29/96 may receive prorated assistance only.

If they do not qualify for continued assistance, the member(s) that cause the family to be ineligible for continued assistance may move, or the family may choose prorated assistance (See Chapter titled "Factors Related to Total Tenant Payment Determination"). The PHA may no longer offer temporary deferral of termination (See Chapter on "Lease Terminations").

Chapter 12

RENTAL AGREEMENT TERMINATIONS

12-I.A. RENTAL AGREEMENT TERMINATIONS

The HPHA’s policies regarding rental agreement termination can be found at:

- Chapter 17-2020, Hawaii Administrative Rules (HAR), entitled “Eviction – Practice and Procedure”; and
- Chapter 17-2028, HAR, entitled “Federally Assisted Public Housing Projects”.

12-I.B. OVER-INCOME FAMILIES

The HPHA’s polices regarding over-income public housing families can be found at Chapter 17-2028, HAR, entitled “Federally Assisted Housing Projects”.

In accordance with Notices PIH 2019-11 and PIH 2023-03, the current over-income limits are provided as Exhibit 12-1.

EXHIBIT 12-1: OVER-INCOME LIMITS

The current over-income limits are based upon the FFY 2025 Income Limits which were published by HUD and made effective on April 1, 2025.

County	Persons in Family							
	1	2	3	4	5	6	7	8
Hawaii	\$101,640	\$116,160	\$130,680	\$145,080	\$156,720	\$168,360	\$180,000	\$191,520
Honolulu	\$127,680	\$145,920	\$164,160	\$182,400	\$197,040	\$211,680	\$226,200	\$240,840
Kauai	\$111,720	\$127,680	\$143,640	\$159,480	\$172,320	\$185,040	\$197,760	\$210,600
Maui	\$113,160	\$129,240	\$145,440	\$161,520	\$174,480	\$187,440	\$200,400	\$213,240

Chapter 13
GRIEVANCE PROCEDURE

13-I.A. GRIEVANCE PROCEDURE

The HPHA’s grievance procedure can be found at:

- Chapter 17-2020, Hawaii Administrative Rules (HAR), entitled “Eviction – Practice and Procedure”;
- Chapter 17-2021, HAR, entitled “Grievance Procedure”; and
- Chapter 17-2028, HAR, entitled “Federally Assisted Public Housing Projects”.

Chapter 14

FAMILY DEBTS TO THE PHA

INTRODUCTION

This Chapter describes the PHA'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 the PHA's policy to meet the informational needs of families and to communicate the program rules in order to avoid family debts. Before a debt is assessed against a family, the file must contain documentation to support the PHA'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.

When families or owners owe money to the PHA, the PHA will make every effort to collect it. The PHA will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Payment agreements
- Collection agencies
- Credit bureaus
- Income tax set-off programs

14-A. PAYMENT AGREEMENT FOR FAMILIES

A Payment Agreement as used in this Plan is a document entered into between the PHA and a person who owes a debt to the PHA. It is similar to a promissory note but contains more details regarding the nature of the debt the terms of payment any special provisions of the agreement, and the remedies available to the PHA upon default of the agreement.

The maximum length of time the PHA will enter into a payment agreement with a family is six (6) 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.

If the family's payment agreement is in arrears, the PHA will:

- Require the family to pay the balance in full
- Pursue civil collection of the balance due
- 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.

There are some circumstances in which the PHA will not enter into a payment agreement. They are:

- If the family already has a payment agreement in place.
- If the PHA determines that the family has committed program fraud.
- If the PHA determines that the debt, due to fraud or failure to report income is so large that it would take more than six (6) months to repay.

Guidelines for Payment Agreements

Payment agreements will be executed between the PHA 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 Manager.

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:

- A natural disaster

Additional Monies Owed

If the family has a payment agreement in place and incurs an additional debt to the PHA:

- The PHA will not enter into more than one payment agreement at a time with the same family.

14-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 the PHA 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.

Program Fraud

Families who owe money to the PHA due to program fraud will be required to repay in accordance with the guidelines in Section A of this Chapter.

Payment Procedures for Program Fraud

Families who commit program fraud or untimely reporting of increases in income will be subject to the following procedures:

- The duration of the agreement will not exceed the duration of the violation.
- The amount of the monthly payment will be determined in accordance with the family's current income.

14-C. WRITING OFF DEBTS

Debts will be written off per State Procedures.

GLOSSARY

PART I: TERMS USED IN DETERMINING RENT

ANNUAL INCOME (24 CFR 5.609)

Annual income is the anticipated total income from all sources. This includes net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member for the 12-month period following the effective date of initial determination or reexamination of income. It does not include income that is temporary, non-recurring, or sporadic as defined in this section, or income that is specifically excluded by other federal statute. Annual income includes:

- The full amount before any payroll deductions, of wages and salaries, overtime pay, commissions fees, tips and bonuses, and other compensation for personal services.
- The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business.
- Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.
- When the family has net family assets in excess of \$5,000. Annual Income shall include the greater of the actual income derived from all net family assets, or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.
- The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.

NOTE: Treatment of lump sum payments for delayed or deferred periodic payment of social security or SSI benefits is dealt with later in this section.

- Payments in lieu of earnings, such as unemployment and disability compensation, workers' compensation, and severance pay.
- Earnings and benefits mean the incremental earnings and benefits resulting from a training program or subsequent job.
- Deferred periodic payments from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
- Amounts received by the family in the form of refunds or rebates under state or local law for

property taxes paid on the dwelling unit.

- Amounts paid by a State agency to a family with a 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.
- Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. (A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion.

The following benefits are excluded by other Federal Statute as of August 3, 1933:

The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977;

Payments to volunteers under the Domestic Volunteer Service Act of 1973; examples of programs under this Act include but are not limited to:

The Retired Senior Volunteer Program (RSVP)

Foster Grandparent Program (FGP)

Senior Companion Program (SCP)

Older American Committee Service Program

National Volunteer Antipoverty Programs, such as:

VISTA

Peace Corps

Service-Learning Program

Special Volunteer Programs

Small Business Administration Programs such as:

National Volunteer Program to Assist Small Businesses

Service Corps of Retired Executives

- Payments received under the Alaska Native Claims Settlement Act. [43 USC 1626 (a)]
- Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes. [25 USC 459e]
- Payments or allowances made under the Department of HHS' Low Income Home Energy Assistance Program. [42 USC 8624 (f)]

- Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 USC 1552 (b))
- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540).
- The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC. 1407-08), or from funds held in trust for an Indian Tribe by the Secretary of interior.
- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs. [20 USC 1087 uu] Examples: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College-Work Study, and Byrd Scholarships.
- Payments received under programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)] Examples include Senior Community Services Employment Program, National Caucus Center on the Black Aged, National Urban League; Association Nacional Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.
- Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In-Re Orange Product Liability litigation.
- The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs of incurred in such care) under the Child Care and Development Block Grant Act of 1990. (42 USC 9858q)
- Earned income tax credit refund payments received on or after January 1, 1991. (26 USC 32)(j).
- Living allowances under AmeriCorps Program (Nelson Diaz Memo to George Latimer 11/15/94)
- All welfare assistance payments received by or on behalf of any family member (24 CFR 913.106(b)(6) contains rules applicable to "as-paid" States).
- Periodic and determinable allowances. such as alimony and childcare support payments, and regular cash contributions or gifts received from persons not residing in the dwelling.
- All regular pay, special pay, and allowances of a member of the Armed Forces (except special pay to a family member serving the Armed Forces who is exposed to hostile fire).

EXCLUSIONS FROM ANNUAL INCOME (24 CFR 5.609)

Annual income does not include the following:

- Income from the employment of children (including foster children) under the age of 18 years;
- Payments received for the care of foster children or foster adults (usually individuals with

disabilities unrelated to the resident family, who are unable to live alone):

- Lump sum additions to family assets, such as inheritances. insurance payments (including payments under health. and accident insurance and workers' compensation) capital gains, and settlement for personal property losses;
- Amounts received by the family that are specifically for, or in reimbursement of the cost of medical expenses for any family member.
- Income of a live-in aide provided the person meets the definition of a live-in aide.
- The full amount of student financial assistance paid directly to the student or the educational institution.
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- Amounts received under HUD funded training programs (e.g., Step-up program); excludes stipends, wages, transportation payments and childcare vouchers for the duration of the training.
- Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self Sufficiency (PASS).
- Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out of pocket expenses incurred for items such as special equipment, clothing, transportation, and childcare, to allow participation in a specific program.
- Amount received as a Resident services stipend. A modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time.
- 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 family members 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.
- Temporary, non-recurring, or sporadic income (including gifts).
- Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era. (For all initial determinations and reexaminations of income on or after April 23, 1993.)
- Earnings in excess of \$480 for each full-time student 18 years old or older. (Excluding the head of household and spouse).
- Adoption assistance payments in excess of \$480 per adopted child.

- The earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988 (42 U.S.C. 1437 et seq.), or any comparable Federal, State or local law during the exclusion period. For purposes of this paragraph the following definitions apply:
 - Comparable Federal, State, or local law means a program providing employment training and supportive services that: (1) is authorized by a Federal, State, or local law; (2) is funded by the Federal, State or local government; (3). is operated or administered by a public agency; and (4) has as its objective to assist participants in acquiring job skills.
 - Exclusion period means the period during which the resident participates in a program as described in this section plus 18 months from the date the resident begins the first job acquired by the resident after completion of such program that is not funded by public housing assistance under the U.S. Housing Act of 1937. If the resident is terminated from employment without good cause, the exclusion period shall end.

ADJUSTED INCOME

Annual income, less allowable HUD deductions.

Note: Under the Continuing Resolution, PHAs are permitted to adopt other adjustments to earned income for residents of Public Housing but must absorb any resulting loss in rental income.

All Families are eligible for the following:

- Child Care Expenses: A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which the Annual Income is computed. Childcare expenses are only allowed when such care is necessary to enable a family member to be gainfully employed or to further his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed: (1) The amount of income earned by the family member released to work, or (2) an amount determined to be reasonable by the PHA when the expense is incurred to permit education.
- Dependent Deduction: An exemption of \$480 for each member of the family residing in the household (other than the head or spouse, live-in aide, foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, handicapped, or a full-time student.
- Handicapped Expenses: A deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for handicapped family members where such expenses are necessary to permit a family member(s), including the handicapped/disabled member to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.
- Equipment and auxiliary apparatus may include but are not limited to wheelchairs, lifts, reading devices for visually handicapped, and equipment added to cars and vans to permit use by the handicapped or disabled family member.
 - For non-elderly families and elderly families without medical expense: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and

equipment less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.

For elderly families with medical expenses: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less three percent of Annual Income, (provided the amount does not exceed earnings) plus medical expenses as defined below.

- For Elderly and Disabled Families Only:
 - Medical Expenses: A deduction of unreimbursed medical expenses, including insurance premiums anticipated for the period for which Annual Income is computed. Medical expenses include but are not limited to services of physicians and other health care professionals, services of health care facilities: insurance premiums including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by the PHA for the purpose of determining a deduction from the income, the expenses claimed must be verifiable.
 - For elderly families without handicapped expenses: The amount of the deduction shall equal total medical expenses less 3% of annual income.
 - For elderly families with both handicapped and medical expenses: The amount of handicapped assistance is calculated first, then medical expenses are added.
- Elderly/Disabled Household Exemption: An exemption of \$400 per household.

PART II: GLOSSARY OF HOUSING TERMS

ACCESSIBLE DWELLING UNITS. When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route, and when designed, constructed, or altered, can be approached, entered, and used by individuals with physical handicaps. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 & 40 (the Uniform Federal Accessibility Standards) is "accessible" within the meaning of this paragraph.

ACCESSIBLE FACILITY. All or any portion of a facility other than an individual dwelling unit used by individuals with physical handicaps.

ACCESSIBLE ROUTE. For persons with a mobility impairment, a continuous, unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards (UFAC). For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility.

ADAPTABILITY. Ability to change certain elements in a dwelling unit to accommodate the needs of handicapped and non-handicapped persons; or ability to meet the needs of persons with different types and degrees of disability.

ADMISSION. Admission to the program is the effective date of the lease. The point at which a family becomes a resident.

ALLOCATION PLAN. The plan submitted by the PHA and approved by HUD under which the PHA is permitted to designate a building, or portion of a building, for occupancy by Elderly Families or Disabled Families.

ANNUAL INCOME AFTER ALLOWANCES. The Annual Income (described above) less the HUD-approved allowances.

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

"AS-PAID" STATES. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS. (See Net Family Assets.)

AUXILIARY AIDS. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs and activities.

CEILING RENT. An amount that reflects the reasonable market value of the housing unit, but not less than the sum of the monthly per-unit operating costs and a deposit to a replacement reserve. The family pays the lower of the ceiling rent or the formula tenant rent.

CO-HEAD. An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a co-head or spouse, but not both. A co-head never qualifies as a dependent.

DEPENDENT. A member of the family household (excluding foster children) other than the family

head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or older.

DESIGNATED FAMILY. The category of family for whom the PHA elects to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 housing Act (24 CFR 945.105)

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

DISABLED PERSON. A person who is any of the following:

- A person who has a disability as defined in section 223 of the Social Security Act. (42 USC 423).
- A person who has a physical, mental, or emotional impairment that:
 - Is expected to be of long-continued and indefinite duration;
 - Substantially impedes his or her ability to live independently; and
 - Is of such a nature that ability to live independently could be improved by more suitable housing conditions.
- A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

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

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

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

DOMICILED means physically residing in the unit with the intent to remain.

DRUG-RELATED CRIMINAL ACTIVITY. Term means:

- Drug-trafficking; or
- Illegal use, or possession for personal use of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

DRUG TRAFFICKING. The illegal manufacture, sale, distribution, or the possession with intent to

manufacture, sell, or distribute a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

ELDERLY FAMILY. A family whose head or spouse or whose sole member is at least 62 years, or two or more persons who are at least 62 years of age or a disabled person. It may include two or more elderly, disabled persons living together or one or more such persons living with another person who is determined to be essential to his/her care and wellbeing.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBLE FAMILY (Family). A family is defined by the PHA in the Admission and Continued Occupancy Plan.

EXCEPTIONAL MEDICAL OR OTHER EXPENSES. Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly families only in excess of 3% of Annual Income which are not reimbursable from any other source.

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

FAMILY OF VETERAN OR SERVICEPERSON. A family is a “family of veteran or serviceperson” when:

- The veteran or serviceperson (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household and was a family member at the time of death.
- The veteran or serviceperson, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by an PHA to promote self-sufficiency of assisted families, including the provision of supportive services.

FOSTER CHILD CARE PAYMENT. Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

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

HANAI CHILD or HANAI CHILDREN means a child who is taken permanently to reside, be educated, and reared by someone other than the natural parents, traditionally a grandparent or other relative, with the written or unwritten permission of the natural parents.

HANDICAPPED ASSISTANCE EXPENSES. Anticipated costs for care attendants and auxiliary

apparatus for handicapped or disabled family members which enable a family member (including the handicapped family member) to work.

HANDICAPPED PERSON. [See Disabled Person].

HEAD OF HOUSEHOLD. The person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSING AGENCY. A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "HA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. The Act in which the U.S. Housing Act of 1937 was recodified, and which added the Section 8 Programs.

HOUSING ASSISTANCE PLAN.

- A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.
- A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

HOUSING QUALITY STANDARDS (HQS). The HUD minimum quality standards for housing assisted under the Public Housing and Section 8 programs.

HUD. The Department of Housing and Urban Development or its designee.

HUD REQUIREMENTS. HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

HURRA. The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

IMPUTED ASSET. Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

IMPUTED INCOME. HUD passbook rate times the total cash value of assets, when assets exceed \$5,000.

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

INCOME FOR ELIGIBILITY. Annual Income.

INCOME TARGETING. The HUD admissions requirement that HAs not admit less than the number required by law of families whose income does not exceed 30% of the area median income in a fiscal year.

INDIAN. Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.

INDIAN HOUSING AUTHORITY (IHA). A housing agency established either:

- By exercise of the power of self-government of an Indian Tribe, independent of State law, or
- By operation of State law providing specifically for housing authorities for Indians.

INTEREST REDUCTION SUBSIDIES. The monthly payments or discounts made by HUD to reduce the debt service payments and hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

INVOLUNTARILY DISPLACED PERSON. An applicant who has vacated or will have to vacate the unit where the applicant lives because of one or more of the following:

- Displacement by disaster;
- Displacement by governmental action; or
- Displacement by action of housing owner for reasons beyond the applicant's control and despite the applicant meeting all previously imposed conditions of occupancy. The action taken by the owner is for reasons other than rent increase.

LANDLORD. Either the legal owner of the property, or the owner's representative or managing agent as designated by the owner.

LEASE. A written agreement between an owner and an eligible family for the leasing of a housing unit.

LIVE-IN AIDE. A person who resides with an elderly person or disabled person and who:

- Is determined to be essential to the care and well-being of the person;
- Is not obligated for the support of the person; and
- Would not be living in the unit except to provide necessary supportive services.

LOCAL PREFERENCE. A preference used by the PHA to select among applicant families without regard to their date and time of application.

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

MARKET RENT. The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families who are ineligible for assistance. For unsubsidized units in an FHA-insured

multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES. Those total medical expenses anticipated during the period for which Annual Income is computed, and which are not covered by insurance. (Only Elderly Families qualify). The allowances are applied when medical expenses exceed 3% of Annual Income.

MINIMUM RENT. An amount established by the PHA between zero and \$50.00.

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

MONTHLY ADJUSTED INCOME. 1/12 of the Annual Income after Allowances.

MONTHLY INCOME. 1/12 of the Annual Income before allowances.

NEAR-ELDERLY FAMILY. A family whose head, spouse, or sole member is at least 50, but less than 62 years of age. The term includes two or more near-elderly persons living together and one or more such persons living with one or more live-in aides.

NET FAMILY ASSETS. The net cash value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are excluded from the definition.

OCCUPANCY STANDARDS. [Now referred to as Subsidy Standards] Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and compositions.

PARTICIPANT. A family that has been admitted to the PHA program and is currently assisted in the program.

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

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

PUBLIC HOUSING AGENCY (PHA). A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.)

QUALITY HOUSING AND WORK RESPONSIBILITY ACT OF 1998. The Act which amended the U.S. Housing Act of 1937 and is known as the Public Housing Reform Bill. The Act is directed at revitalizing and improving HUD's Public Housing and Section 8 assistance programs.

RECERTIFICATION. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if no interim changes are reported by the family.

REMAINING MEMBER OF TENANT FAMILY. Person left in assisted housing after other family

members have left and become unassisted.

RESPONSIBLE ENTITY. For the public housing, Section 8 tenant-based assistance, project-based certificate assistance and moderate rehabilitation program, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

SECRETARY. The Secretary of the Department of Housing and Urban Development.

SECURITY DEPOSIT. A dollar amount which can be collected from the family by the owner upon termination of the lease and applied to unpaid rent, damages or other amounts owed to the owner under the lease according to State or local law.

SERVICEPERSON. A person in the active military or naval service (including the active reserve) of the United States.

SINGLE PERSON. A person living alone or intending to live alone who is not disabled, elderly, or displaced, or the remaining member of a tenant family.

SPOUSE. The marriage partner of the head of the household.

SUBSIDIZED PROJECT. A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

- Below-market interest rates pursuant to Section 221 (d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
- Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965;
- Direct loans pursuant to Section 202 of the Housing Act of 1959;
- Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
- Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency; or
- A Public Housing Project.

SUBSIDY STANDARDS. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

TENANT. (Synonymous with resident) The person or persons who executes the lease as lessee of the dwelling unit.

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

TOTAL TENANT PAYMENT (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT/HOUSING UNIT. Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero bedrooms to six bedrooms.

UTILITIES. Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE. The PHA's estimate of the average monthly utility bills for an energy-conscious household. If all utilities are included in the rent, there is no utility allowance. The utility allowance will vary by unit size and type of utilities.

Appendix A

COMMUNITY SERVICE AND SELF-SUFFICIENCY PROVISION

I. BACKGROUND

The community service and self-sufficiency requirement is a legislative mandate by Congress as part of the Public Housing Reform Act of 1998 (PHRA). This provision follows some of the themes of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, also known as the Welfare Reform Act, by requiring low-income families in public housing to contribute or participate for 8 hours a month in a community service or self-sufficiency activity or combination of both, as a condition of receipt of Federal housing assistance.

In response to the PHRA of 1998, the Housing and Community Development Corporation of Hawaii, the predecessor agency of the Hawaii Public Housing Authority (HPHA), developed the Community Service Program. The community service and self-sufficiency provision of the PHRA is intended to assist adult residents in improving their own and their community's economic and social well-being and give residents a greater stake in their communities. The provision is not intended to be perceived as punitive but rather considered a rewarding activity that will assist residents.

II. DEFINITIONS

“Applicant” means an individual or family who submits an application for admission to the federal public housing program but is not yet a participant in the program.

“Community service” means 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 as defined in 24 CFR 906.601.

“Economic self-sufficiency program” means programs that are geared towards achieving economic independence and are focused on an individual's or family's ability to provide financially to the welfare of the family.

“Exempt resident” means a person who has fulfilled specific criteria as defined herein, has provided adequate written documentation, and is not required to participate in the HPHA's Community Service Program.

“Participant” means a person or family that is receiving rental assistance in the program. Participation begins on the first day of the approved lease.

“Social self-sufficiency programs” means programs that are aimed at improving an individual's life skills capacity. Program objectives may include increasing problem-solving skills, assuming personal responsibility, improving interpersonal relationships, learning and practicing healthy beliefs and operating with clear standards about acceptable behaviors.

III. PROGRAM BENEFITS

Program Benefits. Residents participating in community service and self sufficiency activities are persons who are unemployed and may have been out of the workforce for some period of time. Depending upon the type of activities under the Corporation's program, residents can benefit from participation in these activities, including:

- Significant experience or exposure to various volunteer 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-sufficiency in the community.
- Opportunity to explore training and employment areas that may not have been available in the past.
- Opportunity to be exposed to different types of job skills and work environments.
- Contacts with possible agencies or employers that the resident may never have had the opportunity to interact with prior to this experience.
- Increased confidence in the residents' skills and abilities that may encourage them to pursue permanent employment or training.

IV. PROGRAM REQUIREMENTS AND IMPLEMENTATION

- A. Requirements. The provision requires performing either 8 hours of community services, participating in 8 hours of an economic self-sufficiency program, or performing a combination of both for 8 hours per month.

For example, a resident can combine 6 hours of community service activities with 2 hours of self-sufficiency training to meet the 8-hour requirement.

- B. Start Date. Program implementation is scheduled to begin July 1, 2001, for all new applicants and all current adult residents as follows:
1. All new applicants after October 1, 2001, shall be required to comply with the community service and self-sufficiency provision as detailed in their lease agreement.
 2. Upon the start of the program, all current residents shall be informed of their exempt or nonexempt status 30 days prior to their next recertification. During their recertification, residents shall be required to execute a new 12-month lease agreement which details the terms and conditions of their tenancy and participation in the Community Service Program.

V. PROGRAM ADMINISTRATION

- A. Program Administrator. The community service and self-sufficiency program shall be implemented by the HPHA's Property Management and Maintenance Services Branch

staff. The Resident Services Section shall provide administrative support to the Asset Management Projects in the implementation of this program.

- B. The HPHA shall enter into a formal written agreement with the Department of Human Services to coordinate the verification of participation in community service activities or duties in compliance with the Community Service Requirement.
- C. The HPHA shall maintain documentation of a residence exempt or nonexempt status and documentation of community service performance in the participant file.
- D. Documentation shall include written verification by a third party. Documentation must include the resident's name and address, the date and number of hours of service performed, and certification by the third party that the service was performed in compliance with the Community Service Requirement.

VI. NOTIFICATION REQUIREMENT

- A. Applicant Notification. All applicants will be notified of the community service requirement during their initial interview. Applicants will be provided information about the community service and self-sufficiency provision and provided a written description of the program.

The program description will include information regarding the general program policy, determination of exempt and nonexempt family members, description of the process for reviewing compliance, and required documentation for service requirement performance.

- B. Resident Notification. All current residents will be provided written notice of the community service and self-sufficiency requirement and a description of program procedures and informed through community meetings. The HPHA We'll send each household a copy of the program description no later than June 1 2001.

The program description will include information regarding the general program policy, determination of exempt and nonexempt family members, description of the process for reviewing compliance, and required documentation for service requirement performance.

- C. Reminders. Residents will be sent a quarterly reminder to provide the HPHA with documentation of their service activities during the lease period.

VII. REQUIRED PARTICIPANTS AND EXEMPTIONS

- A. Exemptions. Community service and self-sufficiency policies apply to all nonexempt, adult residents in public housing. Persons exempt from community service include applicants or residents who are:

- 1. Age 62 years or older.

2. Blind or disabled (as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 415(i)(1); 1382c) and who certify that because of this disability they are unable to comply with the service provisions; or primary caretakers of such individuals.
3. Engaged in work activities (defined in section 407(d) of the Social Security Act (42 U.S.C. 607(d)) as the following:
 - i. Unsubsidized employment.
 - ii. Subsidized private-sector employment.
 - iii. Subsidized public sector employment.
 - iv. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private-sector employment is not available.
 - v. On-the-job training.
 - vi. Job search and job-readiness assistance.
 - vii. Community service programs.
 - viii. Vocational educational training (not to exceed 12 months with respect to any individuals).
 - ix. Job skills training directly related to employment.
 - x. Education directly to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency.
 - xi. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence in the case of a resident who has not completed secondary school or received such certificate.
 - xii. The provision of childcare services to an individual who is participating in a community service program.
4. Meet the requirements for being exempt from having to engage in a work activity under the state program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the state in which the PHA is located, including a State-administered welfare-to-work program.
5. Members of a family receiving assistance, benefits, or services under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or under any other welfare program of the state 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 program.

VIII. VERIFICATION OF EXEMPT STATUS

- A. Residents and applicants who have demonstrated general eligibility criteria for exemption:
 1. Elderly (persons 62 years or older); and/or
 2. Blind or disabled or primary caretakers of such individual,
 Are not required to provide any additional verification to the HPHA to meet the exempt status under the community service and self-sufficiency provision.

- B. Persons who are exempt because of their participation in a welfare-to-work program administered by the Department of Human Services shall be required to provide written documentation & a release of information form.
- C. Residents and/or applicants who meet the requirements for an exempt status shall submit written documentation to that extent to the HPHA. All current residents shall submit documentation to the HPHA at least 30 days prior to their next recertification appointment. All new applicants shall submit documentation within 30 days of acceptance and placement in the program.
- D. Any changes to the exempt or nonexempt status must be reported to the HPHA project management staff within 30 days of the change.

IX. PROGRAM PARTICIPATION AND ELIGIBLE ACTIVITIES

- A. Community Service Activities. The term community service is defined in 24 CFR 906.601 as 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. The following examples are considered community service activities:
 1. Actively participating in a community Voluntary Tenant Patrol;
 2. Participating in an anti-graffiti program by monitoring and eliminating graffiti in the housing community;
 3. Assisting in grounds maintenance and community beautification projects;
 4. Assisting with a literacy and self-esteem program in an afterschool youth program;
 5. Assisting in a senior center providing elderly families with information on various services such as transportation, meals, etc.;
 6. Assisting in a homeless shelter kitchen;
 7. Volunteering at the foodbank;
 8. Assisting with a youth sports or mentoring program;
 9. Tutoring programs;
 10. Assisting project management staff to inform the community about upcoming events and meetings, new rules, etc.; and
 11. Assisting project management staff by serving as an interpreter for non-English speaking families.
- B. Self-Sufficiency Activities. The term economic self-sufficiency is defined in 24 DFR 5.603 as any self-sufficiency program designed to encourage, assist, training, or facilitate the economic independence of public housing residents or families to provide work for such families. The following are examples activities that meet the definition of self-sufficiency program:
 1. Job training (such as basic office skills, resume writing, interview skills, dress for success, office equipment);
 2. Employment counseling;
 3. Work placement;

4. Basic skills training;
5. Education (such as secondary education);
6. English proficiency;
7. Financial management or budgeting classes;
8. Household management;
9. Life skills (such as health and wellness classes);
10. Apprenticeship or vocational training;
11. Substance abuse treatment;
12. Mental health treatment program;
13. HUD's Family Self-Sufficiency Program;
14. HUD's Resident Opportunity and Self-Sufficiency Program; and
15. HUD's HOPE VI Program.

C. Ineligible Activities.

1. Part-time or full-time employment (including seasonal or temporary employment);
2. Political activities, such as lobbying, campaigning, advocacy activities;
3. Activities performed or work ordinarily performed by the HPHA's employees; and
4. Community service activities shall not replace a job at any administrative office or public housing complex where residents perform activities to satisfy the service requirement (24 CFR 960.609).

D. Referrals. To the extent practicable, residents will be provided a list with a minimum of 3 referrals to call to locate appropriate community service opportunities or training programs. Residents are expected to make their own attempts to locate appropriate activities by contacting their Manager, Resident Service Section, or local service providers.

E. New applicants will have 60 days after placement into public housing to locate and begin their community service or self-sufficiency activities.

F. Documentation. Residents are required to obtain written documentation of their fulfillment of the community service and self-sufficiency requirement. All documentation is due to the project management office 30 days prior to the resident's next recertification.

X. COMPLIANCE AND GRIEVANCES

- A. Residents are responsible for the following:
1. Provide and cooperate with the HPHA regarding verification of exempt or nonexempt status for the community service and self-sufficiency requirement;
 2. Report any changes regarding exempt or nonexempt status to the HPHA within 30 days;

3. For all adult residents in public housing, except those determined to be exempt, contribute 8 hours per month of community service or participate in an economic self-sufficiency program for 8 hours per month or perform a combination of both for 8 hours per month; and
 4. Provide the HPHA with the information verifying compliance with service requirements including the number of hours accomplished under this activity 30 days prior to their next recertification.
- B. Under this provision of law, noncompliance with the community service and self-sufficiency requirement is a lease violation and is grounds for nonrenewal of the lease at the end of a 12-month lease term, but not for termination of tenancy during the course of the 12-month lease term.
- C. The HPHA shall provide written notification to resident in noncompliance in the event that the resident is not fulfilling his or her obligation. The notice will describe the noncompliance and inform the resident that their lease shall not be renewed at the end of the current 12-month lease term unless the resident complies with the written agreement to cure noncompliance.
- D. If a resident or another adult family member has violated the community service and self-sufficiency requirement, the HPHA shall not renew the lease agreement upon expiration of the term unless the following conditions are met:
1. The resident and any other noncompliant resident enter into a written agreement with the HPHA to cure such noncompliance by completing the additional hours required over the 12-month term of the new lease; and
 2. All other family members who are subject to the community services and self-sufficiency requirement and currently complying with the requirement or are no longer residing in the unit.
- E. Residents shall be afforded the opportunity to enter into a written agreement with the HPHA to cure the noncompliance in accordance with the agreement. The agreement shall include:
1. The additional number of hours service or activities needed to make up the total number of hours required over the 12-month term of the new lease; and
 2. Assurance that all members of the family who are subject to the community service and self-sufficiency requirements are currently complying; or
 3. Written assurance satisfactory to the HPHA that the resident or other noncompliant family member no longer resides in the unit.
- F. Residents may request a grievance hearing pursuant to Chapter 17-2021, Hawaii Administrative Rules, on the HPHA's determination of noncompliance in accordance with the terms of their current lease agreement or may exercise any judicial remedy to seek timely redress the HPHA's nonrenewal of the lease because of such determination.