



## Our Mission

### *Providing Housing, Building Futures*

The mission of the Worcester Housing Authority is to enhance the Worcester community by creating and sustaining decent, safe, and affordable housing that champions stability and self-sufficiency for our residents.

# Admissions and Continued Occupancy Policy

## *For Federally Assisted Public Housing*

November 21, 2019

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# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§001 - Program Overview**

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### **1. INTRODUCTION**

The Worcester Housing Authority (WHA) receives operating subsidy for the federal public housing program from the Department of Housing and Urban Development (HUD). The WHA is not a federal department or agency but is a public body politic and corporate. The WHA enters into an Annual Contributions Contract (ACC) with HUD to administer the public housing program. The WHA must ensure compliance with federal laws, regulations, and notices. The WHA must establish policies and procedures to clarify federal requirements and to ensure consistency in program operation.

### **2. THE WHA**

The WHA is governed by a Board of Directors (Board) who are generally called “commissioners.” Commissioners are appointed in accordance with state law and generally serve in the same capacity as the directors of a corporation. The Board establishes policies under which the WHA conducts business, and ensures that those policies are followed. The Board is responsible for preserving and expanding the agency’s resources and assuring the agency’s continued viability and success.

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

The Board selects and hires an Executive Director (ED), who oversees the day to day operations of the WHA and is directly responsible for carrying out the policies established by the Board. The ED’s duties include hiring, training, and supervising the WHA’s staff, as well as budgeting and financial planning for the agency. Additionally, the ED is charged with ensuring compliance with federal and state laws, and program mandates.

The mission of the WHA is to enhance the Worcester community by creating and sustaining decent, safe, and affordable housing that champions stability and self-sufficiency for our residents. The core values of the WHA are as follows:

- Customer Service: Develop relationships that make a positive impact on our customer’s lives.
- Quality: Take pride in our work and in delivering a safe, sound, and secure home to our residents.
- Teamwork: Work together, across departments, to service the needs of our customers.
- Respect: Treat everyone we encounter with respect and dignity.
- Personal Accountability: Hold ourselves personally accountable for delivering on our commitments.
- Positivity: Provide a positive and encouraging environment for our staff and our customers in order to help them succeed.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§001 - Program Overview**

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### **3. PUBLIC HOUSING PROGRAM BASICS**

HUD writes and publishes regulations in order to implement public housing laws enacted by Congress. HUD contracts with the WHA to administer programs in accordance with HUD regulations and provides an operating subsidy to the WHA. The WHA creates written policies that are consistent with HUD regulations, including this Admissions and Continued Occupancy Policy (ACOP). The ACOP must be approved by the Board.

### **4. APPLICABLE REGULATIONS**

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint
- 24 CFR Part 902: Public Housing Assessment System
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 945: Designated Housing
- 24 CFR Part 960: Admission and Occupancy Policies
- 24 CFR Part 965: PHA -Owned or Leased Projects – General Provisions
- 24 CFR Part 966: Lease and Grievance Procedures

### **5. OVERVIEW AND PURPOSE OF THE POLICY**

The ACOP is required by HUD and it is available for public review. The ACOP also contains policies that support the objectives contained in the WHA's Five Year Agency Plan (Agency Plan).

In addition to this ACOP, the federal public housing program is governed by federal regulations, HUD handbooks and guidebooks, notices, and applicable state and local laws. The policies in this ACOP have been designed to ensure compliance with the consolidated ACC and HUD approved applications for program funding. The WHA is responsible for complying with changes in HUD regulations pertaining to public housing. If such changes conflict with this plan, HUD regulations take precedence.

The WHA will revise and update this ACOP as needed to comply with changes in HUD regulations WHA operations, or when needed to ensure staff consistency in operation. The original policy and any changes must be approved by the Board, unless there is a State of Emergency that requires the WHA to take immediate action due to the health and safety of our residents, applicants and employees. The WHA will refer to its WHA Emergency Response Plan for temporary guidance on modification of policies and procedures.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§002 - Access to Records**

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### **1. MASSACHUSETTS PUBLIC RECORDS**

As a custodian of public records, the WHA will comply with Massachusetts Public Records Law, G. L. chapter 66, section 10. Public records shall include all papers, financial statements, statistical tabulations, documentary data, or material made or received by the WHA as defined by law. Requests for records may be made to the WHA records access officer (RAO), the WHA's General Counsel. The WHA may deny the release of copies or inspection of public records if the records fall within a statutory or common law exemption.

The cost for the search and copies of requested documents will be calculated in accordance with the law. If the estimated cost for the search and copying exceeds \$25.00, the WHA may require payment prior to beginning the search.

### **2. RELEASE OF INFORMATION AND PRIVACY ACT**

All adult members of both applicant and tenant households are required to sign Department of Housing and Urban Development ("HUD") Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement.

The WHA will not release applicant or tenant information unless there is a: (i) signed release of information request from the applicant or resident; (ii) lawful court order or through lawful civil or criminal discovery processes; (iii) a request for cooperation or for information from other governmental agencies or regulatory bodies; (iv) as authorized by HUD regulations; or (v) as otherwise authorized by law.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§003 - Fair Housing & Equal Opportunity**

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### **1. PURPOSE**

The WHA provides low-income housing to persons who qualify under the rules and regulations that govern eligibility for federally-aided public housing. This policy is designed to ensure that persons applying for or residing in federally-aided public housing, are treated fairly, equitably, and in compliance with applicable federal, state, and local laws and regulations.

### **2. STATUTORY AND REGULATORY COMPLIANCE**

Federal and state laws prohibit discrimination against protected classes on the basis of race, color, national origin, religion, religious creed, sex, children, ancestry, recipient of public assistance, veteran/armed forces member, disability, sexual orientation, marital status, age (excluding minors), and gender identity.

The WHA will comply with federal, state, and nondiscrimination laws, rules, and regulations governing fair housing and equal opportunity in housing.

### **3. REASONABLE ACCOMMODATION POLICY**

The WHA Reasonable Accommodation Policy is incorporated by reference into this ACOP and may be found on the WHA's website, the WHA Admissions Office, and the WHA Management Offices.

### **4. PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

The WHA is committed to providing meaningful access to the WHA's programs and activities to persons with limited English proficiency (LEP). LEP applicants and tenants will not be denied access to WHA's programs and activities because the individual does not speak English, or communicates in English on a limited basis. The LEP Policy is incorporated by reference into this ACOP and may be found on the WHA's website, the WHA Admissions Office, or the WHA Management Offices.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§004 - Violence Against Women Act**

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The WHA Violence Against Women Act (VAWA) Policy is incorporated by reference into this ACOP. The VAWA Policy may be found on the WHA's website, the WHA Admissions Office, or the Management Offices.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§005 - Verification**

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### **1. GENERAL [24 CFR 960.259; 24CFR 982.516]**

The WHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain written authorization from the family in order to collect the information. Applicants and tenants must cooperate with the verification process as a condition of receiving assistance.

At the time of determining final eligibility and suitability, the WHA shall require an applicant to provide the WHA access to reliable and reasonably obtainable documentation verifying the accuracy of information appearing on the application form or otherwise necessary for the WHA's determination. If the WHA has verified information when making a preliminary determination of eligibility for the applicant, the WHA shall re-verify such information on its final determination of eligibility and suitability. Non-receipt of requested documentation, without good cause established by applicant, shall be cause for determining the applicant ineligible.

Information regarding eligibility or suitability may be obtained by the WHA from interviews with the applicant and with others, from telephone conversations, letters, or other documents, and from other oral or written materials. All such information received shall be maintained in the applicant's file including the date of its receipt, the identity of the source. The applicant and a tenant must supply information that the WHA or HUD determines is necessary in the administration of the housing programs. This includes information relative to a family's citizenship status, social security numbers, income, expenses, and family composition. All information provided by the household must be true and complete.

Within HUD guidelines, the WHA has the discretion to determine what constitutes adequate and credible verification and documentation. If the WHA has doubts about the reliability of any information received, it will pursue additional information. The WHA is not required to accept verification information simply because it is offered.

### **2. INCOME ELIGIBILITY**

The applicant/tenant shall provide and authorize reasonable verification of information regarding income, exclusions from income, and deductions (whether at initial determination or at any redetermination) in order to insure reliability of the information.

The WHA shall request written third-party verification, from a reliable source, other than the applicant or tenant, with knowledge of the facts, of all items of income, exclusions, or deductions. If the information is not available through third party, the applicant/tenant shall assist the WHA in securing reasonable verification and shall promptly provide all written authorizations for such verification upon request by the WHA.

### **3. Exclusions from Annual Income; Earned Income Disregard [24 CFR 960.255]:**

Earned Income Disregard for a qualified resident who experiences an increase in earned income.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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- *Initial 12 month exclusion:* During the cumulative 12 month period beginning on the date a member of a qualified family is first employed and/or the family first experiences an increase in annual income attributable to employment, the WHA must exclude from annual income (as defined in § 5.609) of a qualified family any increase in income of the family member as a result of employment over prior income of that family member.
- *Second 12 month exclusion and phase-in:* During the second cumulative 12 month period after the date a member of a qualified family is first employed and/or the family first experiences an increase in annual income attributable to employment, the WHA must exclude from annual income of a qualified family 50% of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.
- *Maximum 2 year disallowance:* The disallowance of increased income of an individual family member is limited to a lifetime 24 month period. It only applies for a maximum of 12 months for disallowance under paragraph (1) and a maximum of 12 months for disallowance under paragraph (2), during the 24 month period starting from the initial exclusion under paragraph (1) of this section.

The exclusion period may be interrupted, but in no event may the total number of months between the beginning of the exclusion and the final month of exclusion exceed 24 months. This earned income disallowance is available only to household individuals under lease that meet the definition listed below, within one of the following three categories:

- A person whose annual income increases because of employment after having been unemployed for one or more years previous to employment;
- A person whose annual income increases because of new or increased earnings during participation in an economic self-sufficiency program or other job training program; or
- A person whose annual income increases because of new or increased earnings, during or within six months after receiving assistance, benefits or services from a program funded by any state program for TANF. The assistance is not limited to income maintenance, but also includes benefits and services such as child care and transportation subsidies and one-time payments, wage subsidies and other amounts and services as long as the value of such benefits or services over a six month period is at least \$500. [24 CFR 960.255]

#### 4. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§005 - Verification**

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The WHA shall determine the citizenship/eligible or ineligible non-citizen status of each family member regardless of age prior to being admitted or at the first reexamination.

U.S. Citizens and Nationals - Prior to being admitted, will be required to sign a declaration of eligible immigration status under penalty of perjury and show proof of his/her status by such means as a birth certificate, military ID, or military DD 214 Form, baptismal certificate or passport.

### **Eligible Non-Citizens**

62 years of age or older - Prior to being admitted or at the first reexamination, all eligible non-citizens will be required to sign a declaration of eligible immigration status under penalty of perjury, and provide proof of age.

Under 62 years of age - Prior to being admitted or at the first reexamination, all eligible non-citizens must sign a declaration of eligibility immigration status and a verification consent form and provide original INS documentation. The WHA will copy the individual's INS documentation and place the copy in the file. The WHA will also verify the individual's status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the WHA will mail information to the INS in order that a manual check can be made of INS records.

### **Ineligible Non-Citizens**

Family members who do not claim to be citizens, nationals, or eligible non-citizens must be listed on a statement of non-eligible members and the head of the household must sign the list. Any family member who does not choose to declare their status must be listed on the statement of non-eligible members.

Non-citizen students on student visas, though in the country legally, are not eligible to be admitted to public housing.

A family that consists of two or more household members and at least one household member that has eligible immigration status, is classified as a mixed family, and is eligible for prorated assistance.

A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is not eligible for housing assistance. If no family member is determined to be eligible under this section, the family's eligibility will be denied.

The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the family causes the delay.

If the WHA determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to reside in their unit,

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§005 - Verification**

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such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

For each family member, citizenship/eligible non-citizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of the individual's status will be obtained at the next regular reexamination. Prior to a new member joining the family, citizenship/eligible non-citizen status will be verified.

### **5. SOCIAL SECURITY NUMBERS**

In accordance with 24 CFR 5.216, applicants and tenants, including each member of the household, are required to disclose their assigned social security number (SSN), with the exception of individuals who do not contend eligible immigration status. Exemptions also include, existing residents who were at least 62 years of age as of January 31, 2010, and had not previously disclosed a SSN.

- The WHA must accept the following documentation as acceptable evidence of the SSN:
  - An original SSN card issued by the Social Security Administration (SSA)
  - An original SSA-issued document, which contains the name and SSN of the individual
  - An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual
- The WHA will make a copy of the original documentation submitted, return it to the individual, and retain a copy in the file folder.
- The WHA may only reject documentation of an SSN provided by an applicant or tenant if the document is not an original document, if the original document has been altered, mutilated, is illegible, or if the document appears to be forged. The WHA will explain to the applicant or tenant the reason that the document is not acceptable and request that the individual obtain acceptable documentation of the SSN within 14 days of being notified.
- The WHA will not deny assistance to a mixed family due to the nondisclosure of a SSN by an individual who does not contend to have eligible immigration status.
- Individuals without Social Security Numbers

There are individuals that do not have a SSN assigned to them by the SSA. The three most common reasons are:

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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- Newborn children
- Non-citizens lawfully living in the U.S. – These individuals will be issued a SSN upon SSA confirmation of the DHS documentation or confirmation that the individual is required by law to provide a SSN to receive general assistance benefits that they may already have qualified for.
- Non-citizens – Individuals unlawfully present in the U.S.

The WHA requires citizens and lawfully present non-citizens who state that they have not been assigned a SSN by the SSA to declare this in writing and under the pains and penalties of perjury. The WHA will maintain this declaration in the applicant file until such time as the individual is issued a SSN.

In such events that the applicant or household member does not have a SSN, the WHA will request through the Public and Indian Housing Information Center (“PIC”) and alternate identification number which will generate a unique identifier for the individual. This identifier will be used in all data processing fields. Once the individual receives a SSN this identifier will be replaced with said number.

The WHA will deny the eligibility of assistance if the applicant or tenant fails to disclose the SSN or provide documentation of the SSN of each household member.

- If the family is otherwise eligible for the housing program has failed to provide all required SSN documentation, the family will be allowed to maintain its position on the program waiting list until the final eligibility phase of application processing. Once the applicant has been notified that their application for housing assistance has reached the final processing phase, the applicant will have 20 days to provide the WHA with SSN documentation with the exception of a new household member under the age of six.
- When the applicant requests to add a new household member, who is under the age of six and does not have an assigned SSN, the participant must disclose and provide the assigned SSN, within 90 calendar days of the child being added to the household.
- If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the WHA will grant the family an additional 90 calendar days to comply with the requirement, if the WHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family. Examples include but are not limited to: delayed processing of SSN application by SSA, natural disaster, fire, or death in the family.
- If the applicant has failed to provide SSN or documentation of the SSN of all household members and the applicant household has reached the top of the program waiting list and a unit is available for occupancy by the applicant household, the WHA will offer the unit to the next fully eligible applicant on the

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§005 - Verification**

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waiting list. The WHA will notify the applicant of this action and provide the applicant with an additional 20 days to provide the required SSN documentation. If the applicant fails to provide the information within the required timeframe, the application will be cancelled and the applicant household will be withdrawn from the program waiting list.

### **6. SOCIAL SECURITY ADMINISTRATION BENEFITS**

The WHA will require that all applicants and applicant household members receiving benefits from SSA to provide a copy of their award letter, dated within the last 60 days. If the applicants are unable to provide this information, the WHA may assist the applicant by providing the applicant with the SSA's website at [www.socialsecurity.gov](http://www.socialsecurity.gov). This is a free service and the applicant may request a copy of their award(s) letter. Although the SSA prefers that the applicant use its website for such requests, the applicant may also request a proof of income letter from the SSA's toll free number 1-800-772-1213.

Once the award letter is received, the WHA will require that the applicant submit the original document. The WHA will make a copy of the document, file it in the applicant file and return the original document to the applicant. The WHA will not accept photocopies of the award letter.

### **7. SUITABILITY**

#### **Landlord References**

The WHA shall require an applicant to provide the names and current addresses of all landlords (or housing providers) for the applicant and household members for the five (5) years prior to application through the date of the final determination.

If, after request the WHA has failed to receive a reference from a landlord (or housing provider) it shall notify the applicant of non-receipt, and the WHA shall request that the applicant use best efforts to cause the landlord (or housing provider) to submit the reference to the WHA. In the event the applicant uses best efforts but is unsuccessful, the applicant shall cooperate with the WHA in securing information from other sources about the tenancy and complete an affidavit. Non-receipt of a reference from a landlord (or housing provider) shall be cause for determining an applicant unqualified unless the applicant can show that best efforts were used to secure the reference and that they have complied with reasonable requests for cooperation in securing relevant information.

#### **Criminal History**

The WHA will obtain and verify criminal history in accordance with the Criminal Offender Record Information (CORI). The WHA may rely on other information relative to an applicant's criminal history in making a determination about an applicant's suitability.

- Criminal activity disclosed on the application

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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- Criminal activity and/or arrest information publicized on news media
- Information provided to the WHA from other sources

### 8. VERIFICATION HIERARCHY

The WHA must obtain and document in the family file third-party verification of the following factors, or must document in the file why third-party verification was not available. The WHA will use HUD's verification hierarchy for the following areas affecting family eligibility and tenant rent:

- Income
- Assets, including divested assets, and asset income
- Income exclusions, allowances and deductions
- Family composition
- Social security numbers
- Citizenship or eligible immigration status
- Other factors that affect the determination of adjusted income

The following is the verification six-level verification hierarchy, in order from most preferable to least preferable:

- Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system
- Up-front Income Verification (UIV) using a non-HUD system
- Written Third Party Verification (may be provided by applicant or resident)
- Written Third-party Verification Form
- Oral Third-party Verification
- Self-Certification

### Types of Verification

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the WHA will send a request form to the source along with a release form signed by the applicant/tenant.

### General Information for Applicant/Tenant Family

Item To Be Verified	Third-Party Verification	Hand-carried Verification
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# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

Social Security Number	Letter from social security	Social security card; other government documentation
Citizenship	N/A	Signed certification, voter registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	WHA form; SSA verification; other medical provider information	WHA form; SSA verification
Full time student status (if 18 and older)	WHA form sent to school	For students, a letter from the school document evidencing current participation
Need for a live-in aide	WHA form	WHA form
Child care costs	WHA form sent to provider	Receipts and/or records of payment
Disability assistance expenses	Letters from suppliers, care givers, etc.	Receipts and/or records of payment
Medical expenses	Letters from providers, prescription record from pharmacy	Bills, receipts, records of payments, dates of trips, mileage log, receipts for fares and tolls

### Asset Information for Applicant/Tenant Family

Item To Be Verified	Third-Party Verification	Hand-carried Verification
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# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

Savings, checking accounts	WHA form sent to institution	Passbook; three most current statements
CDS, bonds, etc.	Letter from institution	Tax return information; brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessor's office, assessment	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property	Letter from assessor's office, assessment	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth

### Income Information for Applicant/Tenant Family

Item to be Verified	Third-Party Verification	Hand-carried Verification
Earned income	WHA form to employer, Upfront Income Verification ("UIV")	A minimum of two consecutive recent pay stubs
Self-employed	Self-Declaration Form	Tax return from prior year, books of accounts
Regular gifts and Contributions	Letter from source, letter from organization receiving gift (i.e. if grandmother pays day care provider, the day care provider submits)	Bank deposits, other similar evidence

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

Alimony/child support	Court order, letter from source, letter from human services agency	Printout from Department of Revenue, record of deposits through DOR, divorce decree or notarized statement from the payee
Periodic payments (i.e., social security, welfare, pension, workers compensation, unemployment)	TASS, UIV, letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation, participation in job-training program	<p>Letter from program provider indicating:</p> <ul style="list-style-type: none"> <li>- whether enrolled or completed</li> <li>- whether training is HUD-funded</li> <li>- whether it is a federal, state, local govt or local training program</li> <li>- whether it is employment training</li> <li>- whether it has clearly defined goals and objectives</li> <li>- whether program has supportive services</li> <li>- whether payments are for out-of-pocket expenses incurred in order to participate in a program</li> <li>- date of first job after program completion</li> </ul>	Evidence of job start

### 9. VERIFYING INCOME EXCLUSIONS

If the WHA is unable to verify income exclusion, the exclusion will not be excluded from income.

In accordance with Notice PIH-2013-04 and until amended, superseded, or rescinded, Fully Excluded Income will not be required to be verified, documented, or reported on

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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the form HUD-50058 or HUD-50059. Examples of fully excluded income include, SNAP benefits, income from a live-in-aide, or earned income from a full-time student over the age of 18. The WHA may still record such excluded income on the form HUD-50058 or HUD-50059 if the excluded income has been provided by the tenant. Verification of income exclusions for determining mandatory earned income disallowance or incremental earnings and benefits resulting from participation in a qualifying state or local training program, will be required.

### 10. TIME LIMITS FOR VERIFICATION

The WHA will consider accepting lower levels of verification after a no response time of ten (10) working days or more on each level.

The WHA will start the annual reexamination 120 days prior to the reexamination date. Verification information must be dated within 120 days of certification or reexamination. If the verification is older than this, the WHA will contact the source and request information regarding any changes. When an interim reexamination is conducted, the WHA will verify and update any information related to the basis for the interim reexamination. Time limits for the verification process vary depending on the item being verified (i.e. citizenship or eligible immigration status or family income) and on the circumstances (i.e. reexamination of family income and composition). Information verifying that an applicant is eligible for admissions must be received within a 90-day period.

- For noncitizen rule requirements, verification time frames are as follows: for applicants, verification can take place at any stage of the application process, but not later than the date that the WHA verifies other eligibility factors. A time extension of 30-days will be granted in writing by the WHA, if needed, for the individual to obtain the needed documentation. [24 CFR 5.508(g)(1); 24 CFR 5.508(g)(2); 24 CFR 5.508(g)(3); 24 CFR 5.508(h)].
- The established limits on how long verifications remain valid, are as follows:
  - For admissions purposes, 90 days;
  - For re-examination purposes, 120 days.
- Time limits do not apply to information that does not need to be re-verified, such as a person's age or SSN.

### 11. VERIFYING MANDATORY DEDUCTIONS

#### ▪ Dependents

Dependent status will be verified with a birth certificate, social security card, or other documentation such as a passport, adoption record, government issued document, or baptism record. The documentation should provide the dependent's name, sex, SSN, and date of birth.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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### ▪ **Full-Time Students**

Full-time student status will be verified when an applicant has a family member that is or will be 18 years of age by the admissions date; or by the next regularly scheduled reexamination. The WHA will send a verification form to the institution the student is attending. The WHA will also accept the student's current enrollment status letter, or a letter from the institution regarding their current status. The WHA will consider the family member a full-time student if 12 or more attempted credits hours per semester or quarter is verified, unless the school declares otherwise. A family will not have to re-verify the full-time student status in between scheduled reexaminations, however, the family is required to notify the WHA when a full-time student begins receiving earned income, at which time the WHA may re-verify the full-time student status.

### ▪ **Disabled Families**

For a family that is receiving disability benefits from the SSA, the preferred order of verification methods are:

- Using HUD's EIV system
- Requesting a current SSA benefit verification letter from the family dated within the last 60 days
- Helping the family request a benefit verification letter through SSA's web site
- Asking the family to request a benefit verification letter by contacting the SSA

For a disabled family that is not receiving disability benefits from the SSA, written third-party verification from a qualified medical provider will be obtained, which indicates that the individual meets the regulatory definition of person with disabilities.

### ▪ **Elderly Families**

To qualify for the elderly family deduction, the family's head, spouse or co- head, or sole member must be at least 62 years of age. The WHA will use the same documents that are used to verify the name and date of birth for the family member.

### • **Child Care Expenses**

The WHA allows for child care expenses to be deducted for children under the age of 13, if the activity is qualified and if the expenses are verified.

The WHA must verify that:

- The costs claimed are not reimbursed by another source.
- The costs are for an allowable type of child care (no housekeeping services or personal services) and are paid only for the care of an eligible child.
- The costs are reasonable. Third party verification from a reliable agency, institution or program that indicates the time that child is being cared for, as

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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well as the actual cost is required. Reasonable expenses are considered when the number of hours of childcare does not exceed the number of hours worked plus an additional hour per day for travel. For private child care, the cost of child care is consistent with the general cost compared to the average rates for Worcester child care centers, the family member must be required to provide verification of at least four payments, i.e. cancelled checks, and the family may be asked to provide their year-end tax returns at their next reexamination, that will show the deduction being taken. If the family member does not claim child care on their tax returns, the deduction will not be provided for the following year.

In addition, the WHA will verify the family member identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities as follows:

- Gainfully employed: the WHA will use employment verification to confirm activity.
- Seeking work: the WHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment), and will request family-provided verification from the agency. The WHA will not accept certification from the family member attesting to their efforts to find employment.
- Furthering education: the WHA will request third-party documentation to verify that the person permitted to further education by the child care is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

- **Medical Expenses**

The WHA must verify that the household is eligible for the medical expense deduction, the costs to be deducted are qualified medical expenses, the expenses are not paid for or reimbursed by any other source, and costs incurred in past years are counted only once. Medical expenses will be verified through:

- Written third-party documents provided by the family, such as pharmacy printouts or receipts, documentation from a physician regarding prescriptions that are anticipated for the next 12 months, paystubs reflecting amounts withheld for medical insurance premiums, statements from Medicare Part D prescription drug plan providers, and other documentation in the discretion of the WHA
- The WHA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. WHA PHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§005 - Verification**

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- Written third-party verification forms, if the family is unable to provide acceptable documentation.
- If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months.

### **12. ZERO ANNUAL INCOME STATUS**

The WHA will periodically check UIV sources and/or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SSA earned income, etc. are not being received by families claiming to have zero annual income.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§006 - Eligibility and Suitability for Admission**

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### **1. GENERAL**

The WHA shall make a preliminary determination of eligibility based on information contained in the application and shall also determine whether an applicant appears to be entitled to any preference status.

### **2. APPLICANT ELIGIBILITY AND SUITABILITY**

In order to meet the eligibility criteria for federal public housing, an applicant must meet the following standards:

- **Family Eligibility**  
The applicant applying as a head of household must be 18 years or older, or an emancipated minor, at the time of the initial application and must demonstrate that the applicant is a family as defined by HUD regulations.
- **Income Eligibility**  
To be eligible for admission, an applicant family must be a low-income family at the time of admission (i.e. family income does not exceed 80% of HUD established median income for Worcester, MA). The family's annual income, not adjusted income, is used to determine whether an applicant family is eligible.
- **Citizen/Non-citizen Eligibility**  
To be eligible for admission, each member of the family must be a United States citizen, national or a non-citizen that has eligible immigration status in one of the following categories:
  - **Permanent Resident**  
Lawfully admitted for permanent residence as an immigrant, including special agricultural workers;
  - **Attorney General Designation**  
Entered the United States before January 1, 1972 and has maintained continuous residence thereafter, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General of the United States;
  - **Asylum/Refugee**  
Lawfully present in the United States pursuant to the granting of asylum (refugee status);

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§006 - Eligibility and Suitability for Admission**

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- **Emergent/Public Interest**  
Lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest (parole status);
- **Deportation Withholding**  
Lawfully present in the United States as a result of the Attorney General of the United States withholding of deportation (threat of life or freedom); and/or
- **Amnesty**  
Lawfully admitted for temporary or permanent residence (amnesty granted under Immigration and Naturalization Action Section 245A).

A family shall not be eligible for assistance unless every member of the family who will reside in the unit is determined to have eligible status, unless the family is a mixed family under appropriate HUD regulations [24 CFR 5.506, 5.516, 5.518] or certain family members are eligible for temporary deferral of termination of assistance or HUD determines that benefits should otherwise continue or be granted.

- **Social Security Eligibility**

To be eligible, all family members must provide a social security number or certify that they have not yet received one after having made application to the Social Security Administration ("SSA"). Generally, no family member may be added to the lease prior to the verification of their social security number. Refer to the verification section of this ACOP for further verification and documentation information.

- **Execution of Consent Forms**

To be eligible, each member of the family who is at least 18 years of age shall sign one or more consent forms. The consent forms must contain, at a minimum, the following:

- **SWICA Authorization**  
A provision authorizing the WHA to obtain from State Wage Information Collection Agencies (SWICAs) any information or material necessary to complete or verify the application for participation or for eligibility for continued occupancy. For tenants, a provision authorizing the WHA to obtain information or material through the Upfront Income Verification ("UIV") program.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§006 - Eligibility and Suitability for Admission**

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- **Employer Authorization**

A provision authorizing HUD or WHA to verify with previous or current employers income and job related information pertinent to the family's eligibility for or level of assistance;

- **IRS and SSA Authorization**

A provision authorizing HUD to request income information from the Internal Revenue Service and the Social Security Administration for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits.

- **Credit Report/Previous Landlord Authorization**

A provision authorizing WHA to secure credit reports and a previous landlord history report.

- **Substance Abuse Treatment Records Authorization**

If applicable, a provision which will authorize the release of certain medical and treatment history for persons who have enrolled in an alcohol or substance or drug abuse facility and are stating to the WHA that they have been rehabilitated from the alcohol and substance or drug abuse.

- **Criminal History Authorization**

Each member of the applicant's family that is eighteen (18) years and older shall complete and sign a CORI Acknowledgement Form, authorizing the WHA access to conviction and pending criminal case data. This authorization shall be valid for one year from the date of the signature.

### **3. SUITABILITY FOR PLACEMENT [24 CFR 960.203; 24 CFR 960.204]**

In selection of families for admission to its public housing program, or to occupy a public housing development or unit, the WHA is responsible for screening family behavior and suitability for tenancy. "Applicant" means anyone listed on the application as either head of household or a household member. The WHA may disqualify an applicant based on consideration of relevant information, including but not limited to:

- The applicant's past performance in meeting financial obligations, especially rent.
- The applicant's record or history of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other tenants or the WHA.
- The applicant has a history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety, or welfare of other tenants or the WHA.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§006 - Eligibility and Suitability for Admission**

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- The applicant has an outstanding debt owing to the WHA, or any other program subsidized by HUD or the Commonwealth of Massachusetts, and will not be considered for admission until the account is paid in full.
- The applicant failed to adhere to the terms and conditions of a participation agreement with any local, state or federally funded agency whether governmental or non-profit that provided rental assistance to the applicant family.
- The applicant has a history of failure to meet lease terms or the equivalent at one or more prior residences, and such failure, if repeated by a tenant of public housing, would be detrimental to the WHA or to the health, safety, security, or peaceful enjoyment of other tenants or of the WHA.
- The applicant's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants or the WHA.
- The applicant has failed to provide information reasonably necessary for the WHA to process the applicant's application.
- The applicant does not intend to occupy the public housing apartment as their primary residence.
- The applicant has engaged in behavior or activity unsuitable for tenancy in the discretion of the WHA.
- The applicant has misrepresented or falsified any information submitted, or on a prior application within three years, and the applicant fails to establish that the misrepresentation or falsification was unintentional.
- The applicant intends to allow a person to live in the public housing unit and has not disclosed this to the WHA nor listed the person on the application.
- The applicant has directed abusive or threatening behavior, including but not limited to cursing, screaming, argumentative, or disruptive behavior, which was unreasonable and/or unwarranted towards a WHA employee.
- Persons subject to sex offender registration requirement. The WHA prohibits admission to the public housing program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. In the screening of applicants, the WHA must perform necessary criminal history background checks in the state where the housing is located and in other states where the applicant is known to have resided.

### **Denial of admission for criminal activity or drug abuse by applicant:**

#### **Required denial of admission**

- Persons evicted for drug-related criminal activity. The WHA must prohibit admission of an applicant to the public housing program for three years from the date of the eviction if any applicant has been evicted from federally assisted housing for drug-related criminal activity. The WHA may deny admission of an applicant to the public housing program for any period beyond three years from the date of the eviction if any applicant has been

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§006 - Eligibility and Suitability for Admission**

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evicted from federally assisted housing for drug-related criminal activity. However, the WHA may admit the household if the WHA determines:

- The evicted applicant who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the WHA; or
  - The circumstances leading to the eviction no longer exist (for example, the criminal applicant has died or is imprisoned).
- Persons engaging in illegal use of a drug. The WHA will prohibit admission of a household to the WHA's public housing program if:
    - The WHA determines that the applicant is currently engaging in illegal use of a drug ("currently engaged in" means that the applicant has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current); or
    - The WHA determines that it has reasonable cause to believe that an applicant's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants or the WHA.
  - Persons convicted of methamphetamine production. The WHA will permanently prohibit admission to the public housing program if an applicant has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

#### **4. CONSIDERATION OF CIRCUMSTANCES**

Prior to disqualifying an applicant for the public housing program, the WHA may consider relevant circumstances including but not limited to:

- The severity of the potentially disqualifying conduct;
- The extent of participation or culpability of individual an applicant;
- Mitigating circumstances related to the disability of an applicant;
- The effects of denial on other applicants who were not involved in the action or failure;
- The amount of time that has elapsed since the occurrence of the conduct;
- Evidence of participation in a supervised drug and/or alcohol rehabilitation program;
- Evidence of rehabilitation, including but not limited to drug and/or alcohol rehabilitation;
- Evidence of the applicant's participation in or willingness to participate in social service or other appropriate counseling service programs;
- Evidence of the applicant's participation in programing, working, or volunteering.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§006 - Eligibility and Suitability for Admission**

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The WHA may impose, as a condition of continued assistance for the applicant, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit.

### **5. RESULTS OF SCREENING FOR ELIGIBILITY AND SUITABILITY FOR TENANCY**

When the WHA has made a determination that an applicant is eligible and suitable, thereby satisfying all requirements for admission, the WHA shall notify the applicant of the approximate time when a unit will be offered to the family, if the information is available. The WHA reserves the right to verify an applicant's eligibility and/or suitability at any time prior to the placement of a family in a WHA community.

When the WHA has made a determination that an applicant is ineligible and/or unsuitable for the public housing program, the WHA shall provide written notice to the applicant setting forth the reasons for the determination and shall remove the applicant's name from the waiting list, subject to the following section.

### **6. REVIEW OF DENIAL OF ELIGIBILITY, SUITABILITY, AND PREFERENCE STATUS [24 CFR 960.208]**

If the WHA is inclined to make an adverse decision relevant to an applicant's admission to the federal public housing program based on eligibility, suitability, or preference status, the WHA shall mail written notice that it is inclined to make such an adverse decision to the applicant at the applicant's last known address. This notice shall set forth the reason(s) that the WHA is inclined to make such an adverse decision and shall apprise the applicant that they may request a pre-denial Applicant Conference.

The applicant must request the Applicant Conference in writing to the Director of Admissions within ten days of the notice that the WHA is inclined to make an adverse decision. If a request for Applicant Conference is not received, the WHA shall send the applicant a notice of denial. The purpose of the Applicant Conference is to enable the applicant to discuss with the WHA the reasons underlying the potential adverse determination and to permit consideration of all pertinent information and mitigating circumstances prior to a denial of eligibility, suitability and/or priority or preference status.

As soon as reasonably possible after receipt of a request for an Applicant Conference, the WHA shall notify the applicant of a time, date, and place for the Applicant Conference. Prior to the Applicant Conference, the applicant or their representative shall have the right to inspect the applicant's file. The WHA shall make reasonable arrangements for photocopying documentation requested from the file.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§006 - Eligibility and Suitability for Admission**

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The Director of Admissions or their designee shall conduct the Applicant Conference. As soon as reasonably possible after the close of the Applicant Conference, the WHA shall notify the applicant in writing whether the WHA is no longer inclined to make an adverse decision or if the WHA has made an adverse decision relative to the applicant's eligibility, suitability and/or preference status. The decision shall be mailed or delivered to the applicant and the applicant's representative, if any, at their last known addresses.

In the event that the WHA has made the decision to deny assistance to the applicant, the WHA shall send a notice of the same to the applicant. This notice shall contain a brief statement of the reason(s) for the WHA's decision. This notice also informs the applicant that they may request an Informal Hearing and describes how the applicant can obtain the Informal Hearing. The applicant must request the Informal Hearing in writing to the Director of Admissions within 20 days of the notice of denial of assistance. If no request for Informal Hearing is received, the applicant shall be denied assistance and removed from the waiting list.

As soon as reasonably possible after receipt of a request for Informal Hearing, the WHA shall notify the applicant of a time, date, and place for the Informal Hearing. Prior to the Informal Hearing, the applicant or their representative shall have the right to inspect the applicant's file. The WHA shall make reasonable arrangements for photocopying documentation requested from the file, provided it has at least forty-eight hours advance notice.

The Informal Hearing shall be conducted by a Hearing Officer, who is a person other than the person who made or approved the decision under review or a subordinate of that person. The procedure of the Informal Hearing shall be informal. At their own expense, the applicant is entitled to representation by a lawyer or other spokesperson. At the Informal Hearing, the applicant (or applicant's representative) and the WHA may present evidence and question any witnesses. Upon request, the WHA may give the applicant additional time to secure documentation or information.

As soon as reasonably possible after the close of the Informal Hearing, the WHA shall notify the applicant in writing of its final decision, including a brief statement of the reasons for the final decision. The decision will be issued to the applicant and the applicant's representative, if any, at their last known address.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§007 - Use of Criminal Offender Record Information**

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WHA's Criminal Offender Record Information (CORI) policy is incorporated by reference into this Admissions and Continued Occupancy Policy. The CORI policy may be found on the WHA's website or the WHA Admissions Office.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§008 - Marketing and Outreach**

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### **1. MARKETING AND OUTREACH**

Marketing and outreach efforts are used to provide the local community with awareness of the WHA's public housing programs. The WHA will conduct outreach to the community to create an awareness of the availability of its public housing programs and to maintain an adequate application pool, taking into consideration the vacancy level, the availability of units through turnover.

The WHA shall undertake a marketing effort in its federally-aided programs whenever its waiting list for units is fewer than the number of applicants anticipated to be placed in the next 12 months.

The WHA will provide informational materials and/or presentations to individuals, groups, social service agencies and others upon request. The WHA will seek to reach potential applicants by distributing its waiting list public notification to various agencies throughout the community to ensure affirmative marketing to eligible income and minority groups.

### **2. AVAILABILITY OF APPLICATIONS**

Applications are available for the federally-aided program during the hours of 8:00 a.m. and 4:30 p.m., Monday through Thursday at the Admissions Department located at 40 Belmont Street, Worcester, MA, 01605. Applications will be mailed to individuals upon request. The WHA shall provide reasonable assistance to applicants in completing the application form.

The WHA will accept applications in person, by fax, or on-line through the WHA website, [Worcesterha.org](http://Worcesterha.org).

### **3. REQUIRED POSTINGS**

The WHA will post, as required, information relative to this ACOP and waiting lists in the offices and on line.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§009 - Tenant Selection and Assignment Plan**

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### **1. GENERAL**

The following provisions set forth the procedures for managing the WHA's federal waiting lists, placement of applicants on the waiting lists, and the assignment of vacant units to persons on the waiting lists in a uniformly nondiscriminatory basis without respect to race, color, sex, sexual orientation, national origin, ethnicity, handicap, disability, or familial status.

### **2. WAITING LIST MANAGEMENT**

The WHA maintains waiting lists for its federal public housing programs by bedroom size. The WHA shall date and time stamp each application received and shall provide a receipt to the applicant, including an Entity Identification number.

#### **Opening the Waiting List(s)**

The WHA will provide public notice in advance of opening a waiting list to ensure that families are aware that they may apply for federal public housing. The WHA will circulate notice to local organizations and public service announcements that service low and moderate income families and the disability communities. The WHA will also provide written notice in the lobbies of the WHA Admissions Department, the WHA Leased Housing Department, the WHA Management Offices, and on the WHA social media and website.

#### **Closing the Waiting List(s)**

If the WHA determines that the existing waiting list contains an adequate pool of applicants based on available housing opportunities and projected turnover, the WHA may stop accepting new applications or may accept only applications meeting criteria adopted by the WHA.

#### **Updating and Reclassification of the Waiting Lists**

The WHA will update and reclassify all applications on file on its waiting lists on an as needed basis to ensure that the pool of applicants on the waiting list reasonably represents families who are interested in applying for federal public housing.

The WHA will contact applicants on the waiting list to confirm that they are still interested in participating in the program for which application was made. The WHA will also request that the applicant family update information regarding address, family composition, income category and claimed preferences to ensure that the applicant is still preliminarily eligible and that the preference status remains the same. The WHA will request that applicants respond within a timeframe set forth in the letter and shall indicate that failure to respond may result in the removal of the family from the waiting list. In the event that the applicant does not respond within the timeframe and/or attend a scheduled appointment at the WHA, the family shall be removed from the waiting list.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §009 - Tenant Selection and Assignment Plan

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If an applicant is removed from the waitlist, if there are mitigating circumstances, the WHA, in its discretion may reinstate the applicant to the former position on the waitlist 6 months of the cancellation date.

The WHA will grant a reasonable accommodation for an applicant with a disability who is removed from the list for failure to respond to the WHA's request for information or update due to the disability if the applicant requests such accommodation and the WHA determines that the requested accommodation is reasonable. Under these circumstances, the WHA shall reinstate the applicant to their former position on the waitlist.

An applicant may withdraw their application at any time.

### 3. APPLICANT PLACEMENT ON THE WAITING LISTS

The WHA places applicants on the waiting list based upon the time and date of receipt of the application and proof of preference when applicable.

#### Local Preference

***Resident of Worcester, Massachusetts*** [24 CFR 960.206(b) (ii)]: A member who is listed on the application who lives, works or will work in the city of Worcester. Documentation required: lease agreement, utility bill, pay stub, and/or letter from an employer.

***Veteran***: A member who is listed on the application who is a veteran with service-connected disability; a family of a deceased veteran whose death was service-connected; or other veteran. Documentation required: DD214 for veteran and if veteran is deceased, a copy of their death certificate.

***Displacement by Disaster***: A member who is listed on the application who has been displaced by a disaster recognized by the federal government, which extensively damaged or destroyed their housing, ex. fire, flood or other natural disaster. Document required: Red Cross, FEMA, Fire Department, and/or Board of Health.

***Displacement by Action of Housing Owner***: A member who is listed on the application who has or will have to vacate by a date certain because of owner action, and through no fault of their own. Documentation required: Certification by the owner or owner's agent.

***Displacement by Substandard Housing including Homelessness***: A member who is listed on the application who lacks adequate shelter and the health and safety, or well-being of the family is endangered; a member who lacks fixed, regular, and adequate nighttime residence or has primary nighttime residence that is: supervised public or privately operated shelter designated to provide temporary living accommodations; a public or private place not designated or normally used as regular sleeping place for humans. Documentation required:

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §009 - Tenant Selection and Assignment Plan

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condemnation letter from the board of health or certification from the shelter or agency regarding homelessness. All cases must be recent (within the past six months).

***Displacement because of Domestic Violence:*** A member who is listed on the application who is a victim of domestic violence which has occurred recently or is of continuing nature and as a result of this will be or has been displaced. Documentation required: certification of displacement from the local police department, social service agency, or court of law, clergyman, physician, or shelter providing shelter to victims of domestic violence that the domestic violence occurred recently or is of continuing nature, including the VAWA form.

***Displacement to Avoid Reprisals:*** A member who is listed on the application who has provided information to a law enforcement agency, and the agency recommends alternative housing to avoid a risk of violence against the family. Documentation required: certification by the law enforcement agency.

***Displacement by Hate Crimes:*** A member who is listed on the application will be or has been displaced because of their race, color, religion, sex, national origin, handicap, or family status. Documentation required: certification by a law enforcement agency.

***Rent Burdened 50% of Income:*** A member who can document that they are paying more than 50% of their monthly gross family adjusted income (adjustments for dependent allowance, medical expenses, etc.) toward monthly housing costs (rent and utilities). Documentation required: a lease or rental agreement and/or three most recent rent receipts; utility (gas/oil and/or electric) bills or printouts directly from the utility companies; household income for all family member(s) residing in dwelling unit.

### Standard Applicant

An applicant who is not eligible for any of the preferences set forth above will be placed on the waiting list as a standard applicant, if the appropriate waiting list is open.

## 4. APPLICATION OF PREFERENCES

Applicants are selected from the waiting list based upon the verified preferences listed above.

The chart below illustrates how preferences are assigned and ranked.

Preferences	Emergency	Veteran	Resident	Relocation Transfer	Admin. Transfer	Good Cause Transfer	Total Points
Ranking Points	10*	20	40	850	800	5	
Ranking							

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §009 - Tenant Selection and Assignment Plan

1				850			850
2					800		800
3	10	20	40				70
4		20	40				60
5	10		40				50
6			40				40
7	10	20					30
8		20					20
9	10						10
10						5	5

Application date and time are the sole determining factors when no other preferences apply.

### 5. SELECTION FROM THE WAITING LISTS

The WHA maintains 18 separate waiting lists for its federal public housing (FPH) portfolio. The chart below identifies the lists and their respective bedroom sizes.

Bedroom Size	FPH Elder Only	FPH Mixed	FPH Family	FPH Congregate	FPH Wheelchair	FPH New Beginnings Program
Congregate				X		X
0	X	X				
1	X	X	X		X	
2	X	X	X		X	
3			X		X	
4			X		X	
5			X		X	

The WHA shall select applicants from the waiting list(s) in the order of placement on the list as determined by the date and time of the application and eligibility of the local preference, subject to the following provisions.

- Income Targeting Provisions [24 CFR 960.202(b)]**

The WHA shall select applicants in the order of placement on the waiting list subject to the following provisions:

The WHA shall ensure that at least 40% percent of newly admitted families in a fiscal year are families whose annual income is at or below 30 percent of the area median income. [24 CFR 960.202(b)(i)] To ensure that this requirement is met, the WHA shall monitor the incomes of newly admitted families and the incomes of the families on the waiting list on an annual basis. If

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §009 - Tenant Selection and Assignment Plan

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it appears that the requirement to provide assistance to extremely low-income families will not be met, the WHA will skip over families with higher incomes on the waiting list to reach applicants of extremely low income. If there are not enough extremely low-income families on the waiting list, the WHA will conduct outreach in a non-discriminatory manner to attract extremely low-income families to reach the statutory requirement.

If admissions of extremely low-income families to the WHA's Housing Choice Voucher Program during a fiscal year exceeds the 75 percent minimum targeting requirement, such excess shall be credited toward the WHA's minimum public housing targeting requirements for the same fiscal year, subject to limitations set forth in 24 CFR 960.202(b)(2).

This fiscal year credit for public housing targeting requirements for voucher program admissions that exceed the minimum voucher program-targeting requirement shall not exceed the lower of:

- 10 percent of public housing waiting list admissions during the WHA fiscal year;
  - 10 percent of waiting list admissions to the WHA's Housing Choice Voucher Program during the WHA's fiscal year; or
  - The number of qualifying low income families who commence occupancy during the fiscal year in WHA public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, "qualifying low-income family," means a low-income family other than an extremely low-income family.
- 
- **Deconcentration Provisions [24 CFR 903.2]**

Prior to the beginning of each fiscal year, the WHA shall analyze the income levels of families residing in each of its federal family developments and the income levels of the families on the waiting list in accordance with 24 CFR 903.2(c). Based on this analysis, the WHA will determine necessary marketing strategies to comply with deconcentration requirements, if required.

Although the WHA will affirmatively market its housing programs to all eligible income groups, it will take appropriate actions, if necessary, to deconcentrate poverty and encourage income mixing in developments by offering units in developments with higher average income levels to families with lower incomes and by offering units in developments with lower average income levels to families with higher incomes.

To this end, the WHA may skip over families on the waiting list(s) to reach other families with lower/higher incomes in order to comply with deconcentration requirements.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §009 - Tenant Selection and Assignment Plan

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The WHA may offer one or more incentives to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular development. Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and nondiscriminatory manner.

- **Handicapped-Accessible Units [24 CFR 960.407(b)]**

A handicapped accessible unit will first be offered to families who will benefit from the accessible features. If there are no applicants on the waiting list who require an apartment with accessible features, the WHA will offer the accessible unit to an applicant who does not require accessible features, provided that they agree in writing to transfer to a different unit at the family's expense, if a family requiring an accessible unit needs the unit. The WHA will provide a 30-day notice to any family required to transfer.

### 6. UNIT SIZE

The guidelines set forth below generally establish the unit size based on the size and composition of the family:

Number of Family Members		
Number of Bedrooms	Minimum	Maximum
0 (Studio)	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

In addition to the above guidelines, the WHA shall determine an applicant household's appropriate unit size based upon the following criteria:

- Single person families shall not be allocated more than one bedroom.
- No more than two persons may occupy a bedroom.
- A family that consists of a pregnant woman (with no other person) must be treated as a two person family.
- Adult household members of the opposite sex, except husband and wife (or those in a similar living arrangement), do not have to share a bedroom; however, other household members of the opposite sex may elect to share a bedroom.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§009 - Tenant Selection and Assignment Plan**

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- Persons of the same sex shall share a bedroom, provided that a household member, age 21 or over, may elect not to share a bedroom with their child, grandchild, or legal ward.
- Each bedroom shall contain at least 50 square feet of floor space for each occupant and a minimum of 70 square feet and shall meet all other applicable requirements of the Massachusetts State Sanitary Code (105 CMR 410.000) for a room occupied for sleeping purposes.
- Only bedrooms may be used for sleeping purposes by household members;
- A household member shall be considered to be living regularly with a family if temporarily absent for reasons such as hospitalization, duty assignment, employment, or school attendance in another location. Upon receipt of notice from the Department of Social Services that one or more children will be reunified with a household member within a reasonable period of time, such child or children, if eligible and qualified, shall be considered household members for purposes of securing a unit of appropriate unit size for the reunified family; or in situations involving custody of a child for more than 50% of the time. Space will not be provided for a family member who will be absent most of the time, such as a member who is away in the military or a child who is away at school but who lives with the family during school recesses; A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size;
- A foster child will be considered in determining unit size only if he/she will be in the unit for more than 12 months.
- Children of the opposite sex under the age of eight must share a bedroom (e.g. a five year old girl must share a bedroom with a three year old boy); persons within the same generation of the same sex shall share a bedroom.
- Persons of different generations (i.e. infants/elderly persons; teens/elderly persons), persons of the opposite sex (with the exception of those who have a spousal relationship or who have been identified themselves as domestic partners) and unrelated adults should be allocated a separate bedroom.
- A full-time, live-in aide, whether or not a household member for purposes of rent determination, if determined by the WHA to be qualified, shall be deemed a household member for purposes of determining the appropriate unit size in public housing.
- In the event that a household member, who has signed the lease, applies for the addition of a person as an additional household member, the WHA shall determine whether the person is qualified and whether the augmented family is eligible. If so, the WHA shall approve addition of the household member to the family if the unit is of appropriate unit size.

### **Exception to Guidelines**

The WHA may provide a family with a unit that is larger than suggested by the guidelines, with the condition that the family will move to a smaller unit when another family needs the unit and a suitable smaller unit is available. If such a move becomes necessary, the cost of the move shall be the responsibility of the family. The WHA will require that the

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§009 - Tenant Selection and Assignment Plan**

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family sign a document reflecting its understanding of this exception and of the family's responsibilities.

### **7. UNIT OFFER**

When an applicant approaches the top of the waiting list, the WHA shall make a final determination of the applicant's eligibility and suitability. After a verified determination of eligibility and suitability is made, and the applicant's name is at the top of the waiting list(s), or is otherwise the next candidate for a unit offer, the WHA shall make up to two offers of a suitable unit to the applicant household with the exception of the Elderly Only Waitlists, which will receive up to three offers.

The order of unit offers shall be based first upon unit return dates and second, upon projected unit return dates.

A suitable unit is one that is appropriate in size and type for the applicant.

If the applicant provides reliable documentation establishing that the unit offered is inappropriate and would cause severe and unreasonable hardship, the WHA may offer different units to the family.

An applicant must accept a unit offer within three calendar days of the apartment showing with the day of the showing being considered the first calendar day. If the applicant fails to notify the WHA with a decision by the close of business on the third calendar day, the unit offer will be rescinded and will be categorized as a refusal. If the third calendar day falls on Saturday, Sunday or legal holiday, the third calendar day will be the next regularly scheduled workday.

### **8. DESIGNATED HOUSING**

#### **Smoke Free Housing**

The WHA Smoke Free Policy is incorporated by reference into this Admissions and Continued Occupancy Policy and may be found on the WHA's website and at the WHA Management Offices.

#### **Elderly Housing**

The WHA has developed a designated housing plan for elderly families/ individuals in the following developments: Lincoln Park Towers, Webster Square Towers East and West and Elm Park Tower.

An applicant requesting elder only communities are placed on the WHA elder only waiting list according to date and time of application and with any other preference awarded.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§009 - Tenant Selection and Assignment Plan**

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At these developments, the WHA will offer available units first to families 62 years of age or older. If there are no families on the waiting list 62 years of age or older, the WHA will next offer available units to near-elder families (60 through 61 years of age). If there are no near elder families on the waiting list, the WHA may offer available units to applicants less than 60 years of age.

### **New Beginnings Program**

New Beginnings is a transitional housing program for men that are in early stages of recovery from a substance abuse disorder and want to live in a drug and alcohol free environment. Referrals to this program are accepted from a recognized and accredited program of recovery. All applicants must have successfully completed the requirements of the referring agencies program, be working a minimum of 30 hours a week, and are actively participating in a program of recovery. The maximum term of the program is two years and participants may transition into a conventional apartment upon successful completion of the program. An applicant invited to participate in the New Beginnings program will enter into a participation agreement and will be subject to random drug and alcohol screenings at the discretion of the WHA. This is a zero tolerance program and a positive screening result will be grounds for immediate termination. The WHA will not accept individuals that are sex offenders or have been charged and/or convicted of a sexually based offense, and the WHA may deny individuals based on the additional eligibility and suitability criteria in this ACOP.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§010 - Income, Exclusions, and Deductions from Income**

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### **1. COMPUTATION OF NET HOUSEHOLD INCOME**

In order to determine net household income, the WHA shall first determine gross household income. Gross household income includes the income of all family members, excluding the types and sources of income that are specifically excluded. The deductions set out below are deducted from gross household income so computed, and the result is net household income. The Total Tenant Payment is determined from the net household income.

### **2. ANNUAL INCOME [24 CFR 5.609]**

Annual income means all amounts, monetary or not, that:

- Go to, or on behalf of, the family head or spouse (even if temporarily absent) or other family member receives; or
- Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- Which are not specifically excluded as described in this ACOP.
- Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

Annual income includes, but is not limited to:

- The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses and other compensation for personal services;
- If it is not feasible to anticipate a level of income over a 12-month period (e.g. seasonal or school year income), or the WHA believes that past income is the best available indicator of expected future income, the WHA may annualize the income anticipated for a shorter period;
- The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not 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 IRS regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family;

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§010 - Income, Exclusions, and Deductions from Income**

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- The interest, dividends and other net income of any kind from real or personal property and/or expenditures for amortization of capital indebtedness are not 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 IRS regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursed of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes 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 amounts received from SSA, 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 however, deferred periodic amounts from SSA benefits that are received in a lump sum amount or in prospective monthly amounts are excluded;
- Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, however, lump sum additions such as insurance payments from worker's compensation are excluded;
- Welfare assistance: If the welfare assistance payment includes an amount specifically designed 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:
  - The amount of the allowance or grant exclusive of the amount specifically designated for shelter utilities; plus
  - The maximum amounts that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
  - Imputed welfare income: this is income from welfare benefits that have been reduced because of welfare fraud or because of non-compliance with economic self-sufficiency requirements. Although the family in fact has reduced income, the WHA will impute the welfare income to the family in an amount equal to the reduction in benefits. A family's annual income includes the amount of imputed welfare income (because of a specified welfare

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§010 - Income, Exclusions, and Deductions from Income**

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benefits reduction, as specified in notice to the WHA by the welfare agency) plus the total amount of other annual income [24 CFR 5.615];

- Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling; and
- All regular pay, special pay and allowances of a member of the Armed Forces, except for hostile fire pay.

### **3. EXCLUSIONS FROM ANNUAL INCOME**

Annual income does not include the following:

- Income from employment of children (including foster children) under the age of 18 years;
- Payments received from the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses;
- Amounts received by the families that are specifically for or in reimbursement of, the cost of medical expenses for any family member;
- Income of a live-in aide;
- The full amount of student financial assistance paid directly to the student or to the educational institution;
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- The amounts received from the following programs:
  - Amounts received by a person with a disability that is disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - Amounts received by a applicant or tenant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§010 - Income, Exclusions, and Deductions from Income**

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- incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
- 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 WHA on a part-time basis that enhances the quality of life in the development as determined by the WHA. Residents enrolled in job training programs administered by the WHA are paid and stipend for hours spent in training. The training program and stipend cannot exceed 18 months. No resident may receive more than one such stipend during the same period of time. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination and serving as a member of WHA's governing board;
  - Incremental earnings and benefits resulting to any family member from participation in qualifying state and 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;
- Temporary, nonrecurring, or sporadic income (including gifts);
  - Reparation payment paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
  - Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
  - Adoption assistance payments in excess of \$480 per adopted child;
  - Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump-sum amount or in prospective monthly amounts;
  - Amounts received by the family in the form of refunds or rebates under state and local law for property taxes paid on a 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;

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§010 - Income, Exclusions, and Deductions from Income**

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- Amounts specifically excluded by any other federal statutes 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 is a list of benefits excluded by other federal statutes:
  - The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 [7 USC 201(h)];
  - Payments to volunteers under the Domestic Volunteer Service Act of 1973 [42 USC 5044(g)]. Examples of programs include but are not limited to: Retired Senior Volunteer Program, Foster Grandparent Program, Senior Companion Program, and the Older American Committee Service Program;
  - National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs;
  - 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, and Active Corps of Executives;
  - Payments received under the Alaska Native Claims Settlement Act [43 USC 1626(a)];
  - Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes [25 USC 459(e)];
  - Payments or allowances made under the Department of Health and Human Services' 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)];
  - 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: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships;
  - Payments received from programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056(f)]. Examples include the Senior Community Services Employment Program, National Caucus Center on the Black aged, National Urban League, Association National Pro Personas Mayors, 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 Agent Orange" product liability litigation;
  - Payments received under the Maine Indian Claims Settlement Act of 1980;

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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- The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990;
  - Earned income tax credit refund payments received on or after January 1, 1991;
  - Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation; and/or
  - Allowances, earnings and payments to America Corps participants under the National and Community Service Act of 1990.
- Earned Income Disregard for a qualified resident who experiences an increase in earned income.
    - *Initial 12 month exclusion:* During the cumulative 12 month period beginning on the date a member of a qualified family is first employed and/or the family first experiences an increase in annual income attributable to employment, the WHA must exclude from annual income (as defined in § 5.609) of a qualified family any increase in income of the family member as a result of employment over prior income of that family member.
    - *Second 12 month exclusion and phase-in:* During the second cumulative 12 month period after the date a member of a qualified family is first employed and/or the family first experiences an increase in annual income attributable to employment, the WHA must exclude from annual income of a qualified family 50% of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.
    - *Maximum 2 year disallowance:* The disallowance of increased income of an individual family member is limited to a lifetime 24 month period. It only applies for a maximum of 12 months for disallowance under paragraph (1) and a maximum of 12 months for disallowance under paragraph (2), during the 24 month period starting from the initial exclusion under paragraph (1) of this section.

The exclusion period may be interrupted, but in no event may the total number of months between the beginning of the exclusion and the final month of exclusion exceed 24 months. This earned income disallowance is available only to household individuals under lease that meet the definition listed below, within one of the following three categories:

- A person whose annual income increases because of employment after having been unemployed for one or more years previous to employment;

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§010 - Income, Exclusions, and Deductions from Income**

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- A person whose annual income increases because of new or increased earnings during participation in an economic self-sufficiency program or other job training program; or
- A person whose annual income increases because of new or increased earnings, during or within six months after receiving assistance, benefits or services from a program funded by any state program for TANF. The assistance is not limited to income maintenance, but also includes benefits and services such as child care and transportation subsidies and one-time payments, wage subsidies and other amounts and services as long as the value of such benefits or services over a six month period is at least \$500. [24 CFR 960.255]

### **4. ADJUSTED ANNUAL INCOME [24 CFR 5.611]**

The WHA shall deduct the following amounts from family income.

#### **Mandatory Deductions:**

- \$480 for each household member who is under 18 years of age, or is over 18 and has a disability or is a full-time student in a college or vocational program, but is not the family head or spouse;
- \$400 per elderly family or disabled family. Note: Only \$400 is an allowable deduction, even if both the head and the spouse are elderly or disabled.
- The sum of the following, to the extent the sum exceeds 3 percent of annual income;
  - Unreimbursed medical expenses of any elderly family or disabled family; and
  - 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
- Reasonable childcare expenses that is necessary to enable a member of the family to be employed or to further his or her education.

#### **WHA Permissible Deductions:**

- Child support, separate support, and/or alimony paid under court order or court approved agreement by a household member for the support of a minor child, spouse, or ex-spouse, not residing with the household, provided that the total

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§010 - Income, Exclusions, and Deductions from Income**

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amount deducted for this deduction and the deductions mentioned above for this household member shall not exceed his or her gross income.

### **5. HUD NOTICE CONCERNING INCOME**

If there is a HUD notice concerning the amount of verification of family income, the WHA shall reconcile any difference between the amount reported by the tenant and the amount listed in the HUD notice. This shall be done as promptly as possible.

After the reconciliation is complete, the WHA shall adjust the tenant's rent beginning at the start of the next month unless the reconciliation is completed during the final five (5) days of the month and then the new rent shall take effect on the first day of the second month following the end of the current month. In addition, if the resident had not previously reported the proper income, the WHA shall do one of the following:

- Immediately collect the back rent due to the WHA;
- Establish a repayment plan for the resident to pay the sum due to the WHA;
- Terminate the lease and evict for failure to report income; or
- Terminate the lease, evict for failure to report income, and collect the back rent due to the WHA.

### **6. COOPERATION WITH WELFARE AGENCIES**

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

- To target assistance, benefits and services to families receiving assistance in the public housing program;
- To provide written verification to the WHA concerning welfare benefits for families applying for or receiving assistance in the housing programs.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §011 – Rent Determination

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### 1. FAMILY CHOICE [24 CFR 960.253(a)]

At admission and each annual recertification, the WHA provides each tenant with the opportunity to choose between two methods for determining the amount of monthly rent. The tenant may choose to pay flat rent or income based rent. In the event that the family has experienced financial hardship, the family may not be offered this choice more than once a year. See the following applicable federal regulations.

#### (a) *Rent options*

(1) *Annual choice by family.* Once a year, the PHA must give each family the opportunity to choose between the two methods for determining the amount of tenant rent payable monthly by the family. The family may choose to pay as tenant rent either a flat rent as determined in accordance with paragraph (b) of this section, or an income-based rent as determined in accordance with paragraph (c) of this section. Except for financial hardship cases as provided in paragraph (d) of this section, the family may not be offered this choice more than once a year.

(2) *Relation to minimum rent.* Regardless of whether the family chooses to pay a flat rent or income-based rent, the family must pay at least the minimum rent as determined in accordance with §5.630 of this title.

#### (b) *Flat rent.*

The flat rent is determined annually, based on the market rental value of the unit as determined by this paragraph (b).

(1) The PHA must establish a flat rent for each public housing unit that is no less than 80 percent of the applicable Fair Market Rent (FMR) as determined under 24 CFR part 888, subpart A; or

(2) HUD may permit a flat rent of no less than 80 percent of an applicable small area FMR (SAFMR) or unadjusted rent, if applicable, as determined by HUD, or any successor determination, that more accurately reflects local market conditions and is based on an applicable market area that is geographically smaller than the applicable market area used in paragraph (b)(1) of this section. If HUD has not determined an applicable SAFMR or unadjusted rent, the PHA must rely on the applicable FMR under paragraph (b)(1) or may apply for an exception flat rent under paragraph (b)(3).

(3) The PHA may request, and HUD may approve, on a case-by-case basis, a flat rent that is lower than the amounts in paragraphs (b)(1) and (2) of this section, subject to the following requirements:

(i) The PHA must submit a market analysis of the applicable market.

(ii) The PHA must demonstrate, based on the market analysis, that the proposed flat rent is a reasonable rent in comparison to rent for other comparable unassisted units, based on the location, quality, size, unit type, and age of the public housing unit and any amenities, housing services, maintenance, and utilities to be provided by the PHA in accordance with the lease.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §011 – Rent Determination

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(iii) All requests for exception flat rents under this paragraph (b)(3) must be submitted to HUD.

(4) For units where utilities are tenant-paid, the PHA must adjust the flat rent downward by the amount of a utility allowance for which the family might otherwise be eligible under 24 CFR part 965, subpart E.

(5) The PHA must revise, if necessary, the flat rent amount for a unit no later than 90 days after HUD issues new FMRs.

(6) If a new flat rent would cause a family's rent to increase by more than 35 percent, the family's rent increase must be phased in at 35 percent annually until such time that the family chooses to pay the income-based rent or the family is paying the flat rent established pursuant to this paragraph.

### **(c) *Income-based rent.***

(1) An income-based rent is a tenant rent that is based on the family's income and the PHA's policies for determination of such rents.

(2) The PHA rent policies may specify that the PHA will use percentage of family income or some other reasonable system to determine income-based rents. The PHA rent policies may provide for depositing a portion of tenant rent in an escrow or savings account, for imposing a ceiling on tenant rents, for adoption of permissive income deductions (see §5.611(b) of this title), or for another reasonable system to determining the amount of income-based tenant rent.

(3) The income-based tenant rent must not exceed the total tenant payment (§5.628 of this title) for the family minus any applicable utility allowance for tenant-paid utilities. If the utility allowance exceeds the total tenant payment, the PHA shall pay such excess amount (the utility reimbursement) either to the family or directly to the utility supplier to pay the utility bill on behalf of the family.

(4) The PHA may elect to establish policies regarding the frequency of utility reimbursement payments for payments made to the family.

(i) The PHA will have the option of making utility reimbursement payments not less than once per calendar-year quarter, for reimbursements totaling \$45 or less per quarter. In the event a family leaves the program in advance of its next quarterly reimbursement, the PHA must reimburse the family for a prorated share of the applicable reimbursement. PHAs exercising this option must have a hardship policy in place for tenants.

(ii) If the PHA elects to pay the utility supplier, the PHA must notify the family of the amount of utility reimbursement paid to the utility supplier.

**(d) *Ceiling rent.*** A PHA using ceiling rents authorized and established before October 1, 1999, may continue to use ceiling rents, provided such ceiling rents are set at the level required for flat rents under this section. PHAs must follow the requirements for calculating and adjusting flat rents in paragraph (b) of this section when calculating and adjusting ceiling rents.

**(e) *Information for families.*** For the family to make an informed choice about its rent options, the PHA must provide sufficient information for an informed choice. Such information must include at least the following written information:

(1) The PHA's policies on switching type of rent in circumstances of financial hardship, and

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §011 – Rent Determination

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(2) The dollar amounts of tenant rent for the family under each option, following the procedures in paragraph (f) of this section.

**(f) *Choice between flat and income-based rents.***

Families must be offered the choice between a flat rental amount and a previously calculated income-based rent according to the following:

(1) For a family that chooses the flat rent option, the PHA must conduct a reexamination of family income and composition at least once every three years.

(2) At initial occupancy, or in any year in which a participating family is paying the income-based rent, the PHA must:

(i) Conduct a full examination of family income and composition, following the provisions in §960.257;

(ii) Inform the family of the flat rental amount and the income-based rental amount determined by the examination of family income and composition;

(iii) Inform the family of the PHA's policies on switching rent types in circumstances of financial hardship; and

(iv) Apply the family's rent decision at the next lease renewal.

(3) In any year in which a family chooses the flat rent option but the PHA chooses not to conduct a full examination of family income and composition for the annual rent option under the authority of paragraph (f)(1) of this section, the PHA must:

(i) Use income information from the examination of family income and composition from the first annual rent option;

(ii) Inform the family of the updated flat rental amount and the rental amount determined by the most recent examination of family income and composition;

(iii) Inform the family of the PHA's policies on switching rent types in circumstances of financial hardship; and

(iv) Apply the family's rent decision at the next lease renewal.

**(g) *Switch from flat rent to income-based rent because of hardship.***

(1) A family that is paying a flat rent may at any time request a switch to payment of income-based rent (before the next annual option to select the type of rent) if the family is unable to pay flat rent because of financial hardship. The PHA must adopt written policies for determining when payment of flat rent is a financial hardship for the family.

(2) If the PHA determines that the family is unable to pay the flat rent because of financial hardship, the PHA must immediately allow the requested switch to income-based rent. The PHA shall make the determination within a reasonable time after the family request.

(3) The PHA policies for determining when payment of flat rent is a financial hardship must provide that financial hardship include the following situations:

(i) The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance;

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§011 – Rent Determination**

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- (ii) The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items; and
- (iii) Such other situations determined by the PHA to be appropriate.

### **2. INCOME-BASED RENT**

An income based rent is a tenant rent that is based on the family's income. The total tenant payment is equal to the highest of:

- 10 percent of the family's monthly income; or
- 30 percent of the family's adjusted monthly income; or
- The minimum rent of \$50.

### **3. MINIMUM RENT REQUIREMENT [24 CFR 5.630]**

The WHA requires a minimum rent of \$50.00. For households subject to a utility allowance, the tenant will be subject to a minimum total tenant payment but could still be entitled to a utility reimbursement if the utility allowance is greater than the total tenant payment.

Exceptions to the Minimum Rent Requirement:

The Quality Housing and Work Responsibility Act of 1998 (QHWRA) establishes exceptions to the minimum rent requirement for financial hardship circumstances. Financial hardship circumstances include the following:

- a. The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program.
- b. The family would be evicted as a result of the imposition of the minimum rent requirement.
- c. The income of the family has decreased because of changed circumstance, including loss of employment.
- d. A death in the family has occurred.
- e. Other circumstances determined by the WHA or HUD.

#### **Suspension of Minimum Rent Requirement:**

If the family requests a hardship exemption, the minimum rent requirement is immediately suspended. The minimum rent is suspended until a determination is made whether:

- a. There is a hardship covered by the statute; and
- b. The hardship is temporary or long-term.

If the WHA determines that there is no hardship covered by the statute, minimum rent is imposed including back payment for minimum rent from the time of suspension.

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## **§011 – Rent Determination**

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The WHA will not provide an exemption to the minimum rent requirement if the hardship is determined to be temporary. Regulation prohibits the WHA from evicting a family for nonpayment of rent on the basis of a hardship if the hardship is determined by the WHA to be temporary during a 90-day period beginning upon the date of the family's request for exemption. During this 90-day period, the tenant must demonstrate that the financial hardship is of a long-term basis.

If the tenant demonstrates that the financial hardship is of a long-term basis, the WHA shall retroactively exempt the tenant from the applicability of the minimum rent requirement for the 90-day period.

If the tenant is unable to demonstrate that the financial hardship is of a long-term basis or the WHA determines that the hardship is temporary, the minimum rent is imposed, including the back payment for minimum rent from the time of suspension.

The WHA will not evict the family for nonpayment during the 90-day period commencing on the date of the family's request for exemption of minimum rent in excess of the tenant rent otherwise payable. The WHA will offer a reasonable repayment agreement for any rent not paid during this period.

### **Welfare Program Requirements Regarding Minimum Rent:**

The WHA will not reduce a family's rent to the established minimum rent levels if there has been a reduction in welfare benefits based on either:

- Fraud by a family member.
- The family's failure to comply with the welfare program's requirement for work activities or participation in an economic self-sufficiency program.

If a reduction in income results from the expiration of a lifetime limit on benefits, or a loss of benefits because of a durational time limit on welfare benefits despite compliance with work requirements, the WHA will include the reduction in annual income in the calculation of an income based rent. The result of this calculation may result in an exception to the minimum rent requirement.

## **4. RENT FOR FAMILIES UNDER THE NONCITIZEN RULE (24 CFR 5.518)**

A mixed family may receive continued assistance if all of the following conditions are met:

- The family was receiving assistance on June 19, 1995;
- The family was granted continuation of assistance before November 29, 1996;
- The family's head or spouse has eligible immigration status; and
- The family does not include any person who does not have eligible immigration status other than the head of household, the spouse of the head of household,

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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any parent of the head or spouse, or any child of the head of household or spouse.

If a mixed family qualifies for prorated assistance (and does not qualify for continued assistance), but decides not to accept prorated assistance, or if a family has no members with eligible immigration status, the family may be eligible for temporary deferral of termination of assistance if necessary to permit the family additional time for the orderly transition of those family members with ineligible status, and any other family member involved to other affordable housing.

The WHA shall prorate a mixed family's assistance in accordance with 24 CFR §5.520(d): When the mixed family's TTP is greater than the maximum rent, the WHA must use the TTP as the mixed family TTP. This method of prorating assistance applies to new admissions and annual reexaminations.

### **5. UTILITY ALLOWANCE**

The WHA shall establish a utility allowance for all check-metered utilities for those tenants who elect the income method calculation and/or pay a minimum rent of \$50.00. The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. Allowances will be evaluated at least annually as well as any time utility rate changes by 10 percent or more since the last revision to the allowances.

Utility allowance revisions based on rate changes shall be effective retroactively to the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual reexamination.

### **6. RENT PAYMENT**

Rent is due and payable on the first day of the month. If the rent is not paid by the fifth day of the month, rent shall be considered delinquent and the WHA may issue a 14-day Notice to Quit. All rents shall remain in effect until the rent is redetermined. Rent payments may be made by mail to the lockbox, by mail to the WHA management office, in person at the WHA management offices, or any other means implemented by the WHA.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§012 - Reexamination**

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### **1. GENERAL**

At least annually, the WHA will conduct a reexamination of tenant income and composition in accordance with a schedule for reexaminations developed by the WHA. The results of the reexamination are used to determine the rent that the tenant will pay and that the tenant is appropriately housed.

Each year at the reexamination interview, the WHA will require all information regarding income, assets, expenses, and other information necessary to determine the tenant's rent. The tenant will complete all HUD required consent forms that will be used by the WHA to secure third-party verification of the tenant's circumstances.

It is the responsibility of the tenant to report changes in tenant composition between annual reexaminations throughout the year. Additionally, a household that claims zero income must report any increase in income. The WHA may conduct an interim examination based upon notification of these changes. The tenant is responsible for informing the WHA of any changes regarding the household including but not limited to income changes and household composition within ten days of any changes.

In the event that a household's income decreases, the tenant should report this change as soon as possible. The WHA shall conduct an interim examination based upon the change and shall adjust the tenant's rent accordingly.

### **2. ANNUAL REEXAMINATION**

Approximately four months prior to the scheduled date for a tenant's reexamination, the WHA will mail a notification letter to the tenant advising of the upcoming reexamination review, the necessary documentation that will be required from the tenant, and the options for rent payment by the tenant.

#### **Annual Reexamination Review**

The WHA will review all income documentation and household composition when determining if the tenant is appropriately housed. If the tenant is not appropriately housed, the WHA may initiate a transfer.

If the tenant fails to return the documentation within the time period provided, the WHA will mail a second notification. The letter will also advise that if the tenant fails to provide the necessary information, the WHA will take eviction action against the tenant.

#### **Flat Rent**

Each year at the reexamination interview, the tenant has the option of electing flat rent. The WHA will still be required to perform an income reexamination every year for

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§012 - Reexamination**

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families electing to pay flat rent. However, if the family's income exceeds the over-income limits, the WHA shall refer to the Treatment of Over-Income Families guidelines below.

The WHA will advise the tenant the approximate time when the WHA reviews the amount of the flat rent, the approximate rent increase that the tenant can expect, and the approximate date that a future rent increase could become effective.

A tenant who opts for a flat rent may at any time request to have a reexamination and return to the income-based rent if the tenant's income has decreased, the tenant's financial circumstances have changed, and/or other circumstances that create a hardship for the tenant such that the income method would be more financially feasible for the tenant.

### **Income Method Rent**

Upon receipt of the third-party verification, the WHA will determine the tenant's annual income and will calculate the rent based on the highest of 10% of monthly income, 30% of adjusted gross monthly income, or the minimum rent.

The new rent will generally become effective upon the tenant's anniversary date, but in no event prior to 30 days written notice to the tenant of the rent increase. If a determination of the new rent is delayed due to a reason beyond the tenant's control, then the rent increase will be payable on the first of the month after expiration of the 30 day notice period.

For example: The tenant's anniversary date is June 1<sup>st</sup>. Notification of the rent increase is dated May 25. The new rent becomes effective on June 1<sup>st</sup> but does not become payable until July 1<sup>st</sup>.

If the new rent is a reduction and the delay is beyond the control of the tenant, the reduction will be effective as scheduled on the tenant's anniversary date.

If the tenant caused the delay, any increase will be effective on the anniversary date. Any reduction in rent will be effective on the first of the month after the reported change, except in documented cases of hardship in which the tenant was unable to report the decrease in income.

If a new member is added to the lease, the WHA will recalculate the tenant's income based on the new tenant member. This may result in an increase in rent. The WHA will provide a 30 days notice to the tenant of this rent increase.

### **Treatment of Over-Income Families**

In adherence to HUD guidelines relative to income limits, the WHA will ensure that current tenants have income within the established guidelines for continued participation

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §012 - Reexamination

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in its federal public housing programs. The WHA will review each household's income during its annual and interim re-certification process and determine whether the household remains eligible for continued assistance. Families whose income exceeds the Over-Income (OI) limit, including families during the grace period or before program termination, these families retain all of their rights and obligations as public housing program participants.

This policy provides the WHA with the right to allow OI federal tenants to remain in public housing if they are in good standing and have not been in violation of their lease for at least the past 12 months. In these circumstances Non-Public Housing Over Income (NPHOI) family whose income exceeds the OI limit for 24 consecutive months and request (at the discretion of WHA) to remain in the unit paying the alternative non-public housing rent. These families must have signed a NPHOI month to month lease within 60 days of notification and are no longer public housing program participants. Any remaining NPHOI family must be charged a monthly rent equal to the higher of the applicable Fair Market Rent or the amount of the monthly subsidy provided for the unit (HUD will publish annually).

In the event a NPHOI family declines to execute a NPHOI lease, the WHA shall proceed with termination of tenancy no more than 6 months after the end of the 24 consecutive month grace period. If an agreement between the WHA and the NPHOI family executes a NPHOI lease after the deadline, but before termination of tenancy, the OI family must pay the WHA the total difference between the alternative rent and/or balance owed.

NPHOI families cannot participate in public housing resident councils or programs for low-income or public housing participants. NPHOI families cannot receive a utility allowance from the WHA, be subject to income reexaminations, or be required to comply with Community Service and Self-Sufficiency Requirements.

### **Determination of Over-Income Families**

To determine a family to be over-income during any reexamination, the following notification process must be applied.

The household income exceeds 120% area median income (AMI) (or a different limitation as may be established by the secretary) for two consecutive years known as the grace period, the WHA may terminate the family's tenancy within six months or chooses to remain in a public housing unit, then the family is required to pay the alternative rent as determined in accordance with 24 CFR 960.102(b):

1. The applicable Fair Market Rent, as defined in [24 CFR part 888, subpart A](#), for the unit; or
2. The amount of the monthly subsidy provided for the unit, which will be determined by adding the per unit assistance provided to a public housing

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§012 - Reexamination**

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property as calculated through the applicable formulas for the Public Housing Capital Fund and Public Housing Operating Fund.

During the reexamination, if the family is determined to be OI, the OI notification process begins.

WHA must give OI families 3 notices, each within 30 days of the income examination that determines the family is, or remains, OI: at the initial determination of OI status, following the reexamination at the conclusion of the 1st 12 months of the grace period, and at the conclusion of the 24 months grace period.

All notices must be provided in writing and state what actions will be taken as required under OI section of this policy. If applicable, the notice must include the alternative rent amount. All notices must provide information on the family's right to a grievance hearing.

If the WHA determines (in an interim or regular reexamination) that a family's income has fallen below the OI limit at any time during the 24-month grace period, the family will remain a public housing program participants and return to regular income reexamination periods. If the family becomes OI again, the WHA begins a new 24-month grace period. In the event that OI family is facing termination after exceeding the grace period, the family may request an interim reexamination, but a decrease in income and the family's rent will not reset the period before termination or enable the family to avoid termination.

### **3. INTERIM REEXAMINATION**

A tenant is required to report the following changes to the WHA between annual reexaminations:

1. A family reports a reduction in household income\*;
2. A family reports changes in the family composition that would reduce household income;
3. A family member that previously reported not receiving any income begins to receive income from any source;
4. A family has greater than a 10% increase in household income from any source;
5. A household member has been added to the family as a result of birth, adoption, court ordered custody, marriage and an approved addition to the lease request.

\*HUD prohibits housing authorities from conducting an interim re-exam when a family reports a loss of welfare benefits due to fraud or failure to participate in a self-sufficiency or work activity.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§012 - Reexamination**

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All changes affecting household income must be reported to the WHA within ten (10) days of the occurrence. Failure to report increases in household income will result in retroactive repayment agreements. In the most severe circumstances, the WHA may consider termination of the tenant's lease or program participation.

Decreases in household income, if reported within the first seven (7) days of the month that rent is due, will result in a rent change for that month. Decreases in household income reported beyond the seventh day will be effective on the first day of the following month.

Increases in household income of 10% or more, resulting in an increased tenant rent, will be effective the first day of the month following the issuance of a 30 day notice of rent increase by the WHA.

### **4. ADDITIONS TO LEASE**

If a tenant requests to add a new household member, the tenant must complete an application form providing information about the new tenant member's income, assets, verified citizenship/eligible immigrant status, social security number if applicable, and all other information required of an applicant for public housing.

Upon receipt of this information the WHA will screen the application. If the WHA determines that the individual is eligible and suitable, the WHA will execute a new lease with the tenant reflecting the changed tenant composition.

If the WHA determines that the individual is ineligible or unsuitable, the WHA will so advise the tenant in writing of the determination and of the opportunity to request an appeal.

Except for additions due to birth or court awarded custody, the WHA may disallow the addition of a household member if a tenant is currently properly housed and the addition of a new member to the household will create an over-housed situation.

In the event that the WHA denies a tenant's application to add a person to their lease, they may appeal the decision through the WHA's Grievance Policy.

### **5. RESIDUAL TENANCY**

#### **Criteria**

A remaining member of a tenant household may apply to become the head of household in the event of the death, departure, or incapacity of the head of household.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§012 - Reexamination**

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The application to become head of household will be approved provided that the applicant meets the following criteria:

- An adult who has been a tenant of record on the current lease for the unit for a minimum of nine months and whose income has been reported and included in the rent computations during the period of their occupancy unless they were without income or were a full-time student; or
- If the remaining member(s) of the household consists only of minor children, the applicant must be an adult who has been appointed either as a temporary or permanent guardian, is the natural parent of one or more household members, is willing to assume responsibility for the apartment, and the household and is willing to enter into a lease. Under these circumstances, the WHA shall screen the applicant in accordance with the terms of this policy; or
- If the remaining member of the household is an incapacitated adult who is unable to fulfill the responsibilities set forth in the lease, the applicant must be an adult who has been appointed as either a temporary or permanent guardian of the remaining household member, and is willing to assume responsibility for the apartment, and willing to enter into a lease. Under these circumstances, the WHA shall screen the applicant in accordance with the terms of this policy.

If the remaining household member is denied residual tenancy as the head of household, the member may appeal in accordance with the WHA's Tenant Grievance Policy.

### **Divorce, Separation or Protective Order**

In the event of divorce, separation, or a protective order issued by a court under Chapter 209A or other state or federal statute, any person designated by the court will be permitted to apply to become the head of household if they would otherwise qualify under the terms of this policy. In the event of divorce, separation, protective order, or the family has irreconcilable differences that are unforeseen, and no court order has been established, the WHA may, in its discretion, split the family into two separate units.

### **Income**

An applicant to become the head of household will not be found ineligible based on income exceeding the eligibility limits for applicants for admission to public housing.

## **6. MISREPRESENTATION**

If the WHA determines that the tenant has misrepresented facts upon which rent is based, the WHA shall retroactively charge the tenant the appropriate amount of rent and take other such actions as permitted by law up to and including eviction and criminal prosecution.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§013 - Community Service & Self-Sufficiency Requirement**

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### **1. STATUTORY/REGULATORY REQUIREMENTS [24 CFR 960.600]**

The community service and self-sufficiency requirement (CSSR) is intended to assist adult public housing residents in improving their own economic and social well-being and give these residents a greater stake in their communities. The community service and self-sufficiency requirement allows residents an opportunity to “give something back” to their communities and facilitates upward mobility.

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service or (2) participate in an economic self-sufficiency program or (3) perform eight hours per month of combined activities as described unless exempt from this requirement.

An individual may not skip one month and then double up the following month, unless special circumstances warrant it. The WHA will determine whether to permit a deviation from the schedule.

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

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

### **2. EXEMPTIONS**

An exempt individual is an adult who:

1. Is 62 years or older;
2. Is a blind or disabled individual as defined under 216(l)(1) or 1614 of the Social Security Act (42 U.S.C. 416(l)(1) and who certifies that because of this disability they are unable to comply with the community service and self-sufficiency requirement, or is a primary caretaker for such an individual;
3. Is engaged in work activities for at least 30 hours per week that meets one of the following definitions of “work activity” contained in Section 407(d) of the Social Security Act (42 U.S.C. Section 607(d)):

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§013 - Community Service & Self-Sufficiency Requirement**

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- Unsubsidized employment;
  - Subsidized private-sector employment;
  - Subsidized public-sector employment;
  - Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
  - On-the-job-training;
  - Job-search;
  - Community service programs;
  - Vocational educational training (not to exceed 12 months with respect to any individual);
  - Job-skills training directly related to employment;
  - Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency; or
  - Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate.
4. Meets the requirements 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 or welfare to work program in Massachusetts.
5. Is a member of a family receiving assistance, benefits or services under a state program funded under part A of Title IV of the Social Security Act or under any other welfare program in Massachusetts, including a state administered welfare to work program, and has not been found by the state or other administering entity to be in noncompliance with such a program.

### **3. NOTIFICATION OF THE REQUIREMENT**

The WHA shall provide written notification to each adult household member about CSSR. The notification will provide the opportunity for the family member to claim and explain an exempt status. The WHA shall verify each claim for exemption.

For a tenant paying a flat rent, the obligation begins on the date that the annual reexamination would have been effective had an annual reexamination taken place. The notification will also provide the resident the option to self-certify their compliance with CSSR as described below. The notification will also advise that failure to comply with the CSSR will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

### **4. QUALIFYING VOLUNTEER AND SELF-SUFFICIENCY SERVICES**

The WHA will coordinate with social service agencies, local schools, the WHA's Family & Resident Services Department, and others to compile a list of community service

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§013 - Community Service & Self-Sufficiency Requirement**

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volunteer and self-sufficiency program opportunities. However, it is the tenant's responsibility to secure opportunities for community service and self sufficiency credit. Following is a list of activities that are eligible, including but not limited to:

### **Eligible Community Service Activities**

- Local public or nonprofit Institutions, such as schools, head start programs, before-or after school programs
- Childcare centers
- Hospitals, clinics, hospices, nursing homes
- Recreation centers, senior centers, adult daycare programs
- Homeless shelters, feeding programs, food banks (distributing either donated or commodity foods)
- Clothes closets (distributing donated clothing)
- Nonprofit organizations serving WHA residents such as Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs
- Police Activities League (PAL), organized children's recreation
- Mentoring or education programs, Big Brothers or Big Sisters
- Garden centers, community clean-up programs, beautification programs
- Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives
- Senior meals programs, senior centers, meals on wheels
- Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations
- Missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts
- WHA housing to improve grounds or provide gardens (so long as such work does not alter the WHA's insurance coverage)
- Work through resident organizations to help other residents with problems, Including serving on the Resident Advisory Board
- Care for the children of other residents so parents may volunteer

### **Eligible Self-Sufficiency Activities**

The WHA encourages tenants to partake in the Family & Resident Services programs in order to reach self-sufficiency. Some of the activities listed below are available within the WHA.

- Job readiness or job training
- Training programs through one-stop career centers, workforce investment boards (local entities administered through the U.S. Department of Labor) or other training providers
- Higher education (junior college or college)
- GED classes
- Apprenticeships (formal or informal)

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§013 - Community Service & Self-Sufficiency Requirement**

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- Substance abuse or mental health counseling
- Reading, financial, and/or computer literacy classes
- English as a second language and/or English proficiency classes
- Budgeting and credit counseling

### **5. PROHIBITION AGAINST REPLACEMENT OF WHA EMPLOYEES**

In implementing the CSSR, the WHA may not substitute community service or self-sufficiency activities performed by residents for work ordinarily performed by its employees, or replace a job at any location where residents perform activities to satisfy the community service and self-sufficiency requirement.

### **6. ASSURING RESIDENT COMPLIANCE**

**Periodic Review of Compliance** - The WHA must verify at least 30 days before annual reexamination the exempt or nonexempt status and compliance of non-exempt family members.

**Certification by Agencies** - If qualifying activities are administered by the WHA for each non-exempt family member, the member must present a signed certification form provided by the WHA of CSSR activities performed over the previous twelve (12) months.

If qualifying activities are administered by an organization other than the WHA, the family member must provide signed certification to the WHA by the organization that the family member has performed the community service activities.

A CSSR Certification of Compliance Form will list the community service activities performed by the tenant and include the following information:

The name of organization and contact information and a section for signature confirmation by supervisors, instructors, or counselors certifying the number of hours contributed with the understanding that additional supporting documentation may be requested by the WHA.

**Self-Certification** - In lieu of a certification by an agency, the WHA will accept resident self-certifications of compliance with the CSSR as described in 24 CFR, Subpart F, 960.607. The self-certification of compliance with CSSR may be subject to third-party verification and requires the WHA to validate a sample of the self-certifications annually. The self-certification form must include the following information:

- a statement that the resident has completed the number of hours listed with the statement being subject to penalties of perjury;

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§013 - Community Service & Self-Sufficiency Requirement**

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- the number of hours and type of activity (community service or self-sufficiency) that the resident completed;
- the name of the organization and/or person for which the activity was completed;
- the address of the organization or person;
- the phone number of the organization or person; and
- a contact person in the organization and/or the person for which the activity was completed.

If a tenant completes their CSSR obligation for more than one organization or person during the course of a year, the tenant must complete one self-certification for each organization and/or person for which the resident performed the CSSR activity.

As a provision to allow tenants to self-certify, the WHA must validate a sample of self-certifications with the third-party for whom the tenant completed the community service or self-sufficiency activity. The sample of self-certifications the WHA validates must be a statistically valid, random sample as required.

Because the number of residents subject to the CSSR is constantly in fluctuation due to unit turnover, employment, etc., a WHA must choose a point in time annually to calculate the self-certifications received during the previous 12 months. However, WHA does not need to wait until the end of the 12-month period to begin validating self-certifications. For example, WHA that can reasonably determine the expected number of self-certifications to be received throughout the 12-month period may validate the appropriate sample of self-certifications during the 12-month period rather than waiting until the end of that time period, subject to any necessary reconciliations once the final universe and sample size is determined.

To validate a self-certification, the WHA must obtain third-party documentation that includes, at a minimum, the name of the organization or person, the number of hours completed by the resident, a signature from the appropriate staff person within the third-party organization or person and that staff person's contact information. Consistent with the written third-party verification techniques outlined in Notice PIH 2010-19, the WHA may accept third-party generated documentation directly from the third-party or from the resident.

The CSSR Certification of Compliance Form and supporting documentation must be retained in the WHA tenant's file.

**Determination of Non-Compliance with CSSR** - If the WHA determines that there is a family member who is required to fulfill CSSR but who has violated this family obligation, the WHA shall notify the tenant of this determination.

The WHA's notice must include:

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §013 - Community Service & Self-Sufficiency Requirement

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- A brief description of the finding of non-compliance.
- A statement that the WHA will not renew the lease at the end of the twelve-month lease term unless one of the following is agreed upon:
  - Tenant and any other non-compliant family member enter into a written agreement with the WHA to cure such non-compliance. Such written work-out agreement must include the means through which a noncompliant family member will comply with the CSSR requirement;
  - Tenant provides written assurance and documentation that is satisfactory to the WHA explaining that the tenant or other noncompliant resident no longer resides in the unit.
- The tenant may request a grievance hearing on the WHA determination and termination of the lease because of the determination of non-compliance.

### 7. TENANT REFUSAL TO COMPLY WITH CSSR

If a family member refuses to sign a written agreement resolving the matter, or fails to comply with the terms of such an agreement or CSSR, the WHA will initiate termination of tenancy proceedings.

### 8. REPORTING REQUIREMENTS

The WHA is required to report each adult household member status of CSSR through the 50058 submissions at the time of admission and annual basis to HUD.

50058 Submission Coding:

- 1 - Yes = Resident is *not exempt* and is *in compliance* with CSSR (recertification)
- 2 - No = Resident is *not exempt* and *not complying* with CSSR (recertification)
- 3 - Pending = WHA is in the process of *verifying compliance* with CSSR (new admission only)
- 4 - Exempt = Resident is exempt (new admission & recertification)
- 5 - N/A = not in use

### 9. HUD MONITORING

HUD has re-instated the generation of the CSSR monitoring report on a quarterly basis. The report will be posted on the REAC website and access will be provided to the WHA if validation is required. REAC will send an e-mail to the WHA advising them of the content of the report and explaining the steps necessary to make corrections and changes in PIC as appropriate.

In the case of a review or audit, the WHA must be prepared to supply adequate supporting documentation regarding exempt tenants, compliant or noncompliant

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§013 - Community Service & Self-Sufficiency Requirement**

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tenants and tenant responsibilities at lease execution or re-examination, in the tenant's file for at least two years from the date the documents are received by the WHA.

HUD may also review the WHA's administration of CSSR, resident self-certifications, and sample validations.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§014 - Inspections**

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### **1. MOVE-IN INSPECTIONS**

The WHA and prospective head of household will inspect the premises at the time of signing the lease. The WHA will prepare a written statement of the condition of the premises that will be signed by a WHA representative and the head of household. The WHA will provide a copy of the signed inspection statement to the head of household and will retain the original in the tenant file.

### **2. ANNUAL INSPECTIONS**

The WHA will inspect each unit annually to ensure that each unit meets Uniform Physical Conditions Standards (UPCS) and the Massachusetts State Sanitary Code standards. The WHA will initiate work orders to correct deficiencies.

### **3. PREVENTATIVE MAINTENANCE INSPECTIONS**

The WHA may conduct preventative maintenance inspections periodically. These inspections are intended to keep items in good repair and to extend the life of the unit and its equipment.

These inspections may encompass checks on leaks, the condition of the smoke detectors, water heaters, furnaces, automatic thermostats, and water temperatures. These inspections may also provide an opportunity to conduct seasonal checks on furnace filters, window screens, and air conditioning units.

### **4. PERFORMANCE INSPECTIONS**

The WHA may schedule performance inspections pursuant to HUD requirements, i.e. UPCS and Real Estate Assessment Center (REAC).

### **5. HOUSEKEEPING INSPECTIONS**

Generally, at the time of annual inspection and at other times as necessary, the Housing Manager or designee will conduct housekeeping inspections to ensure that the apartment is maintained according to WHA housekeeping standards, and state regulations, including keeping the apartment in clean, safe, and sanitary condition.

### **6. NOTICE OF INSPECTION**

The WHA will provide the tenant with at least two days written notice of annual inspections, preventative maintenance inspections, performance inspections, and housekeeping inspections.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§014 - Inspections**

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### **7. EMERGENCY INSPECTIONS**

The WHA may enter a unit without prior notice if there is reason to believe that an emergency condition exists within the unit.

### **8. PRE-MOVE-OUT INSPECTIONS**

The WHA may conduct a pre-move out inspection upon receipt of a tenant's notice to vacate. The inspection can identify any problems, which, if left uncorrected, could lead to damage charges. This inspection provides the tenant with the information and opportunity to correct damages prior to moving out.

### **9. MOVE-OUT INSPECTIONS**

The WHA will conduct a move-out inspection at the time the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. The WHA will notify the tenant about the inspection and encourage the head of household to be present. This inspection becomes the basis for any claims assessed by the WHA against the tenant's security deposit.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §015 - Transfers

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A WHA tenant may be transferred to another WHA apartment for administrative reasons or for good cause as set forth in this policy. Transfers will be made without regard to race, color, national origin, sex, religion, or familial status.

### 1. ADMINISTRATIVE TRANSFERS

The Chief Executive Officer or designee has the right to request a tenant to transfer from one unit to another in accordance with WHA policies or for administrative reasons including but not limited to:

#### Eligibility/Reasons

- Rehabilitation Transfer/Right To Return
  - PH Property Conversion to RAD
    - rehabilitation of a development requires that the tenant temporarily or permanently transfer.
    - right to return to a rehabilitated development from which tenant was originally displaced from.
- Emergency - Conditions in the tenant's unit, building, or at the development that pose an immediate, verifiable threat to the physical safety of the tenant or a life threatening health issue.
- Harassment - Verifiable conditions exist where household members are subject to ongoing threats or attacks by criminal elements at the development or neighborhood. Assessment of threats must be determined by the WHA, and based on credible information received from law enforcement, the WHA Public Safety Department, witnesses or other means.
- Over-housed – WHA determines that resident is over-housed, i.e. living in a unit that is larger than appropriate for the family composition.
- Modernization - WHA is undertaking modernization, and the type of work being done requires that the tenant temporarily or permanently transfer.
- Accessibility - WHA determines that tenant residing in an accessible apartment does not have a need for the accessible features and another resident or applicant needs the accessible features of the unit.
- Under-housed - WHA determines that a tenant is under-housed, i.e. living in a unit that is too small for the family composition and continued occupancy poses a

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §015 - Transfers

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serious threat to the household's physical well-being or violation of local or state building and sanitary codes.

- Household Composition Change - Tenant whose household composition has changed due to factors such as the birth, adoption, or court appointed guardianship of one or more children shall be transferred to an appropriately sized unit within a family development.
- Medical - Documentation from a certified professional is required that specifically states how a transfer to a larger unit would substantially improve the family's current condition. Refer to the WHA's Reasonable Accommodation policy.

### Application Process

A transfer for administrative reasons may be made between units in elderly/handicapped housing and family housing in the event that the transfer cannot be made to a unit of appropriate unit size in the same type of housing, provided that the household is eligible for the housing to which the transfer is made.

The WHA may decide at any time to initiate a transfer for administrative reasons. Such a transfer must be implemented in a manner consistent with the relevant provisions of the tenant's lease and/or applicable law.

The administrative transfer process is as follows:

- The Housing Manager will generate the transfer form and submit it to the Vice President of Property Management;
- The Vice President of Property Manager or designee will approve or deny the recommendation;
- Approved transfers will be forwarded to the Admissions Department;
- The Admissions Department will date and time stamp the transfer form and return one copy to the appropriate management office;
- Housing Manager, or designee, will mail a decision letter to the head of household.

## 2. TRANSFERS FOR GOOD CAUSE

### Eligibility/Reasons

A tenant who resides in a federally-aided unit has the right to request a transfer by the WHA to a different federally-aided unit for good cause such as:

- Tenants with shared child custody if the child is living in the WHA unit more than 50% of the time and all other transfer eligibility criteria are met.
- Under housed – the WHA determines that a tenant is under-housed, i.e. living in a unit that is too small for the family composition.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§015 - Transfers**

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To be eligible for a Transfer for Good Cause, the tenant must be:

- A current WHA resident, occupying current apartment for at least 12 months, including any transfer applications to add a household member to the lease;
- Current with rent and/or any other charges against the tenant's account;
- In compliance for six consecutive months with office rental agreement, if applicable;
- In compliance with any court agreements;
- Pass a housekeeping inspection of the current unit and no extraordinary exterminations (for infestation) for one year prior to application. WHA will also inspect for alterations to the apartment and damage that was created by the resident;
- Unit has no bed bug activity as determined by the WHA; and
- No outstanding lease violations with the WHA.

A transfer for good cause may be made between units in elderly/handicapped housing and family housing in the event that the transfer cannot be made to a unit of appropriate unit size in the same type of housing.

### **Application Process**

- Transfer for Good Cause applications can be obtained at the management offices;
- The head of household will complete and sign the application, attaching supporting documentation;
- Completed applications will be received by the management office, which will date and time stamped;
- The Housing Manager, or designee, will recommend approval or denial and submit the recommendation to the Director of Property Management;
- For all recommended approvals, the Housing Manager, or designee, will conduct an inspection at the tenant's current apartment. If tenant damage, or poor housekeeping is found, the tenant will correct and/or pay all charges.
- The Director of Property Management, or designee, will approve or deny the transfer. The decision will be forwarded to the Admissions Department and Housing Manager as appropriate;
- If approved, the Admissions Department will enter the application in the database system and record the application on the appropriate waiting list;
- The Housing Manager, or designee, will mail a decision letter to the head of household.

### **3. INCENTIVE TRANSFERS**

The WHA has two types of incentive transfers that tenants may be eligible for, studio incentive transfers and property incentive transfers.

Tenants who meet the following criteria and want to move to units other than those they currently occupy and must meet the following criteria:

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §015 - Transfers

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- Recommended by the WHA Housing Manager;
- Resided in a WHA development for at least two years;
- No lease violations in the previous two years;
- Not under current office or court agreement;
- Tenant is in good standing, i.e. rent payments have been made on time; housekeeping has been excellent; there have been no damages to the unit; exterior of unit is maintained; and
- In properties with tenant-paid utilities, must be able to get utilities turned on in the tenant's name.

Transfers are voluntary and tenants of studio apartments who do not wish to transfer may remain in their existing apartments.

All costs associated with moving from one apartment to another are the responsibility of the tenant.

### **Property Incentive Transfers**

Unit offers will be made by the WHA following a vacancy and approved administrative transfer for the following developments:

12-16 Providence Street Apartments  
12-17 Dix and Home Street  
12-17 North Ashland Street  
12-17 Richards Street  
12-17 Wachusett Street  
705-1 Benefit Street  
705-1 Gardner Street  
705-1 Kilby Street  
705-2 Newport Street  
705-2 Albert Street  
705-2 Lincoln / Perkins Street

### **Studio Incentive Transfers**

A tenant in a studio apartment may apply to transfer to a one-bedroom if a one-bedroom apartment is available. Emergencies and other circumstances could delay the transfer as determined by the WHA.

## **4. PLACEMENT ON THE WAITING LIST**

### **Administrative Transfers**

The Admissions Department will place approved administrative transfers on the appropriate waiting list. The waiting list placement will be higher than all other applicants. Within a contemporaneous group of administrative transfers, applications will be placed

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§015 - Transfers**

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on the waiting list based on the Admissions Department's date and time stamp indicating receipt.

### **Transfers for Good Cause**

The Admissions Department shall place approved applications on the appropriate waiting list. For all approved applications, the date and time stamp submitted by the applicant will determine the application's placement on the waiting list.

## **5. UNIT OFFERS**

The WHA reserves the right to cancel any approved transfer decision if any of the household members have engaged in any lease violations from the time of the transfer application approval through the time of lease up of the apartment.

The WHA shall offer only one appropriately sized unit that meets the transfer circumstances.

In the unusual circumstance when there is no federally-aided unit that is adequate in size and meets the circumstances of an administrative transfer or an approved transfer for good cause, the tenant may transfer from a federally-aided unit to a state-aided unit with the approval of the Executive Director or designee.

If the tenant refuses to move pursuant to an Administrative Transfer, the WHA may initiate lease enforcement proceedings, including termination of lease.

If the tenant refuses a unit offer following a Transfer for Good Cause, the WHA will remove the tenant from the transfer waiting list. The WHA may, in its discretion, consider mitigating circumstances.

The tenant has seven days from the time they receive keys to new unit to transfer all their belongings. WHA will impose a \$25.00 daily fee for each day after the 7<sup>th</sup> day that resident does not return the keys to the original unit.

The current unit must be left in clean condition, free of trash, all items of personal property removed, and any alterations made must be restored to the unit's original condition. The apartment must be swept, mopped and appliances and clean and grease-free.

If the apartment is not in acceptable condition as listed above, then the Maintenance Department will assess damage and labor costs, and the head of household will be charged.

## **6. COST OF THE TENANT'S TRANSFER**

### **WHA Expense**

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§015 - Transfers**

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The cost of a tenant's transfer will be borne by the WHA when transfer is required by WHA modernization or rehabilitation work.

### **Tenant Expense**

The cost for a transfer is generally the responsibility of tenant, including but not limited to the following circumstances:

- When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);
- When the family was originally properly housed and the transfer is needed to move the family to an appropriately sized unit, either larger or smaller, due to a change in family composition;
- When a family that did not require an accessible unit accepted the unit and must transfer because a handicapped family needs an accessible unit;
- When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

### **7. APPEALS**

If the tenant does not agree to an administrative transfer, or if the WHA denies a tenant's application for a transfer for good cause, the tenant has the right to request a tenant grievance hearing.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§016 - Pet, Service Animal, and Assistance Animal Policy**

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The WHA Pet, Service Animal, and Assistance Animal Policy is incorporated by reference into this Admissions and Continued Occupancy Policy. The Pet, Service Animal, and Assistance Animal Policy may be found on the WHA's website and the WHA Management Offices.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§017 – Lease Termination**

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### **1. TERMINATION BY TENANT**

The tenant may terminate the lease at any time upon submitting a 30-day written notice. If the tenant vacates prior to the end of the 30 days, they will be responsible for rent through the end of the notice period.

In the event of a tenant's death in a single person household, the WHA shall terminate rent charges effective on the date that the family of the decedent returns the keys to the unit to the WHA. In the event of the death of an adult with income in a multi-person household, the WHA will recalculate the family's rent based on the change of income effective on first day of the month following the date of death.

### **2. TERMINATION BY THE WHA**

The WHA may terminate the lease for lease violations, in accordance with the tenant's lease agreement or lease addendums.

### **3. EXTENDED ABSENCES AND ABANDONMENT**

The head of household must notify the WHA in writing if all members of the household intend to be absent from the unit for more than 90 days.

If the family is absent from the unit in excess of this time, the WHA may take appropriate legal action, up to and including eviction. The tenant may request that the WHA approve an absence in excess of these limits. The WHA shall consider such a request and may approve it only if extenuating circumstances exist.

If the WHA does not receive written notice from a tenant regarding an extended absence, the WHA may consider that the unit has been abandoned if:

- There is reason for the WHA to believe that the unit has been unoccupied; and/or
- The rent is past due and the household has not acknowledged or responded to demands for payment.

If the WHA determines that a unit has been abandoned, the WHA will attempt to contact the emergency contact person provided by the tenant, enter the unit to conduct an inspection, and/or send a written notice of abandonment to the tenant at the unit address.

If the tenant does not respond to the written notice of abandonment within ten days of the date of the notice, the WHA shall take appropriate legal action, up to and including eviction.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§018 - Tenant Grievance Rights**

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The WHA Tenant Grievance Rights Policy is incorporated by reference into this Admissions and Continued Occupancy Policy. The Tenant Grievance Rights Policy may be found on the WHA's website and the WHA Management Offices.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§019 – Program Integrity**

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### **1. INTRODUCTION**

Applicants for public housing and tenants, continuing throughout the tenancy, are obligated to provide accurate, updated, and truthful information to the WHA, including but not limited to application and continued occupancy information requested, income, assets, expense and household composition. Based on the information provided, the WHA makes determinations about admission, rent amount, and the appropriate size of units.

Program abuse occurs when an individual receives the benefit of public housing or a lower rent amount, but the family does not report an individual's income. It is also program abuse when an individual resides in an apartment without the permission of the WHA, and is considered an unauthorized occupant. Program abuse can have negative impacts such as:

- Unauthorized occupants may earn income, which is not reported to the WHA resulting in the tenant having an inaccurate, lower rent amount, which is unjust.
- Unauthorized occupants add to the number of people living in a household and may create overcrowding and other unsafe living conditions.
- Unauthorized occupants have not gone through the admissions screening process and may present a danger to the other residents in the community.
- Fraud reduces the WHA's operating funds, fraud detection and follow up uses valuable staff time, and creates inequity between families who follow WHA rules and those who do not.

HUD places a high priority on preventing fraud and requires the WHA to verify information provided. If an application or recertification forms contain false or incomplete information, or other fraud has been determined, the applicant or tenant may be subject to the following:

- Denied admission into the program
- Lease enforcement and/or lease termination
- Eviction
- Retroactive rent collection
- Prohibition from receiving future assistance
- State or federal criminal prosecution, which could result in fines or imprisonment

### **2. PROHIBITED ACTIONS**

The following examples of fraudulent activities are prohibited; applicants and tenants must not:

- Provide incomplete or false information or false statements to the WHA in connection with an application for assistance or with reexamination of income.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §019 – Program Integrity

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- Omit income or assets of the family household.
- Under-report income or assets of the family household.
- Transfer income or assets to obtain/retain eligibility under false pretenses.
- Use false identity or social security numbers.
- Use false documents such as birth certificates or marriage licenses.
- Falsify the number of household members.
- Allow an unauthorized occupant to reside in the apartment beyond the amount of time permitted for a guest.
- Allow an unauthorized occupant to use the address for mail, registering of a vehicle or other purposes.
- Obtaining duplicate assistance or subletting all or part of the unit.

### **Unreported income**

The WHA charges household rent in accordance with federal regulations. Rents collected increases contributes revenue towards WHA's operating funds based on percentage of family income. A tenant's failure to report income or wages within the ten day requirement is considered misrepresentation during the application intake and/or a lease violation during tenancy. If tenant signs an application/forms and fails to disclose any type of income or assets, then this is considered intentional fraud.

### **Unauthorized occupants**

An unauthorized occupant is anyone staying and/or living in an apartment who is not included on the lease as a member of the household and has not been approved by the WHA.

A tenant may have a guest, who is a person on the property or residence with the tenant's permission. A guest may visit or stay in the apartment, but cannot occupy or stay in the apartment for more than a total of 21 nights, 21 days if the guest regularly sleeps during the day, or some combination of nights and days within any twelve-month period, unless the WHA for good cause, consents, in writing, to a longer period (not to exceed 90 days). If the guest stays beyond the time period permitted, the guest becomes an unauthorized occupant. In addition, a tenant may not permit anyone other than a household member to use the residence address for any reason, including but not limited to the receipt of mail or registering a vehicle. Other information may lead to the determination that a guest is an unauthorized occupant such as the absence of a permanent address, statements by neighbors or others, or use of the tenant's address.

### **Failure to report change in household composition**

If a household member moves out of a tenant's apartment, the tenant must report this information to the WHA. The household change may result in the change of the bedroom size to a smaller sized apartment.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§019 – Program Integrity**

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### **3. DETECTION AND VERIFICATION**

To ensure that applicants and tenants accurately disclose income and that unauthorized occupants are not residing in public housing apartments, the WHA has several methods to detect misrepresentation and/or fraudulent activity, including but not limited to the following:

#### **HUD Enterprise Income Verification**

The WHA is required to review HUD's Enterprise Income Verification (EIV) and Former Tenant Search reports prior to admission. EIV is also reviewed during mandatory and interim reexaminations of family income and/or composition and when suspected income has not been reported. EIV is an automated written third-party verification and is classified as an Upfront Income Verification (UIV) technique. This UIV helps to identify income sources and/or amounts that the tenant may not have disclosed. In addition, the EIV also provides various reports to assist the WHA with the following:

- Identifying tenants whose reported personal identifiers do not match the SSA database;
- Identifying tenants who may not have reported complete and accurate income information;
- Identifying tenants who have started a new job;
- Identifying tenants who may be receiving duplicate rental assistance.

#### **WHA Public Safety Department**

The WHA Public Safety Department assists the Admissions and Property Management Department by providing investigation and information, as well as periodically checking on households that claim that there is zero income.

### **4. LEASE ENFORCEMENT AND RETROACTIVE RENT COLLECTION**

If a tenant engages in any prohibited actions, the tenant is subject to lease enforcement, up to and including termination of the lease, legal action, and eviction.

A tenant may be eligible to execute a repayment agreement for retroactive rent with the WHA for unreported income/wages in the discretion of the WHA, which may be based on several factors, including the basis for the unreported income, the number of months of retroactive rent, and the tenant history. Repayment agreements will be short-term with monthly payments proportionate to family income. The WHA may pursue eviction for households that commit fraud and/or have tenancy histories that include criminal behaviors or multiple lease violations.

Tenants are required to reimburse the WHA if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income from an unauthorized occupant. The rent underpayment is referred to as retroactive rent. The

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§019 – Program Integrity**

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WHA is required to determine retroactive rent amount as far back as the WHA has documentation of the unreported income corrective action may include repayment and/or court action.