



# **KNOX COUNTY** **HOUSING AUTHORITY**

BUILDING COMMUNITY, PEOPLE, AND PARTNERSHIPS



## **ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)**

January 2018



**KNOX COUNTY HOUSING AUTHORITY  
LOW-INCOME PUBLIC HOUSING  
ADMISSIONS AND CONTINUED OCCUPANCY POLICY  
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**KNOX COUNTY HOUSING AUTHORITY  
LOW-INCOME PUBLIC HOUSING  
ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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This Admissions and Continued Occupancy Policy defines the Knox County Housing Authority (KCHA) policies for the operation for the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

**1.0 FAIR HOUSING**

It is the policy of the KCHA to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the KCHA's programs.

To further its commitment to full compliance with applicable Civil Rights laws, the KCHA will provide Federal/State/local information to applicants/tenants of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the KCHA office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The KCHA will assist any family that believes they have suffered illegal discrimination by providing them copies of the appropriate housing discrimination forms. The KCHA will also assist them in completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

## **2.0 REASONABLE ACCOMODATION**

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the KCHA housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the KCHA will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the KCHA will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

### **2.1 COMMUNICATION**

Anyone requesting an application will be advised of the availability of reasonable accommodations.

Notifications of reexamination, inspection, appointment, or eviction will include information about requesting a reasonable accommodation. Any notification requesting action by the tenant will include information about requesting a reasonable accommodation.

All decisions granting or denying requests for reasonable accommodations will be in writing.

### **2.2 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION**

- A. Is the requestor a person with disabilities? For this purpose the definition of person with disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

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

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the KCHA will obtain verification that the person is a person with a disability.

- B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to

this question is yes. If it is not apparent, the KCHA will obtain documentation that the requested accommodation is needed due to the disability. The KCHA will not inquire as to the nature of the disability.

- C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:
1. Would the accommodation constitute a fundamental alteration? The KCHA's business is housing. If the request would alter the fundamental business that the KCHA conducts, that would not be reasonable. For instance, the KCHA would deny a request to have the KCHA do grocery shopping for a person with disabilities.
  2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the KCHA may request a meeting with the individual to investigate and consider equally effective alternatives.
- D. Generally the individual knows best what it is they need; however, the KCHA retains the right to be shown how the requested accommodation enables the individual to access or use the KCHA's programs or services.

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

The cost necessary to carry out approved requests, including requests for physical modifications, will be borne by the KCHA if there is no one else willing to pay for the modifications. If another party pays for the modification, the KCHA will seek to have the same entity pay for any restoration costs.

If the tenant requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, the KCHA will generally approve such request if it does not violate codes or affect the structural integrity of the unit.

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



### 3.0 VIOLENCE AGAINST WOMEN ACT

Violence Against Women Reauthorization Act of 2013 (VAWA), signed into law January 5, 2014, establishes the rights of victims of domestic violence, dating violence, sexual assault and stalking, living in federally funded housing.

1. The Violence Against Women Reauthorization Act of 2013 applies to both men and women equally.
2. The KCHA must keep information regarding Victims of Domestic Violence, Sexual Violence, Dating Violence, Sexual Assault or Stalking confidential and in accordance with Privacy Laws:
  - a. Any VAWA documentation provided shall not be entered into any shared database.
  - b. Employees and/or property management will not have access to VAWA documentation unless explicitly authorized.
  - c. The KCHA shall not disclose VAWA documentation to any other entities or outside agencies unless the disclosure of the documentation is:
    - i. Requested or consented to by the individual, in writing, who is requesting VAWA protections; or
    - ii. Required for use in an eviction proceeding; or
    - iii. Otherwise required by applicable law.
3. Documenting Domestic Violence, Sexual Violence, Dating Violence, Sexual Assault or Stalking
  - a. To provide a resident or applicant who is a victim of domestic violence, sexual violence, dating violence, sexual assault or stalking the considerations outlined in this ACOP and Lease, the victim must document, that the resident or applicant is indeed a victim. The Property Manager and/or the KCHA shall verify all the information given to them regarding the above.
  - b. A victim may submit evidence to document domestic violence, sexual violence, dating violence, sexual assault or stalking. However, depending on the arrangements and/or modification requested, different types of documented evidence may be required. Documentation that may be requested, includes but is not limited to:
    - i. The HUD-approved certification form signed by the resident or applicant;
    - ii. A certified statement from an employee, agent, or volunteer of a victim services provider, an attorney, or medical professional, from whom the victim has sought assistance in addressing domestic violence, sexual violence, dating violence, sexual assault or stalking;

- iii. A Federal, state, or local police report;
  - iv. A current Order of Protection;
  - v. A letter(s) from administrative agencies and/or mental health professionals, from whom the victim has sought assistance.
- 4. The KCHA may remove a household member from a lease without regard to whether the household member is a signatory to the lease (through lease bifurcation), in order to evict or terminate occupancy rights of any tenant or lawful occupant who engages in criminal acts of physical violence against other authorized household members without evicting or terminating the occupancy rights of the victim of such violence.
- 5. The VAWA Final Rule revises the requirements for notice of VAWA rights at 24 CFR 5.2005(a). The Knox County Housing Authority will provide this Notice of Occupancy Rights at the following points:
  - a. Applicants
    - i. At the time the individual is provided assistance or admission
    - ii. At the time the applicant is denied assistance or admission.
  - b. Tenants/Participants
    - i. With any PHA notification of eviction or termination of assistance;
    - ii. By December 16, 2017, either during the PHA annual recertification or lease renewal process (as applicable). If there will be no recertification or lease renewal during the first year, through other means within the first year as determined by the PHA.
- 6. CERTIFICATION AND CONFIDENTIALITY
  - a. HUD Approved Certification
    - i. For each incident that a person is claiming is abuse, except as provided in below, the person shall certify to KCHA their victim status by completing a HUD approved certification form (HUD 5382).
    - ii. The person shall certify the date, time and description of the incidents, that the incidents are bona fide incidents of actual or threatened abuses and meet the requirements of VAWA and this Policy.
    - iii. Unless to do so would be unsafe to provide or the name of the perpetrator is unknown to the victim, the person shall provide information to identify the perpetrator including but not limited to the name and, if known, all alias names, date of birth, address, contact information such as postal, e-mail or internet address, telephone or facsimile number or other information. KCHA will not make contact with the perpetrator if doing so would create a risk of harm to the person claiming abuse.

- iv. If there is reason to believe that the certification is incomplete or inaccurate, KCHA may require additional documentation of the incident. Such documentation shall not place the victim in any danger. KCHA shall work with the victim to identify appropriate sources of documentation.
- b. Other Certification: A person who is claiming victim status may provide to KCHA, an owner or manager the following certification instead of the HUD-approved certification:
  - i. Documentation signed by the victim and an employee, agent, or volunteer of a victim service provider, a social service provider, domestic violence shelter staff, school personnel, an attorney, or a medical professional, including social workers, psychologists, and mental health providers, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault or stalking or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. § 1746) to the professional's belief that the incident(s) in question are bona fide incidents of abuse; or
  - ii. A federal, state, tribal, territorial, local police or court record.
  - iii. If the victim elects to provide other certification, either that certification or the victim must provide information to identify the perpetrator including but not limited to the name and, if known, all alias names, date of birth, address, contact information such as postal, e-mail or internet address, telephone or facsimile number or other information unless to do so would be unsafe to provide or the name of the perpetrator is unknown.
- c. Failure to Provide Certification
  - i. The person shall provide complete and accurate certifications to KCHA within fourteen (14) business days after the party requests in writing that the person completes the certifications. KCHA shall allow reasonable extensions, as determined by KCHA, for submission of certifications for good cause shown.
  - ii. If the person does not provide a complete and accurate certification within the 14 business days, or any KCHA-approved extension, KCHA, the owner or manager may take action to deny or terminate participation or tenancy.
- d. Confidentiality: KCHA, the owner and manager shall keep all information provided to KCHA under this Section confidential. KCHA, owner and manager shall not enter the information into a shared database or provide to any related entity except to the extent that:
  - i. The victim requests or consents to the disclosure in writing;

- ii. The disclosure is required for:
  - 1. Eviction from public housing.
  - 2. Applicable law requires the disclosure.
- 7. APPROPRIATE BASIS FOR DENIAL OF ADMISSION OR TENANCY
  - a. KCHA shall not deny participation or admission to a program on the basis of a person's victim status, if the person otherwise qualifies for admission or assistance.
  - b. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking and/or any behavior engaged in by a perpetrator directly related to such incidents will not be a serious or repeated violation of the lease by victim and shall not be good cause for denying to a victim admission to a program, terminating occupancy rights, or evicting a tenant.
  - c. Where KCHA receives adverse information about an applicant or applicant's household member(s) and the applicant is a victim of domestic violence, KCHA shall determine whether there is a substantial connection between the adverse information and the fact that the applicant/household member is a victim of domestic violence. If KCHA determines that there is such a connection, then KCHA shall disregard the adverse information (provided that the perpetrator will not be part of the applicant household).
  - d. KCHA shall not require a particular landlord reference or other information, where obtaining such a reference or information will place the applicant, or a member of the applicant's household, at increased risk of harm. In this instance, KCHA shall allow reasonable alternative forms of verification as determined by KCHA, and shall not ask the applicant to obtain documents not reasonably obtainable, as determined by KCHA. KCHA shall, in appropriate instances, permit the applicant to provide photocopies of original documents where originals cannot be obtained due to the actions of the perpetrator.
  - e. Criminal activity directly related to domestic violence, dating violence, sexual assault or stalking engaged in by a member of a tenant's resident household or any guest or other person under the tenant's control shall not be cause for termination of tenancy, or occupancy rights if the tenant or an affiliated individual is the victim of that domestic violence, dating violence, sexual assault or stalking.
  - f. KCHA may bifurcate a lease to evict any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others without evicting, or otherwise penalizing the victim of the violence who is also a tenant or affiliated individual.

- g. If a tenant who is evicted in accordance with this policy was the sole tenant eligible to receive assistance, any remaining tenant or affiliated individual will be provided an opportunity to establish eligibility, in accordance with the requirements of the Plan pertaining to eligibility for continued occupancy. If no tenant or affiliated individual is eligible, a reasonable time, as defined by HUD, to find new housing or to establish eligibility for another covered housing program (as defined in VAWA) will be provided to the remaining tenant or affiliated individual.
- h. Nothing in this policy shall limit the authority of KCHA, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the resident household members when the family breaks up.
  - i. Nothing in this policy limits KCHA's authority to evict or terminate assistance to any tenant for any violation of lease not premised on the act or acts of violence against the tenant or a member of the tenant's resident household. However, KCHA may not hold a victim to a more demanding standard.
  - ii. Nothing in this policy limits KCHA's authority to evict or terminate assistance, or deny admission to a program if KCHA can show an actual and imminent threat to other resident households, neighbors, guests, their employees, persons providing service to the property or others if the tenant family is not evicted or terminated from assistance or denied admission.
  - iii. Nothing in this policy limits KCHA's authority to deny admission, terminate assistance or evict a person who engages in criminal acts including but not limited to acts of physical violence, sexual assault or stalking against family members or others.
  - iv. A resident household may request a transfer in accordance with KCHA's Transfer Policy to protect their health or safety if the resident household meets the following criteria:
    - 1. Is a victim under this Policy;
      - a. For a victim of sexual assault, the incident occurred within the ninety (90) days preceding the date of the request for transfer;
    - 2. Reasonably believes he or she is imminently threatened by harm from further violence if he or she remains in the apartment; and
    - 3. Has complied with all other obligations of the program;
    - 4. The determination of eligibility for the transfer will be made by the Property Manager or his/her designee;

5. A household found to meet the above criteria may be permitted to transfer to another KCHA unit, receive a Section 8 voucher and stay in Knox County or move to another Section 8 jurisdiction, provided that the transfer will ameliorate the risk to the health and safety of the victim.

#### 8. ACTIONS AGAINST PERPETRATORS

- a. KCHA may evict, or deny admission to a program or bar a perpetrator from its property under this Policy.
- b. The victim shall take action to control or prevent the domestic violence, dating violence, sexual assault or stalking. Steps taken shall be reasonable to circumstances of each case, and shall not create a risk of harm to the victim. The action may include but is not limited to:
  - i. Obtaining and enforcing a restraining or no contact order or order for protection against the perpetrator;
  - ii. Obtaining and enforcing an order barring the perpetrator from the property;
- c. Enforcing KCHA or law enforcement's order barring the perpetrator from the property;
- d. Preventing the delivery of the perpetrator's mail to the victim's unit;
- e. Other reasonable measures.
- f. KCHA shall take measures to protect the confidentiality of a victim's tenant file from disclosure to a perpetrator after the perpetrator has been removed from the household.

#### 9. NOTICE TO APPLICANTS AND RESIDENT HOUSEHOLDS

- a. KCHA shall provide notice to applicants and, resident households, of their rights and obligations under VAWA and this Policy upon denial of residency in a dwelling unit, at the time the individual is admitted to a dwelling unit, with any notification of eviction or notification of termination of assistance, and in multiple languages in accordance with KCHA Language Assistance Plan, in a form developed by HUD, and including a HUD Certification Form as described in Section C above.
- b. Such notice shall include the duty of KCHA to consider mitigating circumstances and to request a reasonable accommodation under KCHA's Reasonable Accommodation Policy.

#### 10. REPORTING REQUIREMENTS

- a. KCHA shall include in its Annual Plan, a statement of goals, objectives, policies or programs that will serve the needs of victims.
- b. KCHA shall also include a description of activities, services or programs provided or offered either directly or in partnership with other service

providers to victims, to help victims obtain or maintain housing or to prevent the abuse or to enhance the safety of victims.

11. CONFLICT AND SCOPE This Policy does not enlarge KCHA's duty under any law, regulation or ordinance. If this Policy conflicts with the applicable law, regulation or ordinance shall control. If this Policy conflicts with another KCHA policy, this Policy will control.

#### **4.0 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND RESIDENTS**

The KCHA will endeavor to have bilingual staff or access to people who speak languages other than English in order to assist non-English speaking families, particularly Spanish as it is the most commonly spoken language next to English in the area. Families who speak other languages will be accommodated to the greatest extent possible.



## **5.0 FAMILY OUTREACH**

The KCHA will publicize the availability and nature of the Public Housing Program for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, and by other suitable means.

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

The KCHA will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program.

## **6.0 RIGHT TO PRIVACY**

All adult members of both applicant and tenant households are required to sign 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.

Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant.

## 7.0 REQUIRED POSTINGS

In each of its offices, the KCHA will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy
- B. Notice of the status of the waiting list (opened or closed)
- C. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours
- D. Income Limits for Admission
- E. Excess Utility Charges
- F. Utility Allowance Schedule
- G. Current Schedule of Routine Maintenance Charges
- H. Dwelling Lease
- I. Grievance Procedure
- J. Fair Housing Poster
- K. Equal Opportunity in Employment Poster
- L. Any current KCHA Notices

## 8.0 TAKING APPLICATIONS

Families wishing to apply for the Public Housing Program will be required to complete an application for housing assistance. Applications will be accepted Mondays through Fridays (accept Holidays) during regular business hours at:

216 West Simmons Street  
Galesburg, Illinois 61401

Applications will be mailed to interested families only as a reasonable accommodation. Completed applications may be delivered to the KCHA by hand, courier, mail, and email. The KCHA reserves the right to determine method of acceptance for applications consistent with this policy.

Applications are taken to compile a waiting list. The KCHA may take applications on an open enrollment basis or may temporarily cease accepting applications, depending on the length of the waiting list.

After acceptance, information provided on completed applications will be verified by KCHA.

The completed application will be dated and time stamped upon its return to the KCHA.

Persons with disabilities who require a reasonable accommodation in completing an application may call the KCHA to make special arrangements. The Illinois Relay Center is available for the hearing impaired. This service may be accessed by voice at: 1 (800) 526-0844 or by TTY at 1 (800) 526-0857.

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide limited basic information establishing any preferences to which they may be entitled. This first phase results in the family's placement on the waiting list.

Upon receipt of the family's pre-application, the KCHA will make a preliminary determination of eligibility. The KCHA will notify the family in writing of the date and time of placement on the waiting list, and the approximate wait before housing may be offered. If the KCHA determines the family to be ineligible, the notice will state the reasons therefore and will offer the family the opportunity of an informal review of the determination.

The applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. The KCHA will annotate the applicant's file and will update their place on the waiting list. Confirmation of the changes will be confirmed with the family in writing.

The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting list. The KCHA will ensure that verification of all preferences, eligibility, suitability and selection factors are current in order to determine the family's final eligibility for admission into the Public Housing Program.

## 9.0 ELIGIBILITY FOR ADMISSION

### 9.1 INTRODUCTION

There are five eligibility requirements for admission to public housing: qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the KCHA screening criteria in order to be admitted to public housing.

### 9.2 ELIGIBILITY CRITERIA

#### A. Family status.

1. A **family with or without children**. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship.
  - a. Children temporarily absent from the home due to placement in foster care are considered family members.
  - b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.
2. An **elderly family**, which is:
  - a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
  - b. Two or more persons who are at least 62 years of age living together; or
  - c. One or more persons who are at least 62 years of age living with one or more live-in aides.
3. A **near-elderly family**, which is:
  - a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
  - b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or

- c. One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.
  - 4. A **disabled family**, which is:
    - a. A family whose head, spouse, or sole member is a person with disabilities;
    - b. Two or more persons with disabilities living together; or
    - c. One or more persons with disabilities living with one or more live-in aides.
  - 5. A **displaced family**, which is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
  - 6. A **remaining member of a tenant family**.
  - 7. A **single person** who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.
- B. Income eligibility
  - 1. To be eligible for admission to developments or scattered-site units that were available for occupancy before 10/1/81, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area.
  - 2. To be eligible for admission to developments or scattered-site units that became available on or after 10/1/81, the family's annual income must be within the very low-income limit set by HUD, unless HUD grants an exception. This means that without a HUD exception, the family income cannot exceed 50 percent of the median income for the area.
  - 3. Income limits apply only at admission and are not applicable for continued occupancy.
  - 4. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income requirements of the KCHA.

5. If the KCHA acquires a property for federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing tenants.
6. Income limit restrictions do not apply to families transferring within our Public Housing Program.

C. Citizenship/Eligibility Status

1. To be eligible each member of the family must be a citizen, national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)).
2. Family eligibility for assistance.
  - a. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
  - b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 13.6 for calculating rents under the noncitizen rule)
  - c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation

To be eligible, all family members 6 years of age and older must provide a Social Security number or certify that they do not have one.

E. Signing Consent Forms

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
2. The consent form must contain, at a minimum, the following:
  - a. A provision authorizing HUD or the KCHA to obtain from State Wage Information Collection Agencies (SWICAs) any information



or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and

- b. A provision authorizing HUD or the KCHA to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
- c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
- d. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

#### F. Absent Family Members

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, and illness.

##### 1. Definitions of Temporarily and Permanently Absent

- The KCHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent.
- Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazard duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.
- It is the responsibility of the head of household to report changes in family composition. The KCHA will evaluate absences from the unit in accordance with this policy.
- Generally an individual who is or is expected to be absent from the public housing unit for 60 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the public housing unit for more than 60 consecutive days is considered permanently absent and no longer a family member.

- A resident may request in writing to have a longer absence approved. KCHA has full discretion of approval, and will make determinations on a case by case basis.
2. Absent of Any Member
- Any member of the household will be considered permanently absent and removed from the lease if s/he is away from the unit for 60 days in a 12 month-period except as otherwise provided in this policy.
  - When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the KCHA indicating that the student has established a separate household or the family declares that the student has established a separate household.
  - If the sole member is incarcerated for more than 60 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member will be considered permanently absent if s/he is incarcerated for 60 consecutive days. The rent and other charges must remain current during this period. However, depending on the seriousness of the offense and evidence of criminal activity the member may be prohibited readmission to the program.
3. Absence of Adult
- If neither parent remains in the household nor the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, KCHA will treat that adult as a visitor for the first 30 calendar days. This will be noted as an exception to the KCHA Visitor Policy.
  - If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, and the lease will be transferred to the caretaker.
  - If the court has not awarded custody or legal guardianship, but the action is in process, KCHA will secure verification from social services staff or the attorney as to the status.
  - KCHA will transfer the lease to the caretaker, in the absence of a court order, if the caretaker qualifies under the Resident Suitability criteria and has been in the unit for more than 30 days and it is reasonable to expect that custody will be granted.
  - When KCHA approves a person to reside in the unit as caretaker for the child(ren), the income of the caretaker should be counted pending a final disposition. KCHA will work with the appropriate service agencies to provide a smooth transition in these cases.

- If a member of the household is subject to a court order that restricts him/her from the home for more than 30 days, the person will be considered permanently absent.
  - If an adult child goes into the military and leaves the household, they will be considered permanently absent.
4. Absences Due to Placement in Foster Care
- If the family includes a child or children temporarily absent from the home due to placement in foster care, the KCHA will determine from the appropriate agency when the child/children will be returned to the home.
  - If the time period is to be greater than 180 days from the date of removal of the child, the family will be required to move to a smaller size unit. If all children are removed from the home permanently, the unit size will be reduced in accordance with the KCHA's occupancy guidelines.
5. Absent Head, Spouse, or Co-head
- An employed head, spouse, or co-head absent from the unit more than 60 consecutive days due to employment will continue to be considered a family member.
6. Individuals Confined for Medical Reasons
- If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, KCHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 120 consecutive days, the family member will not be considered permanently absent, as long as rent and other charges remains current.
  - If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated.
7. Return of Permanently Absent Family Members
- The family must request KCHA approval for the return of any adult family members that the KCHA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this policy.
8. Reasonable Accommodations/Violence Against Women Act (VAWA)
- Exceptions will be made for instances related to reasonable accommodations or VAWA.

### 9.3 SUITABILITY

- A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. The KCHA will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, KCHA employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.
  
- B. The KCHA will consider objective and reasonable aspects of the family's background, including the following:
  - 1. History of meeting financial obligations, especially rent;
  - 2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
  - 3. Pattern of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property (including manufacture, possession, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use of a controlled substance (including methamphetamines and the supplies/equipment used to manufacture them). "Pattern of criminal activity" refers to activity occurring three (3) or more times during the previous twenty-four (24) months.
  - 4. Currently engaged in the use or possession of illegal drugs. "Currently engaged" refers to activity occurring within the previous twelve (12) months;
  - 5. Pattern of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others. "Pattern of abuse" refers to activity occurring three (3) or more times during the previous twenty-four (24) months.
  - 6. History of disturbing neighbors or destruction of property;
  - 7. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from.

- C. The KCHA will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The KCHA will verify the information provided. Such verification may include but may not be limited to the following:
1. A credit check of the head, spouse and co-head;
  2. A rental history check of all adult family members;
  3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, the KCHA may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);
  4. A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity; and
  5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.

#### **9.4 GROUNDINGS FOR DENIAL**

The KCHA is not required or obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Have a history of not meeting financial obligations, especially rent;
- E. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants; (Third-party verification required.)

- F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that, if repeated would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
- I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- J. Were evicted from assisted housing within three years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use;
- K. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The KCHA may waive these requirement if:
  - 1. The person demonstrates to the KCHA's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
  - 2. Has successfully completed a supervised drug or alcohol rehabilitation program;
  - 3. Has otherwise been rehabilitated successfully; or
  - 4. Is participating in a supervised drug or alcohol rehabilitation program.
- L. Were evicted from assisted housing or terminated from a housing assistance program because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
- M. Have engaged in or threatened abusive or violent behavior towards any public housing authority staff or residents;

- N. Have a household member who has ever been evicted from public housing;
- O. Have a family household member who has been terminated under the certificate or voucher program;
- P. **Denied for Life:** If any family member has been convicted of manufacturing, producing, or distributing illegal drugs, including methamphetamines (speed).
- Q. **Denied for Life:** Has a lifetime registration under a State sex offender registration program.

#### **9.5 INFORMAL REVIEW**

- A. If the KCHA determines that an applicant does not meet the criteria for receiving public housing assistance, the KCHA will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request an informal review of the decision within 10 business days of the denial. The KCHA will describe how to obtain the informal review.

The informal review may be conducted by any person designated by the KCHA, other than a person who made or approved the decision under review or subordinate of this person. The applicant must be given the opportunity to present written or oral objections to the KCHA's decision. The KCHA must notify the applicant of the final decision within 14 calendar days after the informal review, including a brief statement of the reasons for the final decision.

- B. The participant family may request that the KCHA provide for an Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 days of receipt of the Notice of Denial or Termination of Assistance, or within 30 days of receipt of the INS appeal decision.

For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 days of receipt of the Notice of Denial or Termination of Assistance, or of the INS appeal decision.

## **10.0 MANAGING THE WAITING LIST**

### **10.1 OPENING AND CLOSING THE WAITING LIST**

Opening of the waiting list will be announced with a public notice stating that applications for public housing will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation and also by any available minority media. The public notice will state any limitations to who may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program and such applicants will not lose their place on other waiting lists when they apply for public housing. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

Closing of the waiting list will also be announced with a public notice. The public notice will state the date the waiting list will be closed and for what bedroom sizes. The public notice will be published in a local newspaper of general circulation and also by any available minority media.

### **10.2 ORGANIZATION OF THE WAITING LIST**

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

- A. The application will be a permanent file;
- B. All applications will be maintained in order of preference as determined by the Tenant Selection and Assignment Plan (Section 10) and dwelling unit size required.
- C. Any contacts initiated by the KCHA between the KCHA and the applicant will be documented in the applicant file.

### **10.3 FAMILIES NEARING THE TOP OF THE WAITING LIST**

As families near the top of the waiting list they will be invited to an interview and the verification process will begin. It is at this point in time that the family's waiting list preference will be verified. Every effort will be made to conduct interviews when families are within three (3) months of being offered a unit. If the family is ineligible or no longer qualifies to be near the top of the list, the family's name will be removed from or returned to the appropriate spot on the waiting list. The KCHA must notify the family in writing of this determination and give the family the opportunity for an informal review.



Once the preference has been verified, the family will complete a full application, present Social Security number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms.

#### **10.4 PURGING THE WAITING LIST**

The KCHA will update and purge its waiting list at periodically to ensure that the pool of applicants reasonably represents the interested families for whom the KCHA has current information, i.e. applicant's address, family composition, income category, and preferences.

#### **10.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST**

The KCHA will not remove an applicant's name from the waiting list unless:

- A. The applicant requests in writing that the name be removed, or the Head of Household (HOH) removes applicant names (other adults and juveniles);
  - i. Provided the HOH certifies the removed member will not be permitted to reside in the unit
  - ii. After admission, the HOH must provide evidence of the removed member's current address upon request
- B. An active Order of Protection has been issued;
- C. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program;
- D. The applicant does not meet either the eligibility or suitability criteria for the program.

#### **10.6 MISSED APPOINTMENTS**

All applicants who fail to keep a scheduled appointment with the KCHA will be sent a notice of termination of the process for eligibility.

The KCHA will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing an appointment, the KCHA will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

#### **10.7 NOTIFICATION OF NEGATIVE ACTIONS**

Any applicant whose name is being removed from the waiting list will be notified by the KCHA, in writing, that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. The KCHA system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the KCHA will verify that there is in fact a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

## 11.0 TENANT SELECTION AND ASSIGNMENT PLAN

### 11.1 PREFERENCES, SELECTION FROM THE WAITING LIST

At the time of initial application, applicants need only to certify they are eligible for a preference. The KCHA will verify all information that is used to establish eligibility prior to placement on the waiting list. It shall be the responsibility of the applicant to report all changes to information provided on their application in regards to family composition, income, contact information, and preference status. Preference status will be determined based on current documentation prior to admission and admission priority will be adjusted accordingly. Applicants will be selected from the waiting list in preference points ranking order. Applicants with equal preference points will be selected according to date and time of the application.

Current applicant preferences and definitions are attached to this policy.

Notwithstanding the above, applicants who are elderly or disabled will be offered housing in developments primarily intended for the elderly and disabled before other single persons are housed in those developments. Where necessary to assure that the housing authority meets the federal requirement for 60% of its new admissions to have incomes below 30% of the area median, certain applicants on the waiting list may be moved ahead of others on the waiting list.

**Buildings Designed for the Elderly and Disabled:** Preference will be given to elderly and disabled families. If there are no elderly or disabled families on the list, preference will then be given to near-elderly families. If there are no near-elderly families on the waiting list, units will be offered to families who qualify for the appropriate bedroom size using these priorities. All such families will be selected from the waiting list using the preferences as outlined above.

**Buildings Designated as Elderly Only Housing:** In filling vacancies in developments designated primarily for elderly, first priority will be given to elderly families. If there are no elderly families on the list, next priority will be given to the near-elderly. If there are no near-elderly, units will be offered to families who qualify for the appropriate bedroom size. Using these priorities, families will be selected from the waiting list using the preferences as outlined above.

**Buildings Designated for Disabled Only Housing:** In filling vacancies in developments primarily designated for persons with disabilities. First priority will be given to disabled families. If there are no disabled families on the list, next priority will be given to families who qualify for the appropriate bedroom size. Using these priorities, families will be selected from the waiting list using the preferences as outlined above.

**Accessible Units:** Accessible units will be first offered to families who have a documented need for the accessible features of those dwelling units. Applicants for

these units will be selected utilizing the same preference system as outlined above. If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, must sign a release form stating they will accept a transfer (at their own expense) if, at a future time, a family requiring an accessible feature applies. Any family required to transfer will be given a 30-day notice.

**BETWEEN THE DATE THEY APPLY AND WHEN THEY ARE OFFERED A DWELLING UNIT ALL APPLICANTS ARE RESPONSIBLE FOR REPORTING CHANGES WHICH RESULT IN THE INFORMATION THEY PROVIDED ON THEIR APPLICATIONS REGARDING THEIR COMPOSITION, INCOME, CONTACT INFORMATION OR PREFERENCE STATUS TO NO LONGER BE ACCURATE. APPLICANT PREFERENCE STATUS WILL BE RE-DETERMINED BASED ON CURRENT DOCUMENTATION IMMEDIATELY PRIOR TO ADMISSION AND ADMISSION PRIORITY ADJUSTED ACCORDINGLY**

**11.2 ASSIGNMENT OF BEDROOM SIZES**

The following guidelines will determine each family’s unit size without overcrowding or over-housing:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Zero bedroom units will only be assigned to one-person families. Two adults will share a bedroom unless related by blood.

In determining bedroom size, the KCHA will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school, or children who are temporarily in foster-care.

In addition, the following considerations may be taken in determining bedroom size:

- A. Children of the same sex will share a bedroom.
- B. Children of the opposite sex, both under the age of six will share a bedroom.
- C. Adults and children over five years of age will not be required to share a bedroom
- D. Foster – adults and/or foster - children will not be required to share a bedroom with family members.
- E. Live-in aides will get a separate bedroom.

Exceptions to normal bedroom size standards include the following:

- A. Units smaller than assigned through the above guidelines – A family may request a smaller unit size than the guidelines allow. The KCHA will allow the smaller size unit so long as generally no more than two (2) people for every living and / or sleeping room are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for three years or until the family size changes, whichever may occur first.
- B. Units larger than assigned through the above guidelines – A family may request a larger unit size than the guidelines allow. The KCHA will allow the larger size unit if the family provides a verified medical need that the family be housed in a larger unit.
- C. If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the family's own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30-day notice before being required to move.
- D. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

### **11.3 SELECTION FROM THE WAITING LIST**

The KCHA shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income is at or below 30% of the area median income. To insure this requirement is met we shall quarterly monitor the incomes of newly admitted families and the incomes of the families on the waiting list. If it appears that the requirement to house extremely low-income families will not be met,

we will skip higher income families on the waiting list to reach extremely low-income families.

If there are not enough extremely low-income families on the waiting list we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

Sections 11.4 through 11.7, dealing with deconcentration do not apply to KCHA and have been deleted.

#### **11.4 OFFER OF A UNIT**

When the KCHA discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority for this type of unit or development. If, at that time, a discrepancy exists between the desired balance of incomes in that development, that first family may be bypassed in favor of a family whose income category would help to meet the deconcentration goal and/or the income-targeting goal.

The KCHA will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given five (5) business days from the date the letter was mailed to contact the KCHA regarding the offer.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have two (2) business days to accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, the KCHA will send the family a letter documenting the offer and the rejection.

#### **11.5 DECONCENTRATION AND INCOME TARGETING**

Sub-Title A, Section 513 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA), establishes two interrelated requirements for implementation by Public Housing Authorities: (1) Economic De-concentration of public housing developments and (2) Income Targeting to assure that families in the "extremely low" income category are proportionately represented in public housing and that pockets of poverty are reduced or eliminated. In order to implement these new requirements, the PHA must promote these provisions as policies and revise their Admission and Occupancy policies and procedures to comply.

Therefore, the Knox County Housing Authority, (hereinafter referred to as PHA) hereby affirms its commitment to implementation of the two requirements by adopting the following policies:

**Economic De-concentration:** Admission and Continued Occupancy Policies are revised to include the PHA's policy of promoting economic de-concentration. Implementation of this program may require the PHA to determine the median income of residents in each development, determine the average income of residents in all developments, compute the Established Income Range (EIR), determine developments outside the EIR, and provide adequate explanations and/or policies as needed to promote economic de-concentration.

Implementation may include one or more of the following options:

- Skipping families on the waiting list based on income;
- Establishing preferences for working families;
- Establish preferences for families in job training programs;
- Establish preferences for families in education or training programs;
- Marketing campaign geared toward targeting income groups for specific developments;
- Additional supportive services;
- Additional amenities for all units;
- Flat rents for developments and unit sizes;
- Different tenant rent percentages per development;
- Different tenant rent percentages per bedroom size;
- Saturday and evening office hours;
- Security Deposit waivers;
- Revised transfer policies;
- Site-based waiting lists;
- Mass Media advertising/Public service announcements; and
- Giveaways.

**Income Targeting:** As public housing dwelling units become available for occupancy, responsible PHA employees will offer units to applicants on the waiting list. In accordance with the Quality Housing and Work Responsibility Act of 1998, the PHA encourages occupancy of its developments by a broad range of families with incomes up to eighty percent (80%) of the median income for the jurisdiction in which the PHA operates. Depending on the availability of applicants with proper demographics, at a minimum, 40% of all new admissions to public housing on an annual basis may be families with incomes at or below thirty percent (30%)(extremely low-income) of the area median income. The offer of assistance will be made without discrimination based on of race, color, religion, sex, national origin, age, handicap or familial status.

In order to implement the income targeting program, the following policy is adopted:

- The PHA may select, based on date and time of application and preferences, two (2) families in the extremely low-income category and two (2) families from the lower/very low-income category alternately until the forty percent (40%)

admission requirement of extremely low-income families is achieved (2 plus 2 policy).

- After the minimum level is reached, all selections may be made based solely on date, time and preferences. Any applicants passed over as a result of implementing this 2-plus-2 policy will retain their place on the waiting list and will be offered a unit in order of their placement on the waiting list.
- To the maximum extent possible, the offers will also be made to affect the PHA's policy of economic de-concentration.
- The PHA reserves the option, at any time, to reduce the targeting requirement for public housing by no more than ten percent (10%), if it increases the target figure for its Section 8 program from the required level of seventy-five percent (75%) of annual new admissions to no more than eighty-five percent (85%) of its annual new admissions. (Optional for PHAs with both Section 8 and Public Housing programs)

### **11.6 REJECTION OF UNIT**

If, in making the offer to the family, the KCHA skipped over a family on the waiting list in order to meet their deconcentration goal or offered the family any other deconcentration incentive and the family rejects the unit, the family will not lose their place on the waiting list and will not be otherwise penalized.

If the KCHA did not skip over other families on the waiting list to reach this family, did not offer any other deconcentration incentive, and the family rejects the unit without good cause, the family will forfeit their application's date and time. The family will keep their preferences, but the date and time of application will be changed to the date and time the unit was rejected.

If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. Good cause includes reasons related to health, proximity to work, school, and childcare (for those working or going to school). The family will be offered the right to an informal review of the decision to alter their application status.

### **11.7 ACCEPTANCE OF UNIT**

The family will be required to sign a lease that will become effective no later than three (3) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later.

Prior to signing the lease all families (head of household) and other adult family members will be required to attend the Lease and Occupancy Orientation. The family will not be housed if they have not attended the orientation. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the orientation, without good cause, may result in the cancellation of the occupancy process.



The applicant will be provided a copy of the lease, the grievance procedure, utility allowances, utility charges, the current schedule of routine maintenance charges, and a request for reasonable accommodation form. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and that they have reviewed them with Housing Authority personnel. The certification will be filed in the tenant's file.

The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of household and the KCHA will retain the original executed lease in the tenant's file. A copy of the grievance procedure will be attached to the resident's copy of the lease.

The family will pay a security deposit at the time of lease signing. The security deposit will be:

Efficiency (0-bedroom) apartment	\$100.00
One-bedroom apartment	\$125.00
Two-bedroom apartment	\$150.00
Three-bedroom apartment	\$175.00
Four-bedroom apartment	\$200.00
Five-bedroom apartment	\$225.00

In exceptional situations, the KCHA reserves the right to allow a new resident to pay their security deposit in up to three (3) payments. One third shall be paid in advance, one third with their second rent payment, and one-third with their third rent payment. This installment payment arrangement shall be made at the sole discretion of the Housing Authority.

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

## **12.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME**

To determine annual income, the KCHA counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the KCHA subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

### **12.1 INCOME**

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

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member;
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual income includes, but is not limited to:

- A. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
- B. 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 Internal Revenue Service 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.
- C. Interest, dividends, and other net income of any kind from real or personal property. 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 Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income 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.

- D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
- E. 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.)
- F. Welfare assistance.
  - 1. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
    - a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
    - b. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
  - 2. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

3. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.
- G. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
- H. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

## **12.2 ANNUAL INCOME**

Annual income does not include the following:

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

3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
4. 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 Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, nonrecurring or sporadic income (including gifts);
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:
  - a. Comparable Federal, State or local law means a program providing employment training and supportive services that:

- i. Is authorized by a Federal, State or local law;
    - ii. Is funded by the Federal, State or local government;
    - iii. Is operated or administered by a public agency; and
    - iv. Has as its objective to assist participants in acquiring employment skills.
  - b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
  - c. Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
11. The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families:
- a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
  - b. Families whose income increases during the participation of a family member in any family self-sufficiency program.
  - c. Families who are or were, within 6 months, assisted under a State TANF program.

(While HUD regulations allow for the housing authority to offer an escrow account in lieu of having a portion of their income excluded under this paragraph, it is the policy of this housing authority to provide the exclusion in all cases.)

- 12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
- 13. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

14. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
15. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
  - a. The value of the allotment of food stamps
  - b. Payments to volunteers under the Domestic Volunteer Services Act of 1973
  - c. Payments received under the Alaska Native Claims Settlement Act
  - d. Income from submarginal land of the U.S. that is held in trust for certain Indian tribes
  - e. Payments made under HHS's Low-Income Energy Assistance Program
  - f. Payments received under the Job Training Partnership Act
  - g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
  - h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
  - i. Amount of scholarships awarded under Title IV including Work-Study
  - j. Payments received under the Older Americans Act of 1965
  - k. Payments from Agent Orange Settlement
  - l. Payments received under the Maine Indian Claims Act
  - m. The value of child care under the Child Care and Development Block Grant Act of 1990
  - n. Earned income tax credit refund payments

- o. Payments for living expenses under the Americorps Program
- p. Additional income exclusions provided by and funded by the KCHA

The KCHA will not provide exclusions from income in addition to those already provided for by HUD.

### **12.3 DEDUCTIONS FROM ANNUAL INCOME**

The following deductions will be made from annual income:

- A. \$480 for each dependent;
- B. \$400 for any elderly family or disabled family;
- C. For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability assistance expenses in excess of 3% of annual income. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities.
- D. For any elderly or disabled family:
  - 1. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;
  - 2. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
  - 3. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 3% of annual income.
- E. Child care expenses.



## **13.0 VERIFICATION**

The KCHA will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

### **13.1 ACCEPTABLE METHODS OF VERIFICATION**

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards, birth certificates, and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

The Housing Authority will rely on HUD's internet-based Enterprise Income Verification System (EIV) as the primary source for determining a household's income. Information provided by the household will be compared to EIV data. Where discrepancies are noted the household will be advised of that discrepancy. If the household members disagree with the EIV information they will be given an opportunity to confirm that the information they originally provided was accurate. Where proof of the household member's original accounting of their income is not forthcoming the Housing Authority will determine if the discrepancy is due to simple error or an effort to defraud. Should the Housing Authority determine that one or more of the household members might intentionally attempted to conceal a source, or sources of income it shall then consider action ranging from allowing the household to correct any false or incomplete information and making financial restitution to denying/terminating assistance and referring the matter to appropriate legal authorities, including the HUD Inspector General's office, depending on factors such as the severity of the situation and the amount of unwarranted assistance the household may have received.

Financial information from sources other than the EIV system will only be considered if supported by third party verification. This type of verification includes written documentation with forms sent directly to and received directly by a source, not passed through the hands of the family. This verification may also be direct contact by Housing Authority staff with the source, in person or by telephone. It may also be a report generated by a request from the KCHA or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral, third party verification will be documented

by Housing Authority staff. Such documentation will include the same information as if the documentation had been written, i.e. name date of contact, amount received, etc.

Only when third party verification cannot be obtained, such as where income may have been derived through self employment, the KCHA will accept documentation received from household members. Hand-carried documentation will be accepted if the KCHA has been unable to obtain third party verification. Photocopies of the documents provided by the family will be maintained in the file.

Self-verification of income must be accompanied by a notarized statement signed by the head, spouse or co-head attesting to the accuracy of the information so-provided. Such documents will be maintained in the file.

### 13.2 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 KCHA will send a request form to the source along with a release form signed by the applicant/tenant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
<b>General Eligibility Items</b>		
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Community Service	N/A	Documentation from recipient of service
Community Service exemption	Letter from qualified professional, DHS, employer, paystubs, etc.	Letter from qualified professional, DHS, paystubs, etc.
Value of and Income from Assets		
Savings, checking accounts	Letter from institution	Passbook, 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, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance	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

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
<b>Income</b>		
Earned income	Enterprise Income Verification System	Multiple pay stubs, letters from employers
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence
Alimony/child support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Periodic payments (i.e., social security, welfare, pensions, workers compensation, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	<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 Federal, State, local govt., or local 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>	<p>N/A</p> <p>Evidence of job start</p>

### **13.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS**

The citizenship/eligible noncitizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a Social Security card, birth certificate, military ID, or military DD 214 Form.

Prior to being admitted or at the first reexamination, all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

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

Family members who do not claim to be citizens, nationals, or eligible noncitizens must be listed on a statement of noneligible members and the list must be signed by the head of the household.

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

Any family member who does not choose to declare their status must be listed on the statement of noneligible members.

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 delay is caused by the family.

If the KCHA determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. 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.

#### **13.4 VERIFICATION OF SOCIAL SECURITY NUMBERS**

Prior to admission, each family member who has a Social Security number and who is at least 6 years of age must provide verification of their Social Security number. New family members at least 6 years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination after turning six.

The best verification of the Social Security number is the original Social Security card. If the card is not available, the KCHA will accept letters from the Social Security Agency that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's licenses, military IDs, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security number, they will be required to sign a statement to this effect. The KCHA will not require any individual who does not have a Social Security number to obtain a Social Security number.

If a member of an applicant family indicates they have a Social Security number, but cannot readily verify it, the family cannot be housed until verification is provided.

If a member of a tenant family indicates they have a Social Security number, but cannot readily verify it, they shall be asked to certify to this fact and shall have up to sixty (60) days to provide the verification. If the individual is at least 62 years of age, they will be given one hundred and twenty (120) days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be evicted.

#### **13.5 TIMING OF VERIFICATION**

Verification information must be dated within ninety (90) days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will verify and update all information related to family circumstances and level of assistance. (Or, the Housing Authority will only verify and update those elements reported to have changed.)

#### **13.6 FREQUENCY OF OBTAINING VERIFICATION**

For each family member, citizenship/eligible noncitizen 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 their status will be obtained at

the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible noncitizen status will be verified.

For each family member age 6 and above, verification of Social Security number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security number at admission receives a Social Security number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.

## **14.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT**

### **14.1 FAMILY CHOICE**

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

- A. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would otherwise undergo.
- B. Families who opt for the flat rent may request to have a reexamination and return to the formula based method at any time for any of the following reasons:
  - 1. The family's income has decreased.
  - 2. The family's circumstances have changed increasing their expenses for child care, medical care, etc.
  - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

### **14.2 THE FORMULA METHOD**

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or
- C. The welfare rent. (Not applicable in Illinois)

The family will pay the lesser of the total tenant payment or the current ceiling rent established by KCHA.

In the case of a family who has qualified for the income exclusion at Section 11.2(H)(11), upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance, the resulting rent increase will be capped at 50 percent of the rent increase the family would have otherwise received.



### **14.3 MINIMUM RENT (NO MINIMUM RENT CURRENTLY ESTABLISHED)**

The KCHA has set the minimum rent at **\$50.00**. However if the family requests a hardship exemption, the KCHA will immediately suspend the minimum rent for the family until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- A. A hardship exists in the following circumstances:
  - 1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program;
  - 2. When the family would be evicted as a result of the imposition of the minimum rent requirement;
  - 3. When the income of the family has decreased because of changed circumstances, including loss of employment;
  - 4. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
  - 5. When a death has occurred in the family.
- B. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
- C. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will be not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with the Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
- D. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

#### **14.4 THE FLAT RENT**

The KCHA has set a flat rent for each public housing unit per the requirements set forth the 2014 Appropriations Act (the Act) and subsequent guidance issued from the Department of Housing and Urban Development in PIH Notice 2014-12. In doing so, the KCHA will conduct a complete market rental study which considers the size and type of the unit, as well as its condition, amenities, services, and neighborhood. The KCHA will review the most current published Fair Market Rent (FMR) rates and apply an 80% standard. KCHA flat rents will be established at a schedule of 80% of FMR rates for each unit size.

The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family (for more information on flat rents, see Section 15.3).

The KCHA will post the flat rents at each of the developments and at the central office and are incorporated in this policy upon approval by the Board of Commissioners.

#### **14.5 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE**

A mixed family will receive full continuation of assistance if all of the following conditions are met:

- A. The family was receiving assistance on June 19, 1995;
- B. The family was granted continuation of assistance before November 29, 1996;
- C. The family's head or spouse has eligible immigration status; and
- D. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three (3) years. If granted after that date, the maximum period of time for assistance under the provision is eighteen (18) months. The KCHA will grant each family a period of six (6) months to find suitable affordable

housing. If the family cannot find suitable affordable housing, the KCHA will provide additional search periods up to the maximum time allowable.

Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

The family's assistance is prorated in the following manner:

- A. Determine the 95<sup>th</sup> percentile of gross rents (tenant rent plus utility allowance) for the KCHA. The 95<sup>th</sup> percentile is called the maximum rent.
- B. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
- C. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.
- D. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

#### **14.6 UTILITY ALLOWANCE**

The KCHA shall establish a utility allowance for all check-metered utilities and for all tenant-paid utilities. 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. In setting the allowance, the KCHA will review the actual consumption of tenant families as well as changes made or anticipated due to modernization (weatherization efforts, installation of energy-efficient appliances, etc). Allowances will be evaluated at least annually as well as any time utility rate changes by 10% or more since the last revision to the allowances.

The utility allowance will be subtracted from the family's formula or flat rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the KCHA. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belongs to the tenant.

For KCHA paid utilities, the KCHA will where possible, monitor the utility consumption of each household. Any consumption in excess of the allowance established by the KCHA will be billed to the tenant monthly.

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.

Families with high utility costs are encouraged to contact the KCHA for an energy analysis. The analysis may identify problems with the dwelling unit that once corrected will reduce energy costs. The analysis can also assist the family in identifying ways they can reduce their costs.

Requests for relief from surcharges for excess consumption of KCHA purchased utilities or from payment of utility supplier billings in excess of the utility allowance for tenant-paid utility costs may be granted by the KCHA on reasonable grounds. Requests shall be granted to families that include an elderly member or a member with disabilities. Requests by the family shall be submitted under the Reasonable Accommodation Policy. Families shall be advised of their right to individual relief at admission to public housing and at time of utility allowance changes.

#### **14.7 PAYING RENT**

Rent and other charges are due and payable on the first day of the month. All rents should be paid at the KCHA offices located at 216 West Simmons Street in Galesburg, Illinois. Reasonable accommodations for this requirement will be made for persons with disabilities. As a safety measure, no cash shall be accepted as a rent payment

If the rent is not paid by the fifth of the month, a Notice to Vacate will be issued to the tenant. In addition, a \$25.00 late charge will be assessed to the tenant. If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus an additional charge of \$25.00 for processing costs.

## **15.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE**

### **15.1 GENERAL**

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities) within the community in which the public housing development is located, or (2) participate in an economic self-sufficiency program unless they are exempt from this requirement

### **15.2 EXEMPTIONS**

The following adult family members of tenant families are exempt from this requirement.

- A. Is under 18 years of age;
- B. Is age 62 years or older;
- C. Is blind or disabled (as defined under section 216[i][1] or 1614 of the Social Security Act);
- D. Is a primary caretaker of such an individual, as described in 3.01 (c);
- E. Engaged work activities for a minimum 30 hours per week (must be verified by employer). Work activities are defined as the following:
  - 1. Unsubsidized employment;
  - 2. Subsidized private-sector employment;
  - 3. Subsidized public-sector employment;
  - 4. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
  - 5. On-the-job-training;
  - 6. Job-search;
  - 7. Community service programs;
  - 8. Vocational educational training (not to exceed 12 months with respect to any individual);
  - 9. Job-skills training directly related to employment;
  - 10. Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
  - 11. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate;
- F. Is able to meet requirements under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state of Illinois,

including a state-administered welfare-to-work program (including compliance with SNAP program requirements)

### **15.3 NOTIFICATION OF THE REQUIREMENT**

The KCHA shall identify all adult family members who are apparently not exempt from the community service requirement.

The KCHA shall notify all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. The KCHA shall verify such claims.

The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after 10/1/99. For family's paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

### **15.4 VOLUNTEER OPPORTUNITIES**

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

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

The KCHA will coordinate with social service agencies, local schools, and the Human Resources Office in identifying a list of volunteer community service positions.

Together with the resident advisory councils, the KCHA may create volunteer positions such as hall monitoring, litter patrols, and supervising and record keeping for volunteers.

### **15.5 THE PROCESS**

At the first annual reexamination on or after September 1, 2003, and each annual reexamination thereafter, the KCHA will do the following:

- A. Provide a list of volunteer opportunities to the family members.
- B. Provide information about obtaining suitable volunteer positions.
- C. Provide a volunteer time sheet to the family member. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work.
- D. Assign family members to a volunteer coordinator who will assist the family members in identifying appropriate volunteer positions and in meeting their responsibilities. The volunteer coordinator will track the family member's progress monthly and will meet with the family member as needed to best encourage compliance.
- E. Thirty (30) days before the family's next lease anniversary date, the volunteer coordinator will advise the KCHA whether each applicable adult family member is in compliance with the community service requirement.

#### **15.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT**

The KCHA will notify any family found to be in noncompliance of the following:

- A. The family member(s) has been determined to be in noncompliance;
- B. That the determination is subject to the grievance procedure; and
- C. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated;

#### **15.7 OPPORTUNITY FOR CURE**

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

The volunteer coordinator will assist the family member in identifying volunteer opportunities and will track compliance on a monthly basis.

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service by more than three (3) hours after three (3) months, the KCHA shall take action to terminate the lease.



## **16.0 RECERTIFICATIONS**

At least annually, the KCHA will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family is housed in the correct unit size.

### **16.1 GENERAL**

The KCHA will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or formula method, and scheduling an appointment if they are currently paying a formula rent. If the family thinks they may want to switch from a flat rent to a formula rent, they should request an appointment. At the appointment, the family can make their final decision regarding which rent method they will choose. The letter also includes, for those families paying the formula method, forms for the family to complete in preparation for the interview. The letter includes instructions permitting the family to reschedule the interview if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

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

### **16.2 MISSED APPOINTMENTS**

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling and accommodation as above. The letter will also advise that failure by the family to attend the second scheduled interview will result in the KCHA taking eviction actions against the family.

### **16.3 FLAT RENTS RECERTIFICATIONS**

Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount. For a family that chooses the flat rent option, the KCHA must conduct a reexamination of family income at least once every three years. The KCHA will continue to conduct a reexamination of family composition at least annually.

The flat rent amount is not locked in for three years. The KCHA is required to revise the flat rent annually based on changes in the FMR, and must offer the family a choice between their applicable income-based rent and the current flat rent.

The annual letter to flat rent payers regarding the reexamination process will include the following:

- A. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories allowances that can be deducted from income.
- B. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual income review they otherwise would undergo.
- C. Families who opt for the flat rent may request to have a reexamination and return to the formula-based method at any time for any of the following reasons:
  - 1. 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.
  - 2. The family has experienced an increase in expenses for medical costs, child care, transportation, education, or similar items.
  - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
- D. The dates upon which the KCHA expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.
- E. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
- F. A certification for the family to sign accepting or declining the flat rent.

Each year prior to their anniversary date, KCHA will send a reexamination letter to the family offering the choice between a flat or a formula rent. The opportunity to select the flat rent is available only at this time. At the appointment, the KCHA may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with the KCHA representative, they may make the selection on the form and return the form to the KCHA. In such case, the KCHA will cancel the appointment.

#### **16.4 THE FORMULA METHOD**

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

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

The total tenant payment is equal to the highest of:

- A. 10% of monthly income; or
- B. 30% of adjusted monthly income; or
- C. Minimum rent as established by the agency; or
- C. The welfare rent.

The family will pay the lesser of the total tenant payment or but never more than the flat rent.

#### **16.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS**

The new rent will generally be effective upon the anniversary date with thirty (30) days notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

#### **16.6 INTERIM REEXAMINATIONS**

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified.

Families will not be required to report any increase in income or decreases in allowable

expenses between annual reexaminations. Interim reexaminations done after the 25<sup>th</sup> of each month will be processed for the 1<sup>st</sup> of the month following the next reporting month.

Families are required to report the following changes to the KCHA between regular reexaminations. If the family's rent is being determined under the formula method, these changes will trigger an interim reexamination. The family shall report these changes within ten (10) days of their occurrence.

- A. A member has been added to the family through birth or adoption or court-awarded custody.
- B. A household member is leaving or has left the family unit.

In order to add a household member other than through birth or adoption (including a live-in aide), the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. The KCHA will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph below 16.8.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the KCHA will take timely action to process the interim reexamination and recalculate the tenant's rent.

#### **16.7 SPECIAL REEXAMINATIONS**

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income (0 renters) or have a temporary decrease in income, the KCHA may schedule special reexaminations every sixty (60) days until the income stabilizes and an annual income can be determined.

#### **16.8 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS**

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the first of the second month after the month in which the family receives notice of the new rent amount. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed.

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

## **17.0 UNIT TRANSFERS**

### **17.1 OBJECTIVES OF THE TRANSFER POLICY**

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- C. To facilitate a relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To provide an incentive for families to assist in meeting the KCHA's deconcentration goal, if established.
- F. To eliminate vacancy loss and other expense due to unnecessary transfers.
- G. To accommodate the wishes of a tenant in good standing for a different unit.  
*(entirely at the discretion of the KCHA)*

### **17.2 CATEGORIES OF TRANSFERS**

Category 1: Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood.

Category 2: Immediate administrative transfers. These transfers are necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable modernization work to proceed.

Category 3: Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain KCHA occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers when a transfer is the only or best way of solving a serious problem, other transfers approved by the KCHA

### **17.3 DOCUMENTATION**

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer.

### **17.4 INCENTIVE TRANSFERS**

Transfer requests will be encouraged and approved for families who live in a development where their income category (below or above 30% of area median) predominates and wish to move to a development where their income category does not predominate.

Subject to the availability of the desired unit type or location, families living in multifamily developments may, at the complete discretion of the KCHA, be permitted to transfer to other units or other sites for no reason other than the family's choice. Families approved for such transfers will meet the following eligibility criteria:

- A. Have been a tenant in good standing continuously for one year;
- B. For a minimum of one year, at least one adult family member is enrolled in an economic self-sufficiency program or is working at least thirty-five (35) hours per week unless the adult family members are 62 years of age or older or are disabled or are the primary care givers to others with disabilities;
- C. Adult members who are required to perform community service have been current in these responsibilities since the inception of the requirement or for one year which ever is less;
- D. The family is current in the payment of all charges owed the KCHA and has not paid late rent for at least one year;
- E. The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year;
- F. The family has not materially violated the lease over the past during its tenancy including damaging the unit, disturbing the peaceful enjoyment of their neighbors, engaging in criminal or drug-related activity, or threatening the health or safety of tenants or Housing Authority staff.
- G. Places on deposit the sum of \$125.00 to be held by KCHA until the move is complete and the original apartment is left in a condition comparable to that which it was prior to that tenant assuming possession. Said deposit to be forfeited completely if the move is not completed within seven (7) days.

***Items A, C, D, E, & F will apply to tenants transferring to the "Section 8" program.***

## **17.5 PROCESSING TRANSFERS**

Transfers on the waiting list will be sorted by the above categories and within each category by date and time.

Transfers in category 1 and 2 will be housed ahead of any other families, including those on the applicant waiting list. Transfers in category 1 will be housed ahead of transfers in category 2.

Transfers in category 3 will be housed along with applicants for admission at a ratio of one transfer for every seven new admissions.

Transfers for no reason other than to accommodate the desire of a tenant family will not be permitted if there are families on the waiting list requiring the size/location of the unit desired be the in-place tenant family.

Upon offer and acceptance of a unit, the family will execute all lease up documents and pay any rent and/or security deposit within two (2) days of being informed the unit is ready to rent. The family will be allowed seven (7) days to complete a transfer. The family will be responsible for paying prorated rent at the old unit as well as the new unit for each day in excess of seven (7) days that they have possession of both. The rent for the smaller of the two apartments involved will be charged at the KCHA's current ceiling rent rate. The prorated rent, any damage or other charges (key deposit and any additional security deposit owing) must be paid at the time of lease execution.

The following is the policy for the rejection of an offer to transfer:

- A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.
- B. If the transfer is being made at the request of the KCHA and the family rejects two offers without good cause, the KCHA will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet the KCHA's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.
- C. If the transfer is being made at the family's request and the rejected offer provides deconcentration incentives, the family will maintain their place on the transfer list and will not otherwise be penalized.
- D. If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer that does not include



deconcentration incentives. After turning down a second such offer without good cause, the family's name will be removed from the transfer list.

#### **17.6 COST OF THE FAMILY'S MOVE**

The cost of the transfer generally will be borne by the family in the following circumstances:

- A. When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);
- B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;
- C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or
- F. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.
- G. When the transfer is made only because the family requested it.

The cost of the transfer will be borne by the KCHA in the following circumstances:

- A. When the transfer is needed in order to carry out rehabilitation activities; or
- B. When action or inaction by the KCHA has caused the unit to be unsafe or inhabitable.

The responsibility for moving costs in other circumstances will be determined on a case by case basis.

#### **17.7 TENANTS IN GOOD STANDING**

When the transfer is at the request of the family for any reason, it will not be approved unless the family is in good standing with the KCHA. This means the family must be in compliance with their lease, current in all payments to the Housing Authority, and must pass a housekeeping inspection. The criteria for this inspection shall be that the family's current unit be in a condition comparable to that which it was in at the time they assumed possession of it, normal wear and tear excepted.

## **17.8 TRANSFER REQUESTS**

A tenant may request a transfer at any time by completing a transfer request form. In considering the request, the KCHA may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. The KCHA will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within ten (10) business days of receipt of the request to schedule a meeting.

The KCHA will grant or deny the transfer request in writing within ten (10) business days of receiving the request or holding the meeting, whichever is later.

If the transfer is approved, the family's name will be added to the transfer waiting list.

If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

## **17.9 RIGHT OF THE KCHA IN TRANSFER POLICY**

The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a tenant to transfer or refuse to transfer.

## **18.0 INSPECTIONS**

An authorized representative of the KCHA and an adult family member will inspect the premises prior to commencement of occupancy. A written statement of the condition of the premises will be made, all equipment will be provided, and the statement will be signed by both parties with a copy retained in the KCHA file and a copy given to the family member. An authorized KCHA representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made provided the resident turns in the proper notice under State law. The resident's security deposit can be used to offset against any KCHA damages to the unit.

### **18.1 MOVE-IN INSPECTIONS**

The KCHA and an adult member of the family will inspect the unit prior to signing the lease. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file.

### **18.2 ANNUAL INSPECTIONS**

The KCHA will inspect each public housing unit annually to ensure that each unit meets the KCHA's housing standards. Work orders will be submitted and completed to correct any deficiencies.

### **18.3 PREVENTATIVE MAINTENANCE INSPECTIONS**

This is generally conducted along with the annual inspection. This inspection is intended to keep items in good repair. It checks weatherization; checks the condition of the smoke detectors, carbon monoxide detectors, water heaters, furnaces, automatic thermostats and water temperatures; checks for leaks; and provides an opportunity to change furnace filters and provide other minor servicing that extends the life of the unit and its equipment.

### **18.4 SPECIAL INSPECTIONS**

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the KCHA.

### **18.5 HOUSEKEEPING INSPECTIONS**

Generally, at the time of annual inspections, or at other times as deemed necessary by the KCHA, housekeeping inspections will be made to ensure the family is maintaining the unit in a safe and sanitary condition.

### **18.6 NOTICE OF INSPECTION**

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections the KCHA will give the tenant at least 48 hours written notice.

### **18.7 EMERGENCY INSPECTIONS**

If any employee and/or agent of the KCHA has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) that enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

### **18.8 PRE-MOVE-OUT INSPECTIONS**

When a tenant gives notice that they intend to move or transfer, the KCHA will offer to schedule a pre-move-out inspection with the family. The inspection allows the KCHA to help the family identify any problems which, if left uncorrected, could lead to vacate charges. This inspection is a courtesy to the family and has been found to be helpful both in reducing costs to the family and in enabling the KCHA to ready units more quickly for the future occupants.

### **18.9 MOVE-OUT INSPECTIONS**

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

## **19.0 PET POLICY**

(See Also Knox County Housing Authority Pet Policy)

### **19.1 EXCLUSIONS**

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors.

### **19.2 PETS IN SENIOR BUILDINGS**

The KCHA will allow for pet ownership in projects or buildings designated for use by elderly and/or disabled families and in any project or building for which elderly and/or disabled families are given preference. Except at the developments and buildings listed below, pet ownership is prohibited in all public housing properties.

- A. Moon Towers
- B. Blue Bell Tower

### **19.3 APPROVAL**

Residents must have the prior approval of the Housing Authority before moving a pet into their unit. Residents must request approval on the Authorization for Pet Ownership Form that must be fully completed before the Housing Authority will approve the request.

### **19.4 TYPES AND NUMBER OF PETS**

The KCHA will allow only domesticated dogs, cats, birds, and fish in aquariums in units. All dogs and cats must be neutered.

Only one (1) pet per unit allowed.

Any animal deemed to be potentially harmful to the health or safety of others, including attack or fight trained dogs, will not be allowed.

No animal may exceed twenty (25) pounds in weight.

### **19.5 LICENSEING, INOCULATIONS AND NEUTERING**

In order to be registered, pets must be appropriately inoculated against rabies and other conditions prescribed by local ordinances. Where required by local ordinance, pets must wear a current county license tag. All dogs and cats must be spayed or neutered. The owner must provide KCHA with a copy of a letter or other certification from the veterinarian who performed the procedure.

#### **19.6 PET DEPOSIT**

A pet deposit of \$75.00 is required at the time of registering a pet. The deposit is refundable when the pet, or the family, vacates the unit, less any amounts owed due to damage beyond normal wear and tear.

#### **19.7 FINANCIAL AND OTHER OBLIGATION OF RESIDENTS**

Any resident who owns or keeps a pet in their dwelling unit will be required to pay for any damages caused by the pet. Also, any pet-related insect infestation or odor abatement in the pet owner's unit will be the financial responsibility of the pet owner and the KCHA reserves the right to exterminate and charge the resident.

Also, all residents keeping pets must provide the KCHA with a statement from some other responsible party promising to care for the pet in the event that the resident becomes ill, incapacitated, or is otherwise unable to do so.

#### **19.8 NUISANCE OR THREAT TO HEALTH OR SAFETY**

The pet and its living quarters must be maintained in a manner to prevent odors and any other unsanitary conditions in the owner's unit and surrounding areas.

Repeated substantiated complaints by neighbors or KCHA personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance will result in the owner having to remove the pet or move him/herself.

#### **19.9 DESIGNATION OF PET AREAS**

Pets must be kept in the owner's apartment or on a leash at all times when outside (no outdoor cages may be constructed). Pets will be allowed only in designated areas on the grounds of the projects. Pet owners must clean up after their pets and are responsible for disposing of pet waste.

#### **19.10 VISITING PETS**

Visiting pets are not permitted.

### **19.11 REMOVAL OF PETS**

The KCHA, or an appropriate community authority, shall require the removal of any pet from a project if the pet's conduct or condition is determined to be a nuisance or threat to the health or safety of other occupants of the project or of other persons in the community where the project is located.

## **20.0 SMOKE-FREE PUBLIC HOUSING**

### **20.1 PURPOSE AND SCOPE**

- A. The Knox County Housing Authority, at this encouragement, has adopted a smoke-free housing policy for the following reasons:
  - a. To mitigate the irritation and known health effects of secondhand smoke at KCHA properties;
  - b. To minimize the maintenance, cleaning, and redecorating costs associated with damage caused by smoking as it relates to;
  - c. Apartment turnover;
  - d. Property Insurance;
  - e. Damages related to residential fire.
  - f. To allow KCHA staff, agents, vendors, and contractors the opportunity to perform their job functions in an environment that is free from secondhand smoke.
- B. This policy acts in accordance with the Smoke-Free Illinois Act of 2008.

### **20.2 APPLICABILITY**

This policy applies to all residents, visitors, employees, and covers all buildings and vehicles owned and operated as part of the public housing program of the Knox County Housing Authority.

Effective April 01, 2014, smoking will be prohibited inside any building or vehicle which is part of the Knox County Housing Authority public housing program – including residential dwelling units, program offices, and agency vehicle fleet – by any person(s) who resides at, works at, or visits KCHA properties.

### **20.3 COVERED AREAS**

- A. Areas designated smoke-free in which smoking will be prohibited include:
  - a. Dwelling units and apartments as defined in Section 2.01(e) of this policy;
  - b. Common areas within any building including entryways, hallways; restrooms, laundry facilities, offices, and within 15 feet of all openings to any KCHA property including windows, door openings, and garage doors;
  - c. Agency vehicle fleet as it pertains to the service of the public housing programs;
  - d. External common areas as defined in Section 2.01(j) of the KCHA Smoke Free Policy



## **20.4 RESIDENT RESPONSIBILITIES**

- A. Resident Responsibilities under this policy include:
  - a. Resident shall be responsible to inform all members of the household, visitors, and guests of the KCHA Smoke-Free policy;
  - b. Residents shall prohibit smoking in their dwelling unit by household members, visitors, and guests;
  - c. Residents are responsible for the actions of his/her household members, guests, visitors, invitees, agents, employees, or other persons present in their dwelling unit in reference to this policy;
  - d. Proper disposal of cigarette butts and other smoking material – cigarette butts and all smoking material must be appropriately disposed of in a decent, safe, and sanitary manner. No person shall be permitted to dispose of said smoking materials on the ground at any time. Additionally, all persons shall be prohibited from disposing of lighted smoking materials in any trash receptacle;
  - e. Acknowledgement that KCHA’s ability to police, monitor, or enforce the agreements of this policy is dependent in significant part on compliance by residents, visitors, and guests;
  - f. If a resident witnesses someone smoking or smells smoke in violation of this policy, it shall be their responsibility to report the violation to the property management office as soon as possible. It is the preference of the Knox County Housing Authority to receive said complaints in writing.

## **20.5 ENFORCEMENT**

- A. Failure to comply with any smoke-free provisions set forth as a result of this policy shall be considered a material violation of the lease and subject residents in violation to adverse action, up to and including termination of lease;
- B. Lease violations will be assessed in the following manner:
  - a. 1st Violation – Property manager will visit the resident and document any evidence (sight or smell) witnessed in the unit; resident will receive a warning letter and be assessed a \$25.00 fine; subsequent unit inspections will be scheduled to monitor future compliance with this policy.
  - b. 2nd Violation - Property manager will visit the resident and document any evidence (sight or smell) witnessed in the unit; resident will receive a lease violation letter and be assessed a \$50.00 fine; subsequent unit inspections will be scheduled to monitor future compliance with this policy.
  - c. 3rd Violation - Property manager will visit the resident and document any evidence (sight or smell) witnessed in the unit; resident will receive a final lease violation letter advising FINAL NOTICE PRIOR TO TERMINATION and be assessed a \$100.00 fine; subsequent unit inspections will be scheduled to monitor future compliance with this policy.
  - d. 4th Violation – Termination of lease

- C. Residents will be solely responsible for the cost to clean items which have been discolored and replacement of items damaged as a result of violating this policy including, but not limited to flooring, window treatment, walls, surfaces, light covering, ventilation systems, etc. Charges may be assessed during tenancy or at resident move-out.

## **21.0 REPAYMENT AGREEMENTS**

When a resident owes the KCHA back charges and is unable to pay the balance by the due date, the resident may request that the KCHA allow them to enter into a Repayment Agreement. The KCHA has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twenty four (24) months. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures.

## **22.0 TERMINATION**

### **22.1 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 thirty (30) days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

### **22.2 TERMINATION BY THE HOUSING AUTHORITY**

The KCHA, after 10/1/2000, will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

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

- A. Nonpayment of rent or other charges;
- B. A history of late rental payments;
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a safe and sanitary manner;
- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Violent criminal activity on or off the premises. Any act, or threat to commit an act that results in bodily injury to other tenants or housing authority staff or activity that impairs the rights of other tenants to the peaceful enjoyment of their homes; (i.e. any criminal activity that has as one of its elements the use, attempted use, or

threatened use of physical force substantial enough to cause, or be reasonably likely to cause, bodily injury or property damage)

- K. Abusive or violent behavior, including verbal as well as physical abuse or violence. (i.e. the use of expletives that are generally considered insulting, racial epithets, or other language – written or oral – that is customarily used to insult or intimidate.
- L. Any drug-related criminal activity on or off the property (*possession, use, manufacture, or distribution of any controlled substance, including methamphetamines and the supplies/equipment to manufacture them.*) This includes but is not limited to the manufacture of methamphetamine on the premises of the KCHA;
- M. Non-compliance with Non-Citizen Rule requirements;
- N. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of the Housing Authority; and
- O. Other good cause.

The KCHA will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program.

### **22.3 ABANDONMENT**

The KCHA will consider a unit to be abandoned when a resident has both fallen behind in rent **AND** has clearly indicated by words or actions an intention not to continue living in the unit. Actions indicating abandonment include but are not limited to: Tenant supplied utilities turned off, absence of basic housekeeping materials (cooking utensils, bedding, etc.).

When a unit has been abandoned the KCHA may either seek possession of it through the judicial system or, representative may enter the unit and remove any abandoned property. If the total value of the property is estimated at less than \$50.00 the KCHA will dispose of it in any way it deems appropriate. This may include but not be limited to discarding it or giving it to another tenant. If the estimated value of the property is more than \$50.00, the KCHA will store in a reasonably secure place. A notice will be mailed to the resident stating where the property is being stored and when it will be sold. If the KCHA does not have a new address for the resident, the notice will be mailed to the unit address so it can be forwarded by the post office. If not claimed within 90 days the property will be disposed of in a manner deemed expeditious to the KCHA.

Any money generated by the sale of the abandoned property, along with any security deposit and unearned rent, will be applied to balances owed by the family to the KCHA. Funds in excess of amounts owed will be mailed to the last known address of the tenant family, along with a statement of the tenant's account. Unapplied deposit, rent payments or property sale proceeds returned due to insufficient address and unclaimed by the tenant for one year after the mailing date will become the property of the KCHA.

#### **22.4 RETURN OF SECURITY DEPOSIT**

After a family moves out, the KCHA will return the security deposit within 30 days or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

If State law requires the payment of interest on security deposits; it shall be complied with.

The KCHA will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within 30 days.

#### **22.5 INFORMAL HEARINGS FOR PARTICIPANTS**

##### **A. When a Hearing is required**

The KCHA will give a participant family an opportunity for an informal hearing to consider whether the following KCHA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and KCHA policies:

1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
2. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the KCHA utility allowance schedule.
3. A determination of the family unit size under the KCHA subsidy standards.
4. A determination that a family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the KCHA subsidy standards, or the KCHA determination to deny the family's request for an exception from the standards.

5. A determination to terminate assistance for a participant family because of the family's action or failure to act.
6. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the KCHA policy and HUD rules.

B. When a Hearing is not required

The KCHA will not provide a participant family an opportunity for an informal hearing for any of the following reasons:

1. Discretionary administrative determinations by the KCHA.
2. General policy issues or class grievances.
3. Establishment of the KCHA schedule of utility allowances for families in the program.
4. A KCHA determination not to approve an extension or suspension of a certificate or voucher term.
5. A KCHA determination not to approve a unit or lease.
6. A KCHA determination that an assisted unit is not in compliance with Uniform Physical Condition Standards(UPCS). (However, the KCHA will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the UPCS caused by the family.)
7. A KCHA determination that the unit is not in accordance with UPCS because of the family size.

C. Notice to the Family

1. In the cases described in paragraphs 21.5(A)(1), (2), and (3), of this Section, the KCHA will notify the family that the family may ask for an explanation of the basis of the KCHA's determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.
2. In the cases described in paragraphs 21.5(A)(4), (5), and (6), of this Section, the KCHA will give the family prompt written notice that the family may request a hearing within 10 business days of the notification. The notice will:

- a. Contain a brief statement of the reasons for the decision; and
- b. State if the family does not agree with the decision, the family may request an informal hearing on the decision within 10 business days of the notification.

D. Hearing Procedures

The KCHA and participants will adhere to the following procedures:

1. Discovery

- a. The family will be given the opportunity to examine before the hearing any KCHA documents that are directly relevant to the hearing. The family will be allowed to copy any such document at the family's expense. If the KCHA does not make the document(s) available for examination on request of the family, the KCHA may not rely on the document at the hearing.
- b. The KCHA will be given the opportunity to examine, at the KCHA's offices before the hearing, any family documents that are directly relevant to the hearing. The KCHA will be allowed to copy any such document at the KCHA's expense. If the family does not make the document(s) available for examination on request of the KCHA, the family may not rely on the document(s) at the hearing.

Note: The term **document** includes records and regulations.

2. Representation of the Family

At its own expense, a lawyer or other representative may represent the family.

3. Hearing Officer

- a. The hearing will be conducted by any person or persons designated by the KCHA, other than a person who made or approved the decision under review or a subordinate of this person.
- b. The person who conducts the hearing will regulate the conduct of the hearing in accordance with the KCHA hearing procedures.

4. Evidence



The KCHA and the family must have the opportunity to present evidence and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

5. Issuance of Decision

The person who conducts the hearing must issue a written decision within 14 calendar days from the date of the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing.

6. Effect of the Decision

The KCHA is not bound by a hearing decision:

- a. Concerning a matter for which the KCHA is not required to provide an opportunity for an informal hearing under this Section, or that otherwise exceeds the authority of the person conducting the hearing under the KCHA hearing procedures.
- b. Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or local law.
- c. If the KCHA determines that it is not bound by a hearing decision, the KCHA will notify the family within 14 calendar days of the determination, and of the reasons for the determination.

E. Considering Circumstances

In deciding whether to terminate assistance because of action or inaction by members of the family, the Housing Authority may consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

The Housing Authority may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. The Housing Authority may permit the other members of a participant family to continue receiving assistance.

If the Housing Authority seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that the Housing Authority provides notice to the family of the Housing Authority determination to deny or terminate assistance. In determining whether to terminate assistance for these reasons the KCHA will consider evidence of whether the household member:

1. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
2. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or
1. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.
4. Did the participant fully disclose the violation on his/her application or promptly after it occurred?

F. Informal Hearing Procedures for Denial of Assistance on the Basis of Ineligible Immigration Status

The participant family may request that the KCHA provide for an informal hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision.

For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or of the INS appeal decision.

## 23.0 GLOSSARY

**50058 Form:** The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process and, at the option of the housing authority, for interim reexaminations.

**1937 Housing Act:** The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (24 CFR 5.100)

**Adjusted Annual Income:** The amount of household income, after deductions for specified allowances, on which tenant rent is based. (24 CFR 5.611)

**Adult:** A household member who is 18 years or older or who is the head of the household, or spouse, or co-head.

**Allowances:** Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly families, disability expenses, and child care expenses for children under 13 years of age. Other allowance can be given at the discretion of the housing authority.

**Annual Contributions Contract (ACC):** The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program. (24 CFR 5.403)

**Annual Income:** All amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609)

**Applicant (applicant family):** A person or family that has applied for admission to a program but is not yet a participant in the program. (24 CFR 5.403)

**Assets:** The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal

property such as furniture and automobiles are not counted as assets. (Also see "net family assets.")

**Asset Income:** Income received from assets held by family members. If assets total more than \$5,000, income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income. (See "imputed asset income" below.)

**Ceiling Rent:** Maximum rent allowed for some units in public housing projects.

**Certification:** The examination of a household's income, expenses, and family composition to determine the family's eligibility for program participation and to calculate the family's share of rent.

**Child:** For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age. (24 CFR 5.504(b))

**Child Care Expenses:** Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

**Citizen:** A citizen or national of the United States. (24 CFR 5.504(b))

**Consent Form:** Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participant to determine eligibility or level of benefits. (24 CFR 5.214)

**Decent, Safe, and Sanitary:** Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards.

**Department:** The Department of Housing and Urban Development. (24 CFR 5.100)

**Dependent:** A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a disability or is a full-time student. (24 CFR 5.603(d))

**Dependent Allowance:** An amount, equal to \$480 multiplied by the number of dependents, that is deducted from the household's annual income in determining adjusted annual income.

**Disability Assistance Expenses:** Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. (24 CFR 5.603(d))

**Disability Assistance Expense Allowance:** In determining adjusted annual income, the amount of disability assistance expenses deducted from annual income for families with a disabled household member.

**Disabled Family:** A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities.")

**Disabled Person:** See "person with disabilities."

**Displaced Family:** A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (24 CFR 5.403(b))

**Displaced Person:** A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. [1937 Act]

**Drug-Related Criminal Activity:** Drug trafficking or the illegal use, or possession for personal use, of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

**Elderly Family:** A family whose head, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides. (24 CFR 5.403)

**Elderly Family Allowance:** For elderly families, an allowance of \$400 is deducted from the household's annual income in determining adjusted annual income.

**Elderly Person:** A person who is at least 62 years of age. (1937 Housing Act)

**Extremely low-income families:** Those families whose incomes do not exceed the greater of the federal poverty level or 30% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

**Fair Housing Act:** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.). (24 CFR 5.100)

**Family** includes but is not limited to:

- A. A family with or without children;
- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member of a tenant family; and
- G. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. (24 CFR 5.403)

**Family Members:** All members of the household other than live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the lease.

**Family Self-Sufficiency Program (FSS Program):** The program established by a housing authority to promote self-sufficiency among participating families, including the coordination of supportive services. (24 CFR 984.103(b))

**Flat Rent:** A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. The flat rent is established by the housing authority set at the lesser of the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

**Formula Method:** A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the formula method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

**Full-Time Student:** A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 5.603(d))

**Head of Household:** The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

**Household Members:** All members of the household including members of the family, live-in aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease.

**Housing Assistance Plan:** A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

**Imputed Income:** For households with net family assets of more than \$5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used as income from assets in determining annual income.

**In-Kind Payments:** Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g., groceries provided on a weekly basis, baby sitting provided on a regular basis).

**Interim (examination):** A reexamination of a family income, expenses, and household composition conducted between the regular annual recertifications when a change in a household's circumstances warrants such a reexamination.

**Live-In Aide:** A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who:

- A. Is determined to be essential to the care and well-being of the persons;
- B. Is not obligated for the support of the persons; and
- C. Would not be living in the unit except to provide the necessary supportive services. (24 CFR 5.403(b))

**Low-Income Families:** Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80% of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes. (1937Act)

**Medical Expenses:** Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums, that are anticipated during the period for which annual income is computed and that are not covered by insurance. (24 CFR 5.603(d)). These expenses include, but are not limited to, prescription and non-prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for a service animals, transportation for medical purposes.

**Mixed Family:** A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.504(b))

**Monthly Adjusted Income:** One twelfth of adjusted income. (24 CFR 5.603(d))

**Monthly Income:** One twelfth of annual income. (24 CFR 5.603(d))

**National:** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession. (24 CFR 5.504(b))

**Near-Elderly Family:** A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. (24 CFR 5.403(b))

**Net Family Assets:**

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
- B. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.
- C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

**Non-Citizen:** A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

**Occupancy Standards:** The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

**Person with Disabilities:** A person who:



A. Has a disability as defined in Section 223 of the Social Security Act, which states:

"Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or

In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."

B. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment that:

1. Is expected to be of long-continued and indefinite duration;
2. Substantially impedes his or her ability to live independently; and
3. Is of such a nature that such ability could be improved by more suitable housing conditions, or

C. Has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act, which states:

"Severe chronic disability that:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
2. Is manifested before the person attains age 22;
3. Is likely to continue indefinitely;
4. Results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (e) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and
5. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated."

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. (1937 Act)

No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

**Proration of Assistance:** The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR 5.520)

**Public Housing Agency (PHA):** Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. (24 CFR 5.100)

**Recertification:** The annual reexamination of a family's income, expenses, and composition to determine the family's rent.

**Remaining Member of a Tenant Family:** A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b.)

**Self-Declaration:** A type of verification statement by the tenant as to the amount and source of income, expenses, or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

**Shelter Allowance:** That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

**Single Person:** Someone living alone or intending to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a tenant family. (Public Housing: Handbook 7465.1 REV-2, 3-5)

**State Wage Information Collection Agency (SWICA):** The State agency receiving quarterly wage reports from employers in the State or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR 5.214)

**Temporary Assistance to Needy Families (TANF):** The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

**Tenant:** The person or family renting or occupying an assisted dwelling unit. (24 CFR 5.504(b))

**Tenant Rent:** The amount payable monthly by the family as rent to the housing authority. Where all utilities (except telephone) and other essential housing services are supplied by the housing authority or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are supplied by the housing authority and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance. (24 CFR 5.603(d))

**Third-Party (verification):** Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

**Total Tenant Payment (TTP):**

- A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:
  1. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of :
    - a. 30% of the family's monthly adjusted income;
    - b. 10% of the family's monthly income; or
    - c. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) shall be the amount resulting from one application of the percentage.
  2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.
- B. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

**Utility Allowance:** If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying

the unit, an amount equal to the estimate made by a housing authority of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. (24 CFR 5.603)

**Utility Reimbursement:** The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. (24 CFR 5.603)

**Very Low-Income Families:** Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50% of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)

**Welfare Assistance:** Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. (24 CFR 5.603(d))

**Welfare Rent:** In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

## ACRONYMS

ACC	Annual Contributions Contract
CFR	Code of Federal Regulations
FSS	Family Self Sufficiency (program)
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PHA	Public Housing Agency
QHWR	Quality Housing and Work Responsibility Act of 1998
SSA	Social Security Administration
TTP	Total Tenant Payment

