

**THE HOUSING AUTHORITY OF THE CITY AND  
COUNTY OF DENVER**

**PUBLIC HOUSING PROGRAM**

**ADMISSIONS AND CONTINUED  
OCCUPANCY TERMS AND POLICIES**

**8/17/11**

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**SECTION 1**  
**ADMISSIONS AND OCCUPANCY DEFINITIONS**

## **ADMISSIONS AND OCCUPANCY DEFINITIONS**

This section contains definitions of terms used in connection with admission and continued occupancy of the conventional public housing program operated by the Housing Authority of the City and County of Denver (“DHA”).

### **1.1 1937 Act**

1937 Act means the United States Housing Act (42 U.S.C. 1437 *et seq.*).

### **1.2 Adjusted Income**

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

#### Mandatory Deductions

- (a) \$480 for each Dependent (see definition of Dependent);
- (b) \$400 for any elderly family or disabled family;
- (c) The sum of the following, to the extent the sum exceeds three percent of annual income: (i) unreimbursed medical expenses of any elderly or disabled family; and (ii) unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus; and
- (d) Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.

For public housing only, a PHA may adopt a written policy setting forth additional deductions from annual income. DHA has adopted the following permissible deductions:

1. Any child support payment made by a member of the family for the support and maintenance of any child who does not reside in the household.

2. Amount received by a person while employed as a DHA Resident Caretaker which exceeds the \$200 stipend permitted by 24 CFR Section 5.609. This amount will be subject to the 10% Rent Rule.

3. Amount of income received by all family members whose head-of-household is employed as a Resident Caretaker will be subject to the 10% Rent Rule. This income is deducted during the term of the Resident Caretaker Contract.

### **1.3 Annual Income**

- (a) Annual income means all amounts, monetary or not, which:
- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
  - (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual re-examination effective date; and
  - (3) Which are not specifically excluded in paragraph (c) of this section.
  - (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.
- (b) Annual income includes, but is not limited to:
- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
  - (2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
  - (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital

indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

- (4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);
- (5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);
- (6) *Welfare assistance.* Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
  - (i) Qualify as assistance under the TANF program definition at 45 C.F.R. 260.31; and
  - (ii) Are not otherwise excluded under 24 C.F.R. 5.609 (c) (1-17).

If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

- (i) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
- (ii) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount

calculated under this paragraph (b)(6)(ii) shall be the amount resulting from one application of the percentage.

- (7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;
- (8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section).

(c) Annual income does not include the following:

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the resident family, who are unable to live alone);
- (3) Kinship Care payments are foster care subsidies for children living with a related legal guardian. Kinship payments are to be treated the same as foster care payments.
- (4) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);
- (5) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (6) Income of a Live-In-Aide, as defined in 24 C.F.R. § 5.403;
- (7) The full amount of student financial assistance paid directly to the student or to the educational institution;
- (8) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (9)
  - (i) Amounts received under training programs funded by HUD;
  - (ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental

- Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
- (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
  - (iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination, and serving on the PHA's governing board. No resident may receive more than one such stipend during the same period of time;
  - (v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;
- (10) Temporary, nonrecurring or sporadic income (including gifts);
  - (11) 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;
  - (12) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
  - (13) Adoption assistance payments in excess of \$480 per adopted child;
  - (14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts;
  - (15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

- (16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
- (17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 C.F.R. 5.609(c) apply. A notice will be published in the Federal Register and distributed to public housing authorities and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.
- (a) Annualization of Income  
If it is not feasible to anticipate a level of income over a 12-month period, (e.g., seasonal or cyclic income) or the PHA believes that the past income is the best available indicator of expected future income, the PHA may annualize the income anticipated for a shorter period, subject to a re-determination at the end of the shorter period.

#### **1.4 Applicant or Applicant Family**

A person or a family that has applied for housing assistance.

#### **1.5 Ceiling Rent**

See Choice of Rent.

#### **1.6 Child**

Means a member of the family other than the Head of Household or spouse who is under 18 years of age.

#### **1.7 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 childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

## **1.8 Choice of Rent**

(a) Choice of Rent means:

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

(2) Relation to minimum rent. Regardless of whether the family chooses to pay a flat rent or income-based rent, the family must pay at least the minimum rent as determined in accordance with 24 C.F.R §5.630 of this title.

(b) Flat rent.

(1) The flat rent is based on the market rent charged for comparable units in the private unassisted rental market. It is equal to the estimated rent for which DHA could promptly lease the public housing unit after preparation for occupancy.

(2) DHA must use a reasonable method to determine the flat rent for a unit. To determine the flat rent, DHA must consider:

- (i) The location, quality, size, unit type and age of the unit; and
- (ii) Any amenities, housing services, maintenance and utilities provided by DHA.

(3) The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

(4) If the family chooses to pay a flat rent, DHA does not pay any utility reimbursement.

(5) DHA must maintain records that document the method used to determine flat rents, and also know how flat rents are determined by DHA in

accordance with this method, and document flat rents offered to families under this method.

(c) Income-based rent. An income-based rent is a resident rent based on the family's income and DHA's rent policies for determination of such rents.

(d) Minimum rent. DHA's minimum rent is \$25.

## **1.9 Citizen**

Means a citizen or national of the United States.

## **1.10 Community Service**

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

## **1.11 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 (including wages, net earnings from self-employment, and payments of retirement income); and return information for unearned income from the Internal Revenue Service. The consent form expires after a certain time and may authorize the collection of other information from assistance applicants or participants to determine eligibility or level of benefits.

## **1.12 Covered Families**

As applied to welfare benefit reduction, Covered Families means families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

### **1.13 Dependent**

A member of the family (except foster children and foster adults) other than the Head of Household or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.

### **1.14 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.

### **1.15 Disabled Family**

A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more Live-In-Aides.

As applied to Designated Housing, Disabled Family means a family whose head or spouse or sole member is a person with disabilities. The term “disabled family” may include two or more persons with disabilities living together, and one or more persons with disabilities living with one or more persons who are determined to be essential to the care or well-being of the person or persons with disabilities. A disabled family may include persons with disabilities who are elderly.

### **1.16 Displaced Family**

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

### **1.17 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.

### **1.18 Designated Family**

Means the category of family for whom the project is designated (e.g., elderly family in a project designated for elderly families).

### **1.19 Designated Housing**

Means a project (or projects), or a portion of a project (or projects) (as these terms are defined in 24 C.F.R. Part 945), that has been designated in accordance with the requirements of 24 C.F.R. Part 945.

### **1.20 Economic Self-Sufficiency Program**

1) Any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, any program necessary to ready a participant for work (including a substance abuse or mental health treatment program) or other work activities.

### **1.21 Elderly Family**

A family whose head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more Live-In-Aides.

### **1.22 Elderly Person**

A person who is at least 62 years of age.

### **1.23 Eligible Families**

Low-income families who are eligible for admission to the public housing program.

### **1.24 Enterprise Income Verification System (EIV)**

HUD mandated income verification system that serves as a third party source for tenant employment and income information.

### **1.25 Extremely Low Income**

Extremely low-income family means a family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families except that HUD may establish income

ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

## **1.26 Family**

Family includes but is not limited to:

- (a) A family with children (the temporary, 90 days or less, absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size; furthermore, proof of guardianship must be provided);
- (b) A family without children;
- (c) An elderly family;
- (d) A near-elderly family;
- (e) A disabled family;
- (f) A displaced family;
- (g) The remaining member of a resident family who meets all other eligibility criteria;
- (h) A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a resident family; or
- (i) Two or more persons sharing residency, who are over eighteen (18) years of age and whose income and resources are available to meet the family's needs and who are either related by blood, marriage or operation of law, or who evidenced a stable family relationship over a period of six (6) months.

Evidence of "stable family relationship" may include any of the following: birth certificates of the children, joint tax return, prior lease (held jointly), joint bank accounts, insurance policies, prior joint credit history, or equivalent documentation as determined by DHA.

## **1.27 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.

## **1.28 Flat Rent**

See Choice of Rent.

### **1.29 Full-time Student**

A person who is attending school or vocational training on a full-time basis as defined by the education institution.

### **1.30 Head of Household**

Means the adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

### **1.31 Household Members**

Includes family members, Live-In-Aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members is listed on the lease.

### **1.32 HUD**

Department of Housing and Urban Development.

### **1.33 Imputed Welfare Income**

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

### **1.34 Income Information**

Income information means information relating to an individual's income, including:

- (1) All employment income information known to current or previous employers or other income sources that HUD or DHA determines are necessary for purposes of determining an assistance applicant's or participant's eligibility for, or level of assistance in, a covered program;
- (2) All information about wages, as defined in the State's unemployment compensation law, including any Social Security Number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and when known, Employer Identification Number of an employer reporting wages under a State unemployment compensation law;

- (3) With respect to unemployment compensation;
  - (i) Whether an individual is receiving, has received, or has applied for unemployment compensation;
  - (ii) The amount of unemployment compensation the individual is receiving or is entitled to receive; and
  - (iii) The period with respect to which the individual actually received such compensation;
  
- (4) Unearned IRS income and self-employment, wages and retirement income as described in the Internal Revenue Code, 26 U.S.C. 6103(l)(7); and
  
- (5) Wage, social security (Title II), and supplemental security income (Title XVI) data obtained from the Social Security Administration.

### **1.35 Income Targeting**

#### **1. Public Housing**

During each DHA fiscal year, at least 40% of the families admitted to public housing from the waiting list, must have incomes that do not exceed 30% (extremely low-income) of the area median income.

### **1.36 Incremental**

The increase between the total amount of welfare and earnings of a family member prior to enrollment in the training program and welfare and earnings of the family member after enrollment in the training program. All other amounts, increases or decreases, are treated in the usual manner in determining annual income.

### **1.37 DHS**

The Department of Homeland Security.

### **1.38 Live-In-Aide**

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

- (1) Is determined to be essential to the care and well-being of the persons;
- (2) Is not obligated for the support of the persons; and

- (3) Would not be living in the unit except to provide the necessary supportive services.

### **1.39 Local Preferences**

System of selection preferences, based upon local housing needs and priorities determined by DHA, which are used in selecting among applicants.

### **1.40 Low-Income Family**

A family whose annual income does not exceed 80 percent of the area median income, as determined by HUD with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 80 percent of the area median income on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

### **1.41 Medical Expenses**

Medical expenses, including medical insurance premiums that are anticipated during the period for which annual income is computed, and that are not covered by insurance.

### **1.42 Mixed Family**

A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

### **1.43 Mixed Population Project**

As utilized in Part 945, mixed population project means a public housing project reserved for elderly families and disabled families. This is the project type referred to in the National Affordable Housing Act, as being designated for elderly and disabled families. A PHA that has a mixed population project or intends to develop one need not submit an allocation plan or request a designation. However, the project must meet the requirements of 24 C.F.R. part 960 subpart D.

#### **1.44 Mixed Population Development**

Means a public housing development, or portion of a development, that was reserved for elderly and disabled families at its inception (and has retained that character). If the development was not so reserved at its inception, the PHA has obtained HUD approval to give preference in resident selection for all units in the development (or portion of development) to elderly families and disabled families. These developments were formerly known as elderly projects.

#### **1.45 Monthly Adjusted Income**

One twelfth of Adjusted Income.

#### **1.46 Monthly Income**

One twelfth of Annual Income.

#### **1.47 National**

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

#### **1.48 Near-Elderly Family**

Near-Elderly Family means a family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at 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.

#### **1.49 Near-elderly Person**

A person who is at least 50 years of age but below the age of 62 who may be a person with a disability. Near elderly persons do not qualify to live in the elderly/disabled developments owned by the Denver Housing Corporation.

#### **1.50 Non-citizen**

A person who is neither a citizen nor a national of the United States.

#### **1.51 Non-Elderly Disabled Person**

A person with a disability who is less than 62 years of age.

## **1.52 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 home ownership 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 shall be counted when determining Annual Income under 24 C.F.R. § 5.609.
- (c) In determining net family assets, DHA or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or resident for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for the program or re-examination, 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 resident receives important consideration not measurable in dollar terms.

## **1.53 Over-Income Family**

A family that is not a low-income family.

## **1.54 Owner**

Owner has the meaning provided in the relevant program regulations.

## **1.55 Permissible Deductions**

For Public Housing only, a PHA may adopt a written policy setting forth additional deductions from annual income. DHA has adopted the following permissible deductions:

- 1) Any child support payment made by a member of the family for the support and maintenance of any child who does not reside in the household.
- 2) Amount received by a person while employed as a DHA Resident Caretaker which exceeds the \$200 stipend permitted by 24 CFR Section 5.609. This amount will subject to the 10% Rent Rule.
- 3) Amount of income received by all family members whose head of household is employed as a Resident Caretaker. This income is deducted during the term of the Resident Caretaker Contract. This amount will be subject to the 10% Rent Rule.

## **1.56 Person With Disabilities**

### a) Admission to Conventional Public Housing

Persons with Disabilities, as defined in 24 C.F.R. §5.403, means a person who:

(a) Has a disability as defined in 42 U.S.C. 423;

(b) Is determined, pursuant to HUD regulations, 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 42 U.S.C. 6001.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic property management representative for acquired immunodeficiency syndrome.

For purposes of qualifying for low-income housing, a person with disabilities does not include a person whose disability is based solely on any drug or alcohol dependence, and means an “individual with handicaps” as defined in §8.3 for purposes of reasonable accommodation and program accessibility for person with disabilities.

### b) Public Housing Designated for Occupancy by Disabled, elderly or Disabled and Elderly Families

As applied pursuant to Part 945, Persons with Disabilities means:

(a) Has disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or

- (b) Is determined 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 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

The term “person with disabilities” does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic property management representative for acquired immunodeficiency syndrome.

### **1.57 Proration of Assistance**

The reduction in a family’s housing assistance payment to reflect the proportion of family members in a mixed family, as defined in 24 C.F.R. §5.504(b), who are eligible for assistance.

### **1.58 Public Housing**

Means housing assisted under the 1937 Act, other than under Section 8. Public Housing includes dwelling units in a mixed finance project that are assisted by a PHA with capital or operating assistance.

### **1.59 Public Housing Agency (PHA)**

Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

### **1.60 Public Housing Covered Programs**

Means the public housing programs administered by the Assistant Secretary for Public and Indian Housing under Title I of the 1937 Act. This definition does not encompass HUD's Indian Housing programs administered under Title II of the 1937 Act. Further, this term does not include those programs providing assistance under Section 8 of the 1937 Act.

### **1.61 Remaining Family Member**

A person who is eighteen (18) years of age or older, meets all other eligibility criteria, and is a member of a DHA resident family, but not a signatory to the lease and who continues to live in the unit after all other family members have left.

### **1.62 Selection Preferences**

System of local preferences used to select families for admission to DHA's public housing program.

### **1.63 Single Person**

A person who lives alone or intends to live alone, who is not an elderly person, a person with disabilities, a displaced person, or the remaining member of a resident family.

### **1.64 Service Requirement**

The obligation of each adult resident, other than an exempt individual, to perform community service or participate in an economic self-sufficiency program required by §960.603.

### **1.65 Specified Welfare Benefit Reduction**

A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

Specified Welfare Benefits Reduction does not include a reduction or termination of welfare benefits by the welfare agency:

1. at the expiration of a lifetime or other time limit on the payment of welfare benefits;

2. because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or

3. because a family member has not complied with other welfare agency requirements.

### **1.66 Supportive Services**

Supportive Services means those appropriate services that a PHA will make available, or cause to be made available to a FSS family under a contract of participation, and may include:

- a. childcare as defined in 24 C.F.R. §984.103(b);
- b. transportation as defined in 24 C.F.R. §984.103(b);
- c. education as defined in 24 C.F.R. §984.103(b)
- d. employment as defined in 24 C.F.R. §984.103(b)
- e. personal welfare as defined in 24 C.F.R. §984.103(b);
- f. household skills and management as defined in 24 C.F.R. §984.103(b);
- g. counseling as defined in 24 C.F.R. §984.103(b); and
- h. other services as defined in 24 C.F.R. §984.103(b).

### **1.67 Resident Rent**

The amount payable monthly by the family as rent to the unit owner or DHA in public housing.

### **1.68 Total Resident Payment**

- a) Total resident payment is the highest of the following amounts, rounded to the nearest dollar:
  - 1) 30 percent of the family's monthly-adjusted income;
  - 2) 10 percent of the family's monthly income;
  - 3) If the family is receiving payments for welfare assistance from a public agency and a part of those 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 those payments which is designated for housing;  
or
  - 4) The minimum monthly rent established by the PHA.

### **1.69 Training Program**

A learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual's ability to obtain employment. It may have performance standards to measure proficiency.

Training may include, but is not limited to:

- a. classroom training in a specific occupational skill;
- b. on-the-job training with wages subsidized by the program; or
- c. basic education.

### **1.70 Transitional Housing**

Transitional housing is designated to provide housing and appropriate supportive services, provided by an outside agency, to homeless persons and families and has the purpose of facilitating the movement of individuals and families to independent living within a time period that is set by the project before occupancy.

### **1.71 Utility Allowance**

If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the resident rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by DHA or HUD 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.

### **1.72 Utility Reimbursement**

The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total resident payment for the family occupying the unit.

### **1.73 Very Low-Income Family**

A family whose annual income does not exceed 50 percent of the median family income for the area, as determined by HUD with adjustments for smaller and larger families except that HUD may establish income ceilings higher or lower than 50 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

#### **1.74 Welfare Assistance**

Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, state or local governments.

#### **1.75 Work Activities**

See definition at 407(d) of the Social Security Act (42 U.S.C. 607(d)).

#### **1.76 Working Family**

A family whose income is based on actual employment or if the Head of Household and spouse or sole member are age 62 or older or receiving social security disability, supplemental security income disability benefits, or any other payments based on an individual's inability to work.

**Any term not defined in this policy shall have the meaning set forth in the applicable HUD regulations.**

**SECTION 2**  
**ADMISSIONS AND OCCUPANCY POLICIES**

## **2.1 Fair Housing**

It is the policy of DHA to fully comply with all Federal, State and local nondiscrimination laws including, but not limited to, Section 504 of the Rehabilitation Act and HUD's 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 DHA's programs.

## **2.2 Reasonable Accommodation**

- a) It is DHA's policy to provide a "reasonable accommodation" in housing for applicants, residents, and clients with disabilities where a reasonable accommodation is necessary to provide them with an equal opportunity to participate in, or benefit from, DHA housing programs. 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.

Individuals may request a reasonable accommodation by following the procedures outlined in the Housing Authority of the City and County of Denver Reasonable Accommodation In Housing Guidelines ("RAHG"). These guidelines clarify how people can request accommodations, and the guidelines DHA will follow in determining whether it is reasonable to provide a requested accommodation. DHA will not consider any individual disabled for the purpose of providing an accommodation without confirmation by a health care provider that the individual meets the definition of disabled in the RAHG. A Request for Accommodation form must be requested and completed. If an individual is unable to complete the Request for Accommodation form, a DHA representative will assist them in completing the necessary forms.

DHA has the right to obtain verification that the person has a disability. If more than one accommodation is equally effective in providing access to DHA's programs and services, DHA retains the right to select the most efficient or economic choice.

- b) **Effective Communications:** Upon request, DHA will provide alternative forms of communication for individuals who are visually, hearing, mentally or manually impaired to ensure the individual is able to effectively communicate with DHA, in compliance with DHA's Guidelines for the Provision of Alternative Forms of Communication for Individuals with Disabilities. DHA will furnish appropriate auxiliary aids (e.g., qualified sign language and oral interpreters, readers, use of taped material) where necessary to facilitate communication with an individual with a disability.

### **2.3 Eligibility for Admission to Conventional Public Housing**

In order for an applicant to be eligible for admission to public housing, the applicant must be eighteen (18) years old and meet the following conditions:

- 1) **Family:** The applicant shall meet the definition of Family as set forth in Section 1 of this Admissions and Occupancy Policy ("Policy").
- 2) **Income Eligible:** The applicant must be income eligible in accordance with the annual income limits for admission to public housing as set forth in HUD's most recent published income limits for admission.
- 3) **U.S. Citizen or National:** The applicant must be a U.S. citizen or U.S. national as defined in 24 C.F.R. Part 5. U.S. citizens and U.S. nationals must provide a signed declaration of U.S. citizenship or U.S. nationality. Non-citizens who are 62 years of age or older or who will be receiving assistance under a Section 214 covered program on September 30, 1996, or applying for assistance after that date, must provide a signed declaration of eligible immigration status and proof of age document. All other non-citizens must provide a signed declaration of eligible immigration status, one of the documents referred to in 24 C.F.R. §5.510, and a signed verification form. See Section 2.6 for more details.
- 4) **Resident Selection Criteria:** It is DHA's policy that all applicants for public housing shall be screened for program eligibility in accordance with HUD regulations. DHA has established criteria to avoid concentration of families with serious social problems in DHA developments. It is also DHA's policy to preclude admission of applicants, or to terminate the lease of residents, whose habits and practices reasonably may be expected to have a detrimental effect on other residents, the development environment, DHA staff or other

people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet any one of the selection criteria.

Relevant information regarding habits or practices of applicants and household members which, DHA will consider include, but are not limited to, the following:

- (a) Reference checks and interviews with landlords, employers, family social workers and parole officers.
- (b) Reference checks and information regarding applicant's and household members' conduct and behavior, in present or prior housing, which demonstrates that the applicant and/or household members can reasonably be expected not to:
  - (i) interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;
  - (ii) adversely affect the physical environment or financial stability of the project;
  - (iii) violate the terms and conditions of the lease.
- (c) The applicant's past performance in meeting financial obligations, especially rent. DHA will consider any past balances applicant owes for any program that DHA administers or any other rent subsidy program. These balances must be paid in full (either in a lump sum or over time) before completing the admission process. DHA will not admit applicants or household members who owe past balances.
- (d) Any history of criminal activity in any state the applicant has resided in, on the part of any applicant or household members, involving crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity which would adversely affect the health, safety, or welfare of other residents. A criminal background check will be conducted by DHA on all adult household members, including Live-In-Aides.

Additionally, DHA may, at any time after admission, obtain a criminal history check for any resident or household member for the purpose of lease enforcement or eviction.

- (e) A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences that may adversely affect the health, safety, or welfare of other residents or neighbors.
- (f) Applicant or household members, during a previous tenancy, violated any resident obligations under the Conventional Public Housing program including, but not limited to the following: 1) failure to supply information or falsifying information on any records required in administration of the programs; including those needed to determine income eligibility, and family composition 2) not allowing the PHA to inspect the unit at reasonable times and after reasonable notice and 3) not using the premises solely as the family's principal place of residence.
- (g) Applicant's or household members' disregard of rules of occupancy and rights of others including, but not limited to, disturbance or poor housekeeping habits.
- (h) A record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).
- (i) Applicant or household members is/are illegally using a controlled substance.
- (j) Applicant or household member has been convicted of manufacturing or otherwise producing methamphetamine on the premises of federally assisted housing in violation of any Federal or State law may not be admitted to the Public Housing program or Section 8 program.
- (k) Applicant or any household member has been convicted of a crime involving unlawful sexual behavior, or any person classified as a sexually violent predator, who is required to register with the local law enforcement agency in which he/she resides in accordance with Section 18-3-412.5, CRS.
- (l) Applicant or household members abuse(s) alcohol in a way that gives DHA reasonable cause to believe the behavior may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

- (m) Applicant or household members who have been evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to public housing for a three year period beginning on the date of the eviction. DHA can waive this requirement if:
  - (i) the person demonstrates successful completion of a state certified rehabilitation program; or
  - (ii) the circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated.

*Mitigating circumstances applicable to subsections (a) through (j) above:* If unfavorable information is received about an applicant or household member(s), consideration shall be given to the time, nature, seriousness and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects. To be factored into DHA's screening assessment of the applicant, mitigating circumstances must be verifiable. Examples of mitigating circumstances include, but are not limited to:

- (i) evidence of rehabilitation;
- (ii) evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs;
- (iii) evidence of the applicant family's willingness to attempt to increase family income and the availability of training or employment programs in the locality.

**Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission.** DHA may require the applicant to submit a Request for Accommodation, in compliance with DHA's Reasonable Accommodations in Housing Guidelines, in order to determine if a mitigating circumstance qualifies the applicant for a reasonable accommodation. DHA has discretion to consider all of the circumstances in each case including the seriousness of the case, the extent of participation or culpability of individual household members, and the effects of denial or termination of assistance on other household members who were not involved in the action or failure to act.

DHA may require an applicant to exclude a household member in order to be admitted to the Public Housing program if the household member has participated in or has been culpable for criminal activity, drug-related criminal activity or the illegal use of drugs, which would warrant denial of the application.

**Villages at Curtis Park** – Due to the Mixed Income status of Curtis Park, we need to ensure, in addition to initial admission, income limits also apply for continued occupancy and for transferring within the community.

## **2.4 Eligibility for Admission to Section 8 Development Based Assistance Program**

In order for an applicant to be eligible for admission to the Section 8 program, the applicant must be eighteen (18) years old and meet the following conditions:

- 1) **Family**: The applicant shall meet the definition of Family as set forth in Section 1 of this Policy.
- 2) **Income Eligible**: The applicant must be income eligible in accordance with the annual income limits for admission to the Section 8 program as set forth in HUD's most recent, published income limits for admission.
- 3) **U.S. Citizen or National**: The applicant must be a U.S. citizen or U.S. national as defined in 24 C.F.R. Part 5. U.S. citizens and U.S. nationals must provide a signed declaration of U.S. citizenship or U.S. nationality. Non-citizens who are 62 years of age or older or who will be receiving assistance under a Section 214 covered program on September 30, 1996, or applying for assistance after that date, must provide a signed declaration of eligible immigration status and proof of age document. All other non-citizens must provide a signed declaration of eligible immigration status, one of the documents referred to in 24 C.F.R. §5.510, and a signed verification form. See Section 2.6 for more details.
- 4) **Client Selection Criteria**: It is DHA's policy that all applicants, and applicant's family, for the program shall be screened for program eligibility in accordance with HUD regulations. Relevant information which DHA will consider includes, but is not limited to, the following:
  - (a) History of drug-related criminal activity or violent criminal activity including, but not limited to any illegal criminal activity that has as one of its elements: the use, attempted use, or threatened use of physical force against the person or property of another. DHA will deny an applicant who has been convicted of manufacturing or otherwise producing methamphetamine in violation of any Federal or state law. DHA may deny assistance if the preponderance of evidence indicates that a family member

has engaged in such activity, regardless of whether applicant or applicant's family member has been arrested or convicted.

- (b) Maintenance of 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 residents.
- (c) A criminal background check on all adult household members, including Live-In-Aides.
- (d) Applicant or any household member has been convicted of a crime involving unlawful sexual behavior, or any person classified as a sexually violent predator, who is required to register with the local law enforcement agency in the jurisdiction in which he/she resides in accordance with Section 18-3-412.5, C.R.S.
- (e) A home visit that considers cleanliness and care of rooms, appliances and appurtenances. The inspection may also consider any evidence of criminal activity.
- (f) History of applicant or applicant family's illegal use, or possession for personal use, of a controlled substance within one (1) year from the date DHA provides notice to the applicant of DHA's determination to deny assistance.

DHA may not deny or terminate assistance for such use or possession by applicant's family, if the family member can demonstrate that he or she:

- (i) has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and
  - (ii) is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. DHA may require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.
- (g) Applicant or applicant family's pattern of illegal use of a controlled substance or pattern of abuse of alcohol gives DHA reasonable cause to believe that the pattern of abuse may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

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

- (i) has successfully completed a supervised drug or alcohol rehabilitation program;
  - (ii) has otherwise been rehabilitated successfully; or
  - (iii) is participating in a supervised drug or alcohol rehabilitation program.
- (h) Applicant or applicant's family who have been evicted from public housing, Indian housing, Section 23 or any Section 8 programs because of drug-related criminal activity are ineligible for participation in the Section 8 program for a three year period, beginning on the date of such eviction. DHA may waive this requirement if:
- (i) the person demonstrates successful completion of a rehabilitation program approved by DHA, or
  - (ii) the circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated.
- (i) Applicant or applicant's family has a history of other criminal activity, which may threaten the health, safety or right to peaceful enjoyment of the premises by other residents or persons in the vicinity.
- (j) Applicant or applicant's family has a history of other criminal activity, -which threatens the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of DHA.

**Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission.** DHA may require the applicant to submit a Request for Accommodation, in compliance with DHA's Reasonable Accommodations in Housing Guidelines, in order to determine if a mitigating circumstance qualifies the applicant for a reasonable accommodation. DHA has discretion to 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 to act.

## **2.5 Resident Selection Criteria: Public Housing units at Villages at Curtis Park, Thomas Bean Towers, Three Towers and Benedict Place Developments**

- 1) Applicant Screening Criteria: All eligible applicants will be subject to the following screening criteria:
  - (a) Credit Check. Credit check and contact with landlord(s) that assesses a family's ability to pay the rent based on record of eviction, judgment, significant debt or payment history that reduces such ability to pay rent.
  - (b) Criminal History. Criminal history record check for all household members over the age of eighteen (18) showing no record of past criminal activity which may reasonably pose a threat to or adversely affect the health, safety, peaceful environment, peaceful enjoyment of the property by other residents, or welfare of other residents, staff members, Housing Authority representatives, or the Property. The Property management representative will particularly screen for criminal activity as it relates to the following:
    - (i) The record of criminal activity for the last seven (7) years for a crime against a person;
    - (ii) The record of a conviction for the last five (5) years for a crime against property;
    - (iii) A record of any violent or drug related criminal activity; and
    - (iv) Past or present behavior which poses a threat to the health, safety, peaceful environment or welfare of other residents and/or employees, contractors or representatives of the Property management representative, Owner or the Housing Authority.
  - (c) Criminal History Affidavit for Persons Under Eighteen 18. Affidavit from head of household that all family members under eighteen (18 ) years of age have not been convicted of a crime classifying them as an adult. If this affidavit cannot be made, a record check on those members must also be obtained by parent or guardian and thereby subjected to the criminal history record check criteria for adults.

- (d) Landlord Verification. Current and previous landlord verification of rent payment history and care for the unit. If previous landlord verification is not available, the current landlord verification must be used, a landlord history or mortgage payment history must be obtained.
- (e) Assisted Housing by Non-citizens. The Property management representative agrees to continue current eligibility processing and verification of eligibility in accordance with HUD guidelines.
- (f) Utility Verification. Contact with at least one prior utility supplier to gather information on applicant's payment history or demonstration of the ability and willingness to pay utility bills in a timely and responsible manner.
- (g) Home Visits. Applicants may be required to undergo a home visit inspection or reinspection of the applicant's current living arrangements to determine the applicant's compliance with the screening criteria and the applicant's ability to meet management's stringent housekeeping-related requirements.
- (h) Additional Documentation. Applicants may be required to furnish additional documentation, as deemed necessary, to determine the applicant's ability to uphold the lease agreement. Applicants are required to respond within the specified time frame. Failure to do so will result in the applicant's removal from the Site-Based Waiting List. In the case of a disabled applicant, reasonable accommodation may be made to allow the applicant to comply with the lease.
- (i) Drug Treatment Facility Information. The Property management representative may obtain information from drug treatment facilities regarding applicants to public housing. The Property management representative will follow subsection (e) of Section 575 of QHWRA stating that Public Housing Agencies, or their property management representatives, may require "each person who applied for admission to public housing to sign one or more forms of written consent authorizing the agency to receive information from a drug abuse treatment facility..." Records management will be in accordance with subsection (e) of Section 575 which details the requirements for records management, permission for drug abuse treatment facilities to

charge fees for releasing records, procedures to ensure a nondiscriminatory process, and the definitions for “drug abuse treatment facility” and “currently engaged in the illegal use of a controlled substance.” The applicant’s consent form must expire automatically after the Property management representative decides to approve or deny admission. Additionally, the information the Property management representative requests must be “solely related to whether the applicant is currently engaging in the illegal use of a controlled substance.” If applying this provision, the Property management representative must require each applicant to sign a release form but may seek such information for all applicants or only for those applicants with a prior record of arrest or conviction or whose rental history indicates the applicant has engaged in destructive behavior to persons or property. The law specifically exempts drug abuse facilities from liability if the disclosure is made in accordance with the existing law. The property management representative must destroy any such records not later than five days after approving the applicant for admission or if denying admission in a “timely manner” after the statute of limitation for civil action against the Property management representative has expired.

- (j) Verification Methods. All applicant screening verification will be accomplished by mail, telephone, electronic document or information transmission, facsimile, or personally, as necessary. Generally, formal screening interviews with applicants will not be required.
- 2) Application Denial. After a review and evaluation of the pertinent documentation and information provided by the applicant, the property management representative may reject or deny any application, or pre-application, for any of the reasons set forth below:
- a) Failure to Meet Screening Criteria. Applicant does not meet income, eligibility or suitability criteria; or
  - b) Drug/Alcohol Abuse. History of one or more family members of drug or alcohol abuse, with no current verifiable, rehabilitation services or evidence of completion of rehabilitative services;
  - c) Criminal Activity. History of serious or consistent criminal activity or any pattern of violent or drug related criminal activity.

- d) Sex Offender. Applicant has been convicted of a crime involving unlawful sexual behavior, or any person classified as a sexually violent predator, who is required to register with the local law enforcement agency in the jurisdiction in which he/she resides in accordance with Section 18-3-412.5, CRS.
  - e) Methamphetamine Conviction. Individuals (both residents and applicants) convicted of manufacturing or producing methamphetamine are ineligible for housing assistance in public housing. The property management representative must terminate the tenancy of any person convicted of manufacturing methamphetamine on the premises of an assisted housing project.
- 3) Mitigating Circumstances. In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature and extent of the applicant's conduct and to factors which might indicate a reasonable probability of financial prospect or future conduct. Factors to be considered:
- (a) Mitigation of Negative Credit Information. Negative credit information can be mitigated through third party verification for each credit item that: (i) the applicant has entered into a payment plan with creditor and there has been a three month payment history; (ii) there is a three month history of payment to the creditor; or (iii) applicant has disputed such debt and can provide verification of such dispute.
  - (b) Mitigation of Unsuitable Rental History. The applicant may request a reasonable accommodation to explain and/or overcome any prior misconduct related to a previous tenancy. The Property management representative may request information necessary to determine if the mitigating circumstances qualifies the applicant for a reasonable accommodation. If the applicant refuses to provide further information, the Property management representative will not give further consideration to the mitigating circumstance.
  - (c) General Mitigation Guidelines. In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors which might indicate a

reasonable probability of favorable future conduct or financial prospects. For example:

- (i) Evidence of rehabilitation;
- (ii) Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs; or
- (iii) Evidence of repayment or continuance of satisfactory payments toward outstanding indebtedness.

4) Applicant Notification. The Property management representative will promptly notify rejected applicants in writing by mail. The notification will indicate the reason for the determination and the right to request an informal review with the Property management representative within fourteen (14) days or to show mitigating circumstances. If the applicant requests an informal review, Property management representative will give the applicant a final decision within ten (10) business days of the meeting.

5) Procedure for an Informal Hearing. The following are the general procedures which the Property management representative will use to address any applicant who requests a hearing regarding the denial of their application:

- (a) Written Request for a Hearing. An applicant must make a written request to the Property management representative's Management Office within fourteen (14) business days from the date of the denial letter.
- (b) Informal Hearing. Property management representative will hold an informal hearing with the complaining applicant within ten (10) business days of receipt of the written request, and attempt to resolve the issue.
- (c) Decision. A decision on the informal hearing shall be prepared by the Property management representative and mailed to the applicant or their legal representative within five (5) business days of the informal hearing.

- (d) Attendees. Present at the hearing will be the Hearing Officer, the applicant, and their representative(s), not to exceed two (2) representatives.
  - (i) If unable to attend, applicant must notify the Hearing Officer or a designated staff representative at least one (1) hour before the hearing time.
  - (ii) If the applicant fails to attend the hearing (with a “grace period” being 15 minutes after the hearing), and fails to notify the Property management representative’s Management Office within the time specified in subparagraph 5.D.1., above, the applicant’s right to an informal hearing will be forfeited.

**2.6 Verification of Citizenship or Eligible Non-Citizen Status/ Conventional Public Housing and Public Housing units within Low Income Tax Credit Developments**

- (a) The citizenship or eligible non-citizen status of each family member regardless of age must be determined. Prior to being admitted, or at the first re-examination, 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. DHA shall notify applicants and residents that they will be required to submit evidence of citizenship or eligible immigration status. This requirement applies to all families regardless of any documentation of the person’s identity, which may have been previously obtained. An extension of time, not to exceed thirty (30) days, may be granted to allow the applicant an opportunity to obtain the evidence required. The determination of the length of the extension needed shall be based on the circumstances of each individual case. The decision to grant or deny an extension shall be a written notice to the applicant, which specifies the extension period. If the extension is denied, the notice shall explain the reasons for the denial.
- (b) Applicants with no eligible family members do not qualify for assistance.
- (c) Applicants whose family members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status (Mixed Family) qualify for Prorated Assistance.

- (d) Non-citizen student applicant or resident, living alone or accompanied by immigrant spouse and/or children do not qualify for assistance.
- (e) Non-citizen student applicant or resident whose family members include a citizen spouse and citizen children are eligible for Prorated Assistance.
- (f) Residents in occupancy on or before June 19, 1995, are eligible for continued assistance if Head of Household or spouse are eligible and family includes no non-eligible members other than parents or children of Head of Household or spouse. Residents who do not qualify for continued assistance have the opportunity to choose between a temporary deferral of assistance or Prorated Assistance.
- (g) Residents in occupancy on or before June 19, 1995, who do not qualify for continued assistance and whose family members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status (Mixed Family) have the opportunity to choose between temporary deferral of assistance or Prorated Assistance.
- (h) Residents who qualify for a temporary deferral of assistance must show evidence of seeking a standard appropriate size unit within 125% of the rent it is presently paying before the deferral will be granted. The deferral period shall be for an initial period not to exceed six (6) months. The initial period may be renewed for six (6) months, but the aggregate deferral period for deferrals provided after November 29, 1996, shall not exceed a period of eighteen (18) months. The aggregate deferral period for deferrals granted prior to November 29, 1996, shall not exceed three (3) years.
- (i) Mixed Family in occupancy after June 19, 1995 qualifies for only Prorated Assistance.
- (j) Prorated Assistance shall be recalculated whenever there has been a change in family composition or income.
- (k) DHA will calculate the proration of assistance using the methodology for determining maximum rents and proration as provided by HUD.
- (l) Residents in occupancy after June 19, 1995, with no eligible family members do not qualify for assistance.
- (m) Upon determination of ineligible status the maximum rent based on the 95<sup>th</sup> percentile will be charged effective the first of the month following notification to resident of ineligible status.

## **2.7 Social Security Number Disclosure/Conventional Public Housing and Public Housing Units Within Low Income Housing Developments**

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

a. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.

1. A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is **not eligible** for housing assistance and cannot be housed.

2. A family that consists of two or more household members **and at least one** household member that has eligible immigration status, is classified as a mixed family, and **is eligible** for prorated assistance in accordance with 24 CFR 5.520. The PHA may **not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.

b. Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. PHAs may confirm HUD's validation of the participant's SSN by viewing the household's **Summary Report** or the **Identity Verification Report** in the EIV system.

c. Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.

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

**Note:** There is no provision under HUD regulations which prohibit an individual (head of household with other eligible household members) with ineligible immigration status from executing a lease or other legally binding contract. However, some state laws prohibit an individual with ineligible immigration status from executing a contract (i.e. lease or other legal binding documents). If this is the case in your state, the family must **not** be admitted into the program.

The PHA must request the applicant and participant (including each member of the household), who are not exempt under Section 5 of this Notice, to provide documentation of each disclosed SSN. Acceptable evidence of the SSN consists of:

a. An original SSN card issued by SSA;

b. An original SSA-issued document, which contains the name and SSN of the individual; or

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

It should be noted that most (if not all) individuals who are lawfully present in the U.S. have been assigned a SSN. Many existing laws require the disclosure of the SSN for various purposes. All applicants and participants, including each member of the household (with the exception of those individuals noted in Section 5 of this Notice) are required to disclose his/her assigned SSN.

The SSA issues three types of Social Security cards depending on an individual's citizen or noncitizen status and whether or not a noncitizen is authorized by the Department of Homeland Security (DHS) to work in the United States. They include:

1. The first type of card shows the individual's name and SSN only. This is the card most people have and reflects the fact that the holder can work in the U.S. without restriction. SSA issues this card to:

- U.S. citizens; or
- Noncitizens lawfully admitted to the United States for permanent residence and noncitizens with DHS permission to work permanently in the United States (i.e. refugees and asylees).

2. The second type of card bears, in addition to the individual's name and SSN, the legend: "**NOT VALID FOR EMPLOYMENT**". SSA issues this card to lawful noncitizens who do not have DHS permission to work, but are required by law to provide a SSN to obtain general assistance benefits that they already have qualified for.

3. The third type of card bears, in addition to the individual's name and SSN, the legend "**VALID FOR WORK ONLY WITH DHS AUTHORIZATION**". SSA issues this card to people with DHS permission to work temporarily in the United States. SSA verifies all noncitizens' documents with DHS before a SSN card is issued to a noncitizen.

**Rejection of Documentation:**

The PHA may reject documentation of the SSN provided by the applicant or participant for

only the following reasons:

1. The document is not an original document; or
2. The original document has been altered, mutilated, or not legible; or
3. The document appears to be a forged document (i.e. does not appear to be authentic).

The PHA should explain to the applicant or participant, the reason(s) the document is not acceptable and request the individual to obtain acceptable documentation of the SSN and submit it to the PHA within a specified time frame.

**Verification of the SSN:**

The PHA shall verify each disclosed SSN by:

- a. Obtaining the documentation listed under Section 6 of this Notice from applicants and participants (including each member of the household);
- b. Making a copy of the original documentation submitted, returning it to the individual, and retaining the copy in the file folder; and
- c. Recording the SSN on line 3n of the form HUD-50058, and transmitting the form HUD-50058 to HUD within a timely manner. PHAs are encouraged to transmit the form HUD-50058 within 30 calendar days of completing the form, to enable HUD to initiate its computer matching efforts. *Note: not applicable to applicants.*

HUD, via its computer matching program with the SSA, will validate the SSN (along with the individual's name and date of birth) against the SSA's database. EIV will report the status of the identity verification process as **Verified, Failed, Not Verified, or Deceased** on the household *Summary Report*. Below is a summary of the action the PHA should take for each identity verification status.

- a. Verified. If the information matches the SSA database, the individual's identity verification status will be **Verified** (See Exhibit 1 below). No action is required by the PHA.
- b. Failed. If the information does not match the SSA database, the identity verification status will be **Failed**.
- c. Not Verified. If an individual's identity verification status is **Not Verified**, this means that HUD has not yet sent the tenant's personal identifiers to SSA for validation. No action is required by the PHA.
- d. Deceased. If an individual's identity verification status is **Deceased**, this means that SSA's records indicate the person is deceased. The PHA should confirm the death with the family's head of household or listed emergency contact person. If the individual is deceased and the only household member (single member household), the PHA should complete an End of Participation (EOP) action on form HUD-50058, and discontinue assistance and/or tenancy. If there are remaining household members, update the family composition accordingly, complete an Interim Reexamination action on form HUD-50058, and take any other action in accordance with HUD guidance and PHA-established policies.

The PHA is required to retain the EIV *Summary Report* or *Income Report* in each family file as confirmation of compliance with the SSN disclosure, documentation and verification requirements.

**Individuals without an assigned SSN:**

It is not uncommon for certain individuals to not have a SSA-assigned SSN. Below is a listing of such individuals, which is not all-inclusive:

- a. Newborn children (these individuals will be issued a SSN upon SSA confirmation of birth)
- b. Noncitizens lawfully present in the U.S. (these individuals will be issued a SSN upon SSA confirmation of the individual's DHS documentation or confirmation that the individual is required by law to provide a Social Security number to receive general assistance benefits that they already have qualified for)
- c. Noncitizens unlawfully present in the U.S. (these individuals cannot be assigned a SSN) Citizens and lawfully present noncitizens who state that they have not been assigned a SSN by the SSA, should make such declaration in writing and under penalties of perjury to the PHA. The PHA should maintain the declaration in the tenant file. PHAs may use the Alternate ID (ALTD ID) generator within the Public and Indian Housing information Center (PIC) to generate a unique identifier for those individuals who do not have or unable to disclose a SSN. Contact the PIC Coach in your local HUD office if you need assistance with PIC. Once an individual discloses a SSN, the PHA

should delete the ALT ID, enter the SSN on line 3n of the form HUD-50058, and transmit the form HUD-50058 to HUD within 30 calendar days of receipt of the SSN.

**Note:** An individual who has never been issued a SSN card or has lost their SSN card, may complete Form SS-5 – *Application for a Social Security Card* to request an original or replacement SSN card, or change information on his/her SSA record. The form is available online at [www.socialsecurity.gov](http://www.socialsecurity.gov), or can be obtained at the local SSA office.

**Addition of a New Household Member:**

When a participant requests to add a new household member, who is at least six year of age or under the age of six and has an assigned SSN, to the family, the participant must disclose the assigned SSN and provide the PHA with the documentation referenced above under SSN Documentation, or at the time of processing the interim or annual reexamination of family income and/or composition. If the family is unable to provide the required documentation of the SSN, the PHA may not add the new household member until the family provides such documentation.

When a participant requests to add a new household member, who is under the age of six and does not have an assigned SSN, the participant must disclose the assigned SSN and provide the PHA with the documentation referenced in Section 6 of this Notice within 90 calendar days of the child being added to the household. If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the PHA is required to grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement, if the PHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family. Examples include but are not limited to: delayed processing of SSN application by SSA, natural disaster, fire, death in family, etc. The child is to be included as part of the assisted household and entitled to all the benefits of being a household member during the allotted time for the family to comply with the SSN disclosure and documentation requirements. The PHA should generate an ALT ID as referenced in Section 9 of this Notice. Upon expiration of the provided time period, if the family has not complied with the SSN disclosure and documentation requirements, the PHA must terminate the family's tenancy or assistance, or both of the entire family.

**11. Penalties for Failure to Disclose and/or Provide Documentation of the SSN:**

In accordance with 24 CFR 5.218, the following penalties apply for noncompliance with the SSN disclosure and documentation requirements:

- a. **Applicants.** The PHA must deny the eligibility of an assistance applicant if s/he (including each member of the household required to disclose his/her SSN) does not disclose a SSN and/or provide documentation of such SSN. However, if the family is otherwise eligible to participate in the program, the family may maintain his/her position on the waiting list for a period of time as determined by the PHA. The PHA should prescribe in its policies, the maximum time the family may remain on the waiting list, pending disclosure of requested information. If all household members have not disclosed their SSN at the time a unit becomes available, the PHA must offer the available unit to the next eligible applicant family on the waiting list.
- b. **Participants.** The PHA must terminate the assistance of Section 8 program participants (the entire household) and terminate the tenancy of Public Housing participants (the entire household) if s/he (including each member of the household

required to disclose his/her SSN) does not disclose his/her SSN and provide the required documentation.

However, if the family is otherwise eligible for continued assistance or tenancy in the program, the PHA, at its discretion, may defer the family's termination and provide the family an opportunity to comply with the requirement within a period **not to exceed** 90 calendar days from the date the PHA determined the family noncompliant with the SSN disclosure and documentation requirement, if the PHA determines:

1. The failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside the control of the family; and
2. There is a reasonable likelihood that the family will be able to disclose the SSN and provide such documentation of the SSN by the deadline.

If the family is unable to comply with the requirements by the specified deadline, the PHA must terminate the tenancy or assistance, or both of the entire family.

## **2.8 Verification of Statements and Income/Conventional Public Housing and Public Housing Units Within Low Income Housing Developments**

All income and asset information for admission and continued occupancy will be verified by DHA, prior to determining eligibility for admission. Verification of family composition will be satisfied by submitting birth certificates from the Bureau of Vital Statistics on all children in the family. Legal child custody papers or other sufficient documentation must be submitted once it has been determined that the mother and father do not live together. For the dependent children listed in the family composition, who are not the children of the head of household or spouse, documentation of legal custody or the written designation of the parent or other person having legal custody of the children must be submitted.

Verification of disability, for application and qualification for "disabled" housing purposes only, will be satisfied by presenting evidence of SSI and Social Security benefits or a doctor's statement that the individual is disabled. Note: DHA does not consider the applicant, resident "disabled" for purposes of reasonable accommodation except as provided for under the Reasonable Accommodations in Housing Guidelines.

Verification of citizenship will be satisfied by submitting birth certificates or naturalization documents.

When an applicant and/or resident reports annual income that appears to be less than adequate to support the family composition, or if the family appears to be eligible for income that the family reports they do not receive (e.g.

TANF, welfare, unemployment compensation, child support, etc.) the absence of such income will be verified.

Independent verification of income information may be obtained by the DHA from a SWICA or a Federal agency. DHA shall promptly notify the assistance applicant or participant, in writing, of any adverse findings made on the basis of the information. The assistance applicant or participant may contest the findings in the same manner as applicable to other information and findings relating to eligibility.

During the application process the staff will verify through the Enterprise Income Verification (EIV) system's "Existing Tenant Search" program which identifies if the applicant has been receiving assistance at the time of application at another location.

Conventional Public Housing. For subsequent re-examinations, the verification process will begin 90 days prior to the anniversary lease date to ensure that current and accurate data are being used in calculating rents. All decreases in income, which affect rent between admission and re-examination, will be verified in accordance with these provisions.

Applicant information verifying that applicant and members of the household is/are eligible for Conventional Public Housing can be no more than ninety (90) days old in order for applicant to be placed on the waiting list or in housing.

Applicant and/or resident files will contain documentation of all verifications including, but not limited to, the following:

- 1) DHA must obtain and document in the resident file third party verification of the following specific items:
  - (a) Reported family Annual Income;
  - (b) The cash value of assets and income derived from assets;
  - (c) Expenses related to deduction from Annual Income; and
  - (d) Any other factors that affect the calculation of Adjusted Income.
  
- 2) All income, assets, and each applicable deduction or exemption will be verified prior to admission and at each subsequent re-examination or re-determination.

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

- (a) Enterprise Income Verification (EIV)

The EIV system provided by the Office of Public and Indian Housing will assist PHAs with information or verifying income and unemployment compensation information from various sources including current and former employers, State agencies and the SSA. DHA can use additional EIV resources as they become available. This will be done before, during and/or after examination and/or re-examinations of household income as appropriate.

- (b) Third-party written verification
  - (c) Third-party oral verification
  - (d) Review of documents
  - (e) Certification/self-declaration
- 3) Conventional Public Housing. After verification, all required certification documents shall be signed by the applicant or resident and duly appointed representative of DHA, as appropriate.
- 4) Additional information required by DHA prior to determining eligibility including, but not limited to, the following:
- (a) Family composition such as vital statistics birth certificates of all minors and custody papers, if applicable;
  - (b) Information that enables DHA to verify the amount of household income;
  - (c) Social Security cards or proof of SSN for each member of the family.
  - (d) Military records, if applicable;
  - (e) Photo I.D. of Head of Household/spouse;
  - (f) If not a citizen of the United States, must provide documentation proving you have legal immigration status in the United States.
  - (g) Past and present landlord references (names, addresses, phone numbers)

## **2.9 Applicants May Be Denied Conventional Public Housing Based on the Following:**

- (a) Applicant does not meet any one or more of the eligibility criteria set forth in section 2.3;
- (b) Reference checks and information regarding applicant's and household members' conduct and behavior, in present or prior

housing, demonstrates the applicant and household members can reasonably be expected to:

- (i) interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;
  - (ii) adversely affect the physical environment or financial stability of the project; and
  - (iii) violate the terms and conditions of the lease.
- (c) An applicant's past performance in meeting financial obligations, especially rent;
- (d) Applicant or any household member has committed fraud in connection with any Federal housing assistance program;
- (e) Applicant or household members, during a previous tenancy, violated any resident obligations under the Conventional Public Housing program;
- (f) Applicant or a household member have a history of criminal activity involving crimes of physical violence against persons or property and any other criminal acts including, but not limited to, drug-related criminal activity which would adversely affect the health, safety or welfare of other residents.
- (g) Applicant or household members have a history of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences that may adversely affect the health, safety, or welfare of other residents or neighbors;
- (h) Applicant or household members have a record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances);
- (i) Applicant or household members is/are illegally using a controlled substance;
- (j) Applicant has breached an agreement to pay amounts owed to DHA;
- (k) Applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent;

- (l) Applicant was evicted from public housing, Indian housing, Section 23, or any Section 8 programs because of drug-related criminal activity within the past three years beginning on the date of such eviction;
- (m) Applicant or members of the household abuse alcohol in a way that DHA has reasonable cause to believe it may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents;
- (n) Applicant or any members of the household do(es) not sign and submit the consent forms for obtaining information as required in 24 C.F.R. §5.230;
- (o) Applicant or members of the household do not meet the applicable SSN disclosure, documentation, verification and certification requirements;
- (p) Applicant or members of the household do not supply information or documentation required by the application process;
- (q) Applicant or members of the household have failed to respond to a written request for information or a request to indicate their continued interest in the program;
- (r) Applicant or members of the household have engaged in or threatened abusive or violent behavior towards any DHA staff or residents;
- (s) HUD regulations require that assistance be denied;
- (t) **Denied for Life:** Applicant or any member of applicant's household is subject to a lifetime registration requirement under a state sex offender registration program; and
- (u) **Denied for Life:** If any applicant, or household member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property.

DHA can deny admission to any applicant or terminate assistance due to any resident based upon the criteria set forth in subsections (a) through (u) above.

Public housing is a place to live, not a place to deal drugs or to terrorize neighbors. DHA does not want its public housing developments to be under siege by gangs, violent criminals and drug dealers who threaten the safety and welfare of decent, responsible residents. Therefore, DHA has adopted the “One Strike and You’re Out” policy. People living in public housing who engage in drug and other criminal activity will face certain and swift eviction.

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

1. Evidence of rehabilitation;
2. Evidence of the applicant family’s participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs;
3. Evidence of the applicant family’s willingness to attempt to increase family income and the availability of training or employment programs in the locality.

## **2.10 Notification of Cancellations and Denials for Ineligible Applicants/Conventional Public Housing and Public Housing Units Within Low Income Housing Tax Credit Developments**

- a) Cancellations  
Applicants for the Conventional Public Housing program may be canceled for:
  - 1) failure to provide necessary requested information in the required timeframe. Exceptions: flexibility may be granted in those cases where an employer refuses to complete employment verification.
  - 2) failure to resolve any dispute concerning alleged debts owed to DHA within a required timeframe.

b) Denials

For admission to Conventional Public Housing the applicant must meet resident selection criteria set forth in sections 2.3 and 2.4 as defined by DHA.

Applicants for Conventional Public Housing shall be notified of denial or cancellation, in writing, and informed of his/her right to an informal hearing. See section 2.11. Applicants cannot reapply for at least one year from the date of the denial.

**2.11 Informal Hearing Process/Conventional Public Housing**

- 1) DHA will send prompt written notice to an applicant for Conventional Public Housing notifying him/her that he/she has been denied housing and the reason(s) supporting the determination of ineligibility. The notice will also advise the applicant of his/her right to an informal hearing.
- 2) Whenever a written notice of denial or cancellation is given to an applicant, that notice must state all grounds upon which DHA will rely for the denial or cancellation. If the notice of cancellation is based on an alleged outstanding debt to DHA, the notice will state the development where the debt was incurred and the total amount claimed as due.
- 3) The applicant must request the informal hearing, in writing, to DHA within fourteen (14) calendar days of the date the application was canceled. DHA will then schedule an informal hearing no later than sixty (60) calendar days from the date DHA received the applicant's written request. If the applicant does not request a hearing in accordance with this paragraph, then DHA's disposition of the matter shall become final. However, failure to request a hearing shall not constitute a waiver by the applicant of his/her right thereafter to contest DHA's disposition of the matter in an appropriate judicial proceeding.
- 4) Upon the written request of the applicant or DHA, the hearing may be postponed and rescheduled to the next available regularly scheduled hearing date. This request for postponement must be submitted at least twenty-four (24) hours prior to the scheduled hearing. A hearing may be postponed once. If the applicant fails to appear at the second scheduled hearing, DHA's disposition of the matter will become final.

- 5) The hearing will be conducted by a member of DHA staff (hereafter referred to as the "Hearing Officer") who did not make the initial decision to cancel or deny the application or a subordinate of that person. During the hearing, DHA's and the applicant's witnesses and potential witnesses in the matter may be present, and those persons shall be permitted to observe the entire hearing. The applicant will be afforded a fair hearing and provided the basic safeguards of due process, which shall include:
  - (a) The opportunity to examine before the hearing any DHA documents, including records and regulations that are directly relevant to the hearing. The applicant shall be provided with a copy of any such document at the applicant's expense, at a rate of \$0.25 per page or the actual cost, whichever is greater. The documents shall not be removed from DHA's premises. Any document not made available, after the request of the applicant has been received, will not be relied on by DHA at the hearing.
  - (b) The right to be represented by counsel or other person selected as a representative.
  - (c) The right to a private hearing unless the applicant requests a public hearing.
  - (d) The right to present evidence and arguments to controvert evidence relied on by DHA and to confront and cross-examine all witnesses on whose testimony or information DHA relies.
  - (e) A decision based solely and exclusively upon the facts presented at the hearing.
  - (f) The Hearing Officer will consider only those issues presented in the original notice, and will not consider new issues or evidence of which the applicant had no notice.
  - (g) No recording of the informal hearing proceeding is allowed unless requested twenty-four (24) hours in advance of the scheduled informal hearing. DHA has the right to record the informal hearing.
- 6) The Hearing Officer will give a final written decision to the applicant. The decision will be mailed to the applicant at the address the applicant has on file with DHA within five (5) working days after completion of the hearing.
- 7) If the applicant or DHA fails to appear at the scheduled hearing, the Hearing Officer may determine that the party has waived his/her right to a hearing and may make a determination adverse to the absent party. Both DHA and the applicant shall be notified of the determination by the Hearing Officer.

- 8) The hearing will be conducted informally by the Hearing Officer. The Hearing Officer shall require DHA, the applicant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer to obtain order may result in expulsion from the proceedings or in a decision adverse to the interests of the disorderly party, and granting or denial of the relief sought, as appropriate.
- 9) A Hearing Officer may re-open a canceled application for Conventional Public Housing program if the applicant provides the necessary requested information or resolves any dispute concerning an alleged debt owed to DHA or any other agency.
- 10) DHA will provide applicants with an opportunity for an informal review for denial of a request for accommodation, as described in the denial or approval letter sent to the applicant in response to a Request for Accommodation. The applicant must follow all requirements as outlined in the denial or approval letter.

## **2.12 Selection Preferences For Conventional Public Housing**

- 1) Federal Preferences - Pursuant to Section 514 of the Quality Housing and Work Responsibility Act (QHWRA) all Federal selection preferences for the Conventional Public Housing have been eliminated. DHA utilizes only local selection preferences.
- 2) Local Selection Preferences for Conventional Public Housing
  - (a) 40 Transitional homeless families annually
  - (b) Working Families
- 3) Selection preference for mixed populations projects.  
DHA will give equal preference to elderly families and disabled families in determining priority for mixed-population projects.

## **2.13 Description of Local Selection Preferences - Conventional Public Housing**

- 1) Homeless Transitional Family  
A preference for forty (40) homeless transitional families that have been certified as a transitional homeless family.
- 2) Working Families.

Eligible applicants will be selected within income ranges established in accordance with Federal regulation (24 C.F.R. Part 5). No more than 40 percent of annual admissions will be based on this local preference. A local preference shall be given to the following families in descending order of priority:

- a) Income Tier III families, earning between 50% and 80% of the area median income as defined by HUD will be given three points.
- b) Income Tier II families, earning between 30% and up to 50% of the median income as defined by HUD will be given two points.
- c) Income Tier I families, earning between less than 30% of the median income as defined by HUD will be given 1 point.

The Income Tiers are defined by income range and family size, as shown on Addendum 1. Applicants will be selected sequentially from a local preference list. Within each preference list, those with a 1 priority will be selected before those with a 2 priority, and so on. If eligible applicants are in the same Income Tier, applicants will be selected chronologically, based upon the date and time of application.

- 3) Selection preference for mixed population projects.  
DHA will give equal preference to elderly families and disabled families in determining priority for mixed-population projects.

Irrespective of these local selection preferences, residents entitled to the benefits provided by the Uniform Relocation Act shall have priority over any applicant for placement in housing.

## **2.14 Qualification and Verification of Claimed Local Selection Preference/Conventional Public Housing**

- 1) At the time of application, the family may certify that they are eligible for the local selection preference. An official verification of the claimed selection preference will be requested by the Occupancy Department. It is the applicant's responsibility to ensure that the Occupancy Department receives the verification within the given timeframe.

If official verification is not received within the given timeframe, the applicant will be placed on the waiting list without a preference. The verification is valid for ninety (90) days after receipt. If the applicant

is not housed within ninety (90) days, eligibility for the preference must be re-verified.

### **2.15 Notification of Selection Preference Denial/Conventional Public Housing**

If DHA determines that an applicant does not qualify for a local selection preference claimed by the applicant, DHA shall notify the applicant, in writing, within five (5) working days of the determination. The notice shall contain a brief statement of the reasons for the determination, and state that the applicant has the right to meet with a representative of DHA to discuss the determination. The meeting may be conducted by any person or persons designated by DHA, who may be an officer or employee of DHA, including the person who made or reviewed the determination or a subordinate of that person.

### **2.16 Notification of Conditional Eligibility and Final Eligibility After Attending A DHA Opportunity Center Orientation For Admission to Conventional Public Housing**

Initially, each applicant that is eligible will first be considered conditionally eligible and told that, in order to be determined eligible for the Conventional Public Housing program, the applicant must attend a DHA Opportunity Center orientation. Once the applicant has attended an Opportunity Center orientation, the applicant will be considered eligible. Elderly (62 years or older) and Disabled persons are exempt from attending.

### **2.17 Notification of Eligibility for Admission/Conventional Public Housing**

Each applicant determined to be eligible for admission to the Conventional Public Housing program shall be notified, in writing, of such determination and of the approximate date (if possible) of occupancy, as estimated by DHA at the time of notification. A record of notification shall be maintained by DHA for a reasonable period of time.

### **2.18 Selection from the Waiting List/Conventional Public Housing**

DHA shall follow the statutory requirement that at least 40% of newly admitted families, in any DHA fiscal year, be families whose annual income is at or below 30% of the area median income. To ensure this requirement is met, DHA shall monitor, on a quarterly basis, the incomes of newly admitted

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

## **2.19 Deconcentration Policy/Conventional Public Housing**

It is the policy of DHA to provide for the deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments, pursuant to current HUD regulations, and any subsequent amendments. Toward this end, DHA has instituted local preferences and will continue to affirmatively market our housing to all eligible income groups. Lower income residents will not be steered toward lower income developments and higher income people will not be steered toward higher income developments.

Prior to the beginning of each DHA fiscal year, staff will analyze the income levels of families residing in each of our developments. Based on this analysis, and the then current HUD regulations, DHA will determine which, if any, DHA developments are above, within, or below the DHA Established Income Range (EIR). Any developments above the EIR will be designated as high-income. Any developments with incomes below the EIR will be designated as low-income. Based on this analysis, DHA will determine the marketing strategies and whether or not additional incentives will have to be developed and implemented to deconcentrate poverty.

## **2.20 Deconcentration Strategies**

DHA may, in its sole discretion, utilize one or more of the following strategies to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular development: 1) incentives designed to encourage families with incomes below the EIR to accept units in developments with incomes above the EIR, and vice versa; 2) target investments and capital improvements; and 3) continue use of working family preferences. These strategies may be used at different times, or under different conditions, but will always be used in a consistent and non-discriminatory manner. Deconcentration incentives may apply to Mixed Income Developments (V@CP) applicant families at the sole discretion of the Owner.

## **2.21 Community Service**

In order to be eligible for continued occupancy of Public Housing, each adult family member must either: (1) contribute eight (8) 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 pursuant to DHA's Community Service Procedure.

## **2.22 Safety & Crime Prevention**

The Denver Housing Authority (DHA) maintains strong relationships with the Denver Police Department and the various districts where the DHA owns and manages properties. There are currently 19 LRC's representing the residents of these properties. Each of them meet monthly and they invite the Community Resource Officer (CRO) from the district where their properties are located to hear and respond to concerns regarding criminal activity, community safety, and building security. Some of the CRO's are very conscientious about attending these meetings on a regular basis. In these cases much more effective relationships have been established with the local police

## **2.23 Site-Based Waiting List HOPE VI**

### **A. Villages at Curtis Park**

The Villages at Curtis Park is a HOPE VI Redevelopment project. This mixed-income development is managed by a private property management company, and is privately owned by three partnerships ("CP Owner"). The public housing units at this site are filled using a site-based waiting list. The Villages at Curtis Park application process is opened and closed as needed. Date and time of the applicants pre-application for the site-based waiting list determines placement on the waiting list subject to each local preference and bedroom size category. Integral Property Management (IPM) implemented the waiting list at the Villages at Curtis Park, which is privately owned. Adoption of a site-based waiting list would not violate any court order, settlement agreement or be inconsistent with a pending HUD complaint. IPM will comply with all the requirements set forth in 24 C.F.R. §903.7(b)(2).

The site-based waiting list allows applicants to move to the development of their choice and will attract a more diverse population with a broader range of incomes to the Villages at Curtis Park.

1) The Occupancy Department informs applicants that the Villages at Curtis Park is a mixed-income community. The applicants will be told that the mixed-income community is comprised of market rate, tax credit and

public housing units that are privately managed and that they must go to the Curtis Park management office and place their name on the waiting list if they want to live in this mixed-income community. The site-based waiting list is administered by the CP Owner. DHA staff explains that the applicant may also fill out a pre-application for housing in any of DHA's other public housing developments as well.

Each applicant will be provided with full disclosure of any options available in the selection of the development in which to reside, including basic information about available sites (location, occupancy, number and size of accessible units, amenities such as day care, security, transportation, and training programs) and an estimate of the period of time the applicant will likely have to wait to be admitted to units of different sizes and types (e.g., regular or accessible) at each site.

- 2) The site-based waiting list shall contain the following information for each applicant listed:
  - a) Applicant name;
  - b) Family unit size;
  - c) Date and time of pre-application;
  - d) Qualifications for local preference; and
  - e) Racial or ethnic designation of the Head of Household.
  
- 3) The order of admission to the waiting list will be based on:
  - a) Date and time of application;
  - b) Bedroom size and
  - c) Local preferences.
    - 1) Household Income > 30%
    - 2) Employed full-time (30+ hours/week)
    - 3) Employed part-time
    - 4) 62 years of age or older
    - 5) Disabled/receiving payments based on inability to work
    - 6) Approved Job Training Participation
  
- 4) Placement on the waiting list will then be prioritized in accordance with the local selection preferences for Conventional Public Housing including a working preference.
  
- 5) When the Curtis Park site-based waiting list is opened, DHA will ensure that the CP Owner gives public notice, by publication in local newspapers of general circulation and also minority media, that families may apply for housing at the Curtis Park site. The public notice will state when and where to apply. The notice will comply with HUD fair housing

requirements. The CP Owner, with DHA's approval, may adopt criteria defining how families may apply for assistance pursuant to a public notice.

6) As part of its Annual Plan, DHA will ensure that the CP Owner assesses changes in the racial, ethnic or disability-related resident composition at the site that may have occurred during the implementation of this site-based waiting list. This required occupancy data shall be based on Multifamily Resident Characteristics System (MTCS) data and confirmed by an independent audit.

7) DHA will ensure that the CP Owner uses an independent tester or other means satisfactory to HUD to assure that the system is not being implemented in a discriminatory manner, and that no patterns or practices of discrimination exist. The results of the testing will be submitted to DHA and/or HUD.

8) DHA will ensure that the CP Owner takes any steps necessary to remedy any problems that surface during the review and takes the steps necessary to affirmatively further fair housing.

B. Park Avenue (Benedict Park Place)

Benedict Park Place is a HOPE VI Redevelopment project. This mixed-income development is managed by a private property management company and is privately owned ("PA Owner"). The public housing units at this site will be filled using a site-based waiting list. The Benedict Park Place application process is open and closed as needed. Date and time of the applicant's pre-application for the site based waiting list will determine placement on the waiting list subject to each local preference and bedroom size category. The management company will implement the waiting list at Benedict Park Place. Adoption of a site-based waiting list would not violate any court order, settlement agreement or be inconsistent with a pending HUD complaint. BPP will comply with all the requirements set forth 24 in C.F.R. §903.7(b)(2).

The site-based waiting list allows applicants to move to the development of their choice and will attract a more diverse population with a broader range of incomes.

1) The Occupancy Department informs applicants that Park Avenue is a new mixed-income community. Applicants will be told that the mixed-income community is comprised of market rate, tax credit and public housing units that are privately owned and managed and that they must go to the Park Avenue site and place their name on the waiting list if they want

to live in this mixed-income community. The site-based waiting list is administered by the PA Owner. DHA staff explains that the applicant may also fill out an application for housing in any of DHA's other public housing developments as well.

Each applicant will be provided with full disclosure of any options available in the selection of the development in which to reside including basic information about available sites (location, occupancy, number and size of accessible units, amenities such as day care, security, transportation, and training programs) and an estimate of the period of time the applicant will likely have to wait to be admitted to units of different sizes and types (e.g., regular or accessible) at each site.

- 2) The site-based waiting list shall contain the following information for each applicant listed:
  - a) Applicant name;
  - b) Family unit size;
  - c) Date and time of pre-application;
  - d) Qualifications for local preference; and
  - e) Racial or ethnic designation of the Head of Household.
  
- 3) The order of admission to the waiting list will be based on:
  - a) Date and time of application;
  - b) bedroom size; and
  - c) local preferences.
  
- 4) Placement on the waiting list will then be prioritized in accordance with the local selection preferences for Conventional Public Housing.
  
- 5) When the Park Avenue site-based waiting list is opened, DHA will ensure that the management company gives public notice, by publication in local newspapers of general circulation and minority media. The public notice will state when and where to apply. The notice will comply with HUD fair housing requirements. The management company, with DHA's approval, may adopt criteria defining how families may apply for housing pursuant to a public notice.
  
- 6) As part of its Annual Plan, DHA will ensure that the management company assesses changes in the racial, ethnic or disability-related resident composition at the site that may have occurred during the implementation of this site-based waiting list. This required occupancy data shall be based on MTCS data and confirmed by an independent audit.

7) DHA will ensure that the management company uses an independent tester or other means satisfactory to HUD to assure that the system is not being implemented in a discriminatory manner, and that no patterns or practices of discrimination exist. The results of the testing will be submitted to DHA and/or HUD.

8) DHA will ensure that the PA Owner takes any steps necessary to remedy any problems that surface during the review and takes the steps necessary to affirmatively further fair housing.

C. Thomas Bean Towers

Thomas Bean Towers is a HOPE VI Redevelopment project. This mixed-income development is comprised of tax credit and public housing units and is managed by DHA but is privately owned (“TBT Owner”). The TBT Owner may hire a private management company in its sole discretion. The public housing units at this site will be filled using a site-based waiting list. Adoption of a site-based waiting list would not violate any court order, settlement agreement or be inconsistent with a pending HUD complaint. DHA will comply with all the requirements set forth 24 in C.F.R. §903.7(b)(2).

The site-based waiting list allows applicants to move to the development of their choice and will attract a more diverse population with a broader range of incomes to Thomas Bean Towers.

1) The Occupancy Department informs applicants that Thomas Bean Towers is a new mixed-income community. Applicants will be told that the mixed-income community is comprised of tax credit and public housing units that are privately owned and that they must place their name on the TBT waiting list if they want to live in this mixed-income community.

Each applicant will be provided with full disclosure of any options available in the selection of the development in which to reside including basic information about available sites (location, occupancy, number and size of accessible units, amenities such as day care, security, transportation, and training programs) and an estimate of the period of time the applicant will likely have to wait to be admitted to units of different types (e.g., regular or accessible) at the site.

- 2) The site-based waiting list shall contain the following information for each applicant listed:
- (a) Applicant name;
  - (b) Family unit size;
  - (c) Date and time of pre-application;

- (d) Qualification for local preference; and
- (e) Racial or ethnic designation of the Head of Household.

- 3) The order of admission to the waiting list will be based on either:
  - (a) Date and time of application, or
  - (b) Bedroom size; and
  - (c) Local Preferences.

4) Placement on the waiting list will then be prioritized by the local selection preference for Conventional Public Housing.

5) When the Thomas Bean Tower site-based waiting list is opened and closed, DHA will ensure that public notice is given, by publication in local newspapers of general circulation and minority media. The public notice will state when and where to apply. The notice will comply with HUD fair housing requirements. DHA may adopt criteria defining how families may apply for housing pursuant to a public notice.

6) As part of its Annual Plan, DHA will ensure that the management company assesses changes in the racial, ethnic or disability-related resident composition at the site that may have occurred during the implementation of this site-based waiting list. This required occupancy data shall be based on MTCS data and confirmed by an independent audit.

7) DHA will ensure that the TBT Owner takes any steps necessary to remedy any problems that surface during the review and takes the steps necessary to affirmatively further fair housing.

8) In the event the Thomas Bean Tower site has exhausted all qualified individuals on their wait-list, management may offer vacant units to individuals from the DHA Occupancy Department waiting list in accordance with preference standards.

## **2.24 Waiting List - Conventional Public Housing including Three Towers**

- 1) The waiting list shall contain the following information for each applicant listed:
  - (a) Applicant name;
  - (b) Family unit size;

- (c) Date and time of application;
  - (d) Qualification for local preference; and
  - (e) Racial or ethnic designation of the Head of Household.
- 2) The order of admission to the waiting list will be based on either:
    - (a) Date and time of application, or
    - (b) A drawing or other random choice technique (i.e., lottery).
  - 3) Placement on the waiting list will then be prioritized by the local selection preference for Conventional Public Housing.
  - 4) When DHA opens and closes the public housing waiting list, DHA will give public notice, by publication in local newspapers of general circulation and also minority media that families may apply for the Conventional Public Housing program. The public notice will state when and where to apply. The notice will comply with HUD fair housing requirements and will state any limitations on who may apply. DHA may adopt criteria defining how families may apply for assistance pursuant to a public notice.
  - 5) DHA may, in its sole and absolute discretion, open the waiting list to ONLY certain subcategories of "Family" as defined in section 1.25.

**2.25 Occupancy Guidelines for Conventional Public Housing**

- 1) The following guidelines are used to determine the number of bedrooms required to accommodate a family of a given size without overcrowding or over-housing. These guidelines may be waived, on a case-by-case basis, for legitimate reasons, or if it is necessary to achieve or maintain full occupancy.

<u>Number of Bedrooms</u>	<b>Number of Persons</b>	
	<u>Minimum</u>	<u>Maximum</u>
0	1	1
1	1	2
2	2	4
3	3	6
4	5	8
5	7	10

- 2) Dwelling units are assigned to avoid the necessity for persons of the opposite sex, other than Head of Household and spouse, to occupy the same bedroom. If necessary, at the time of admission, two (2) children of the opposite sex under the age of six (6) may be permitted to occupy the same bedroom. At the time of admission, the resident may elect to

have one (1) child under the age of three (3) occupy the parent's bedroom.

- 3) For the purposes of determining the number of bedrooms required, every family member, regardless of age, is counted as a person. In determining bedroom size, DHA will include children who are temporarily away at school, or children who are temporarily in foster-care.

## **2.26 Assignment of Units/Conventional Public Housing**

As an applicant approaches the top of the waiting list they shall be assigned an appropriate size unit or accessible unit, if such unit is necessary. In the event that two or more applicants require the same size or accessible unit, (e.g., two working families requiring a three (3) bedroom unit), the date and time of application will determine which applicant is given the first offer.

DHA has accessible units that are designed to provide specific accommodations to qualified individuals with a disability. When an accessible unit becomes vacant, before offering such unit to a non-disabled applicant, DHA will offer such unit: (a) first, to a current occupant of another DHA unit of the same or comparable project, who has disabilities requiring the accessibility features of the vacant unit and who occupies a unit not having such features, or, if no such occupant exists, then (b) to an eligible qualified applicant on the waiting list who has a disability requiring the accessibility features of the vacant unit, or if no such occupant exists, then (c) to an eligible applicant not having a disability requiring the accessibility features of the unit. However, DHA will require the applicant to agree to move to a non-accessible unit when available, and will incorporate this requirement into the lease. Any family required to transfer will be given a 15-day notice.

At the time the next successive applicant on the waiting list is selected, he/she shall be offered a suitable unit at the development which contains vacancies of the required unit type in accordance with the final deconcentration rule. If the applicant rejects the offer or the applicant fails to make a decision as to whether he/she wants the unit offered within five (5) working days of the time it was offered, then it will be considered that the applicant has rejected the offer. The applicant will then be offered a second suitable unit. If the applicant rejects the second offer or the applicant fails to make a decision as to whether he/she wants the unit offered within five (5) working days of the time it was offered, then it will be considered that the applicant has rejected the second offer. If the applicant rejects the second

offer the Occupancy Department will delete the application from the active waiting list

For purposes of this section, an applicant will not be considered to have been offered a unit if:

- a) The unit offered is not the proper size or does not contain the necessary accessible features
- b) The applicant is 62 years of age or older and requested a unit in a building designated as “elderly only,” but was not offered a unit in an “elderly only” building; or
- c) The applicant requires an accessible unit, but was not offered such a unit.

DHA will maintain a record of units offered, including location, date, and circumstances of each offer, and each rejection or acceptance for a reasonable time. DHA will note the reason for any rejection.

## **2.27 Housing Assistance Limitation for Single Persons/ Conventional Public Housing**

A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a resident family may not be provided:

- (1) For public housing and other project-based assistance, a housing unit with two or more bedrooms.

## **2.28 Determination of Total Resident Payment and Resident Rent/ Conventional Public Housing**

- 1) Family Choice (*Public Housing only*):
  - a) At admission and each year in preparation for their annual re-examination, 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.
  - b) Families who opt for the flat rent will be required to go through the income re-examination process every year, rather than the annual review they would otherwise undergo. The following flat rents apply to DHA’s public housing developments:

<u>Unit Size</u>	<u>Flat Rent</u>
Efficiency	\$ 513
One Bedrooms	\$ 650
Two Bedrooms	\$ 754
Three Bedrooms	\$ 1,175
Four Bedrooms	\$ 1,250
Five Bedrooms	\$ 1,325

- c) Families who opt for the flat rent may request to have a re-examination and return to the formula based method at any time for any of the following reasons:
- 1) The family's income has decreased because of changed circumstances due to loss or reduction of employment; death of a family member who contributes to the income of the family; or reduction in or loss of earnings or other assistance.
  - 2) The family's circumstances have changed increasing their expenses for childcare, medical 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.

DHA will switch the family's rental payment from flat rent to income-based rent after verifying the basis for the financial hardship based on policies.

- 2) The Formula Method-Public Housing Only.
- a) The total resident payment is equal to the highest of:
    - 1) 10% of Monthly Income;
    - 2) 30% of Monthly Adjusted Income; or
    - 3) The welfare rent.

The family will pay the greater of the total resident payment or the minimum rent of \$25 for Public Housing.

In the case of a family who has qualified for the income exclusion, upon the expiration of the 12-month period described in section 2.38(h)(1), an additional rent benefit accrues to the family.

3) Minimum Rent Public Housing

- a) DHA has set the minimum rent at \$25 for the Public Housing Program. Villages at Curtis Park's minimum rent is \$50 for their Public Housing residents. However, if a family requests a hardship exemption, DHA or Ownership will immediately suspend the minimum rent for the family until DHA or Ownership can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.
- 1) A hardship exists in the following circumstances:
- i) When the family has lost eligibility for or is waiting for an eligibility determination for a Federal, State or local assistance program, including a family that includes a member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996;
  - ii) When the family would be evicted as a result of the imposition of the minimum rent requirement;
  - iii) When the income of the family has decreased because of changed circumstances, including loss of employment;
  - iv) When the income of the family has decreased because of changed circumstances for medical costs, childcare, transportation, education, or similar items;
  - v) When a death has occurred in the family;
  - vi) Other situations as determined by DHA, Ownership or HUD.

4) Minimum Rent Exceptions for Hardship Circumstances

- 1) Once a resident requests a hardship waiver, DHA or Ownership cannot take any adverse action against the resident for 90 Days.
- 2) If DHA or Ownership determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension and is due immediately.
- 3) Temporary hardship. If DHA or Ownership reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a

period of 6 months from the date of the family's request. At the end of the 6 month period, the minimum rent will be imposed retroactively to the time of suspension. DHA or Ownership will offer a repayment agreement for any rent not paid during the period of suspension. During the suspension period DHA will not evict the family for non-payment of the amount of rent owed for the suspension period. DHA or Ownership may request reasonable documentation of hardship.

- 4) Long-term hardship. If DHA or Ownership determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- 5) If income is discovered and has not been reported while a household is receiving the hardship exemption, the household's lease may be terminated for fraud.
- 6) Non citizen households are not eligible for minimum rent hardship.

If a resident in occupancy has qualified for one of the mandatory hardship exemptions, DHA or Ownership must make arrangements to reimburse the resident for the overpayment by providing a cash refund or otherwise offsetting future rent payments.

If a household is found to be receiving income during their Hardship Exemption period and the income was not reported the family will be considered fraudulent and will not receive another Hardship Exemption and will be required to pay back any rent due on unreported income.

## **2.29 Leasing of Units/Conventional Public Housing**

- 1) Prior to admission, the lease shall be signed by the Head of Household and spouse and subsequently executed by a duly authorized representative of DHA. All members of the household over the age of 18 must sign the "Authorization for the Release of Information/Privacy Act" form (HUD 9886 7/94).
- 2) Prior to admission and to signing the lease, a physical inspection of the unit will be made by the prospective resident and a representative of DHA to note any deficiencies.

- 3) The lease shall remain current at all times and must be in compliance with DHA policies as well as local, state and federal laws and regulations.
- 4) Notices of rent adjustment (or lease change clause), which amend the dwelling lease, shall be signed by a duly authorized representative of DHA and the resident. However, the rental adjustment shall be effective as stated in the notice even if the notice of rent adjustment or lease change clause is not signed by the resident.
- 5) *Remaining Family Member*: If, for any reason, the signator(s) of the lease cease(s) to be a member of the resident family, the lease shall be rendered null and void. DHA will review the Remaining Family Member's eligibility for tenancy and has the right to refuse to enter into a lease with the Remaining Family Member who does not meet the applicable eligibility criteria set forth in section 2.3. Remaining Family Members may be required to move to a smaller unit if their current unit is too big once the other family members have vacated.
- 6) *Live-In-Aide*: A Live-In-Aide does not qualify as a Remaining Family Member. See Section 1.37 for more details.
- 7) If, during any period in which the lease agreement is in effect, there is a change in the resident's status or rent, which results in the need to amend provisions of the lease, one of the following shall occur:
  - (a) The existing lease will be canceled and a new lease executed; or
  - (b) An amendment to the existing lease shall be executed; and
  - (c) All copies of lease amendments shall be signed by a resident and a duly authorized representative of DHA and a copy maintained in the resident file.
- 8) If a resident family transfers to a different dwelling unit in the same, or another public housing development operated by DHA, the existing lease shall be canceled and a new lease executed by the Head of Household and a DHA representative, for the dwelling unit into which the family is moving.
- 9) A security deposit will be required and shall be payable at the time the lease is signed. The amount of the security deposit will be an amount approved by DHA's Board of Commissioners.
- 10) DHA shall perform a physical inspection of all dwelling units according to established inspection policy and procedures, but no less frequently

than once a year. Copies of all inspections shall be maintained in the resident's file.

### **2.30 Transfer Criteria/Conventional Public Housing**

Residents will receive priority for transfers, over applicants, for vacancies in all public housing. However, only the following types of transfers will be granted:

**Administrative Transfers** – These transfers include mandatory transfers, such as emergency and relocation transfers, as well as some resident initiated transfers.

**Emergency** – necessitated by an immediate, verifiable threat to life, health or safety of the resident or family members, such as unit uninhabitable due to fire, etc.

**Relocation** – transfers for relocation efforts by DHA will be given priority, after Emergency transfers, and include, but are not limited to, programmed units, modernization, demolition, and changing units to homeownership units. Seniority of tenancy with DHA will determine eligibility of remaining at the site because of relocation factors, ie: decrease of units, first move out/first move back in, etc.

- (a) **Health** – a reasonable accommodation is required for all Health transfer requests. The forms (Request for Accommodation and Health Providers Verification) can be printed off the internet. The 504 Coordinator must approve all requests for accommodations. (Examples may include: need an accessible unit, ground floor unit, etc.)
- (b) **Non-Disabled** – a transfer will be required when a non-disabled household is residing in an accessible unit and there is a disabled household in need of the accessible unit.
- (c) **Under-housed** – household needs a larger unit.
- (d) **Over-housed** – household needs a smaller unit.

**Resident Requested Transfer** – These transfers are initiated by the resident and approved in the sole and absolute discretion of DHA for the following reasons:

- (a) **Employment** – employment, education, or training is dependent upon the need to be closer to the appropriate location.

- (b) Upward mobility – transfer will be considered for residents who meet the basic transfer criteria and have the potential to be a participant in DHA’s Homeowner Program.
- (c) Elderly-Designated – residents requesting transfers to building approved as designated for elderly must meet the basic transfer criteria and the age requirement of 62 years of age or older.
- (d) Other – for other extraordinary reasons, if recommended by Manager and Management Supervisor.

Note: DHA does not make “split family” transfers.

The following conditions shall exist before a transfer will be granted:  
Resident and all family members:

- 1) Have not engaged in criminal activity that threatens the health and safety of residents or staff; and
- 2) Do not owe back rent or other charges, not including repayment agreements, or have a pattern of late payment; and
- 3) Meet reasonable housekeeping standards; and
- 4) Can get utilities turned on in the name of head of household; and
- 5) Must have been a DHA resident for at least one year (transfers for reasonable accommodation or health and safety excluded).

Exceptions to the criteria may be made for emergency transfers or when it is DHA’s best interest (e.g., a single person is living alone in a three bedroom unit and does not want to move) to require the transfer. The exception to the criteria will be made by the Central Transfer Administrator taking into account the recommendation of the Manager.

Transfers may be approved for other extraordinary reasons if recommended by Managers and approved by the Chief Operating Officer Public Housing.

In order to determine the priority in which transfer requests will be considered, the criteria set forth above are given different numerical weights. Residents who meet the transfer criteria and are placed on the waiting list must continue to meet the criteria while waiting for the transfer. Failure to maintain the eligibility for a transfer will result in removal of the resident from the transfer waiting list until they meet the required criteria.

Transfers between Conventional Public Housing and buildings owned by DHC will only be approved to accommodate health/special needs. However, the resident must meet the eligibility criteria for the Project Based Section 8 program and the Low Income Housing Tax Credit (“LIHTC”) program.

**The provisions listed above are to be used as a guide to ensure fair and impartial means of assigning units for transfers. This policy does not create a property right or any other type of right for a resident to transfer or refuse to transfer.**

### **2.31 Re-Examinations/Re-Determinations/Conventional Public Housing**

Annually and at interim periods, as circumstances may require, the resident will furnish information and certifications to DHA as to family income, employment, and family composition. This information will be used by DHA for determining if the rent should be changed and if the dwelling unit is still appropriate for the resident’s needs. DHA has set the minimum rent at \$25 for the Public Housing Program. However, the minimum rent may be increased as determined by resolution of the Board of Commissioners. For families who pay an income-based rent, a re-examination shall be conducted at least annually.

- 1) Annual income is determined by all amounts, monetary or not, which:
  - a) Go to, or on behalf of, the family head or spouse (even if temporary 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 re-examinations effective date; and which are not specifically excluded. Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.
- 2) Allowable deductions when calculating rent:
  - a) \$480 for each household member who is under 18 years of age, or is over 18 and has a disability, or is a full-time student.
  - b) \$400 per family for all families in which the head or spouse is at least 62 years of age or disabled.

- c) Reasonable childcare expenses for the care of children, including foster children, under the age of 13 if the care is necessary to enable a family to work or further his/her education. If childcare is used for seeking employment, the names, addresses and phone numbers are required of applications submitted. Reasonable childcare expense is defined as no more than 50% of the income in the household.
- d) Disability assistance expenses are allowed for family members with disabilities if such expenses enable a family member to work (including the person with a disability)
- e) Medical expenses are allowed only for households where the head or spouse is at least 62, or has a disability. If the household is eligible for a medical expense allowance, the medical expenses of all family members are counted.
- f) Permissible Deductions –
  - 1. Any child support payment made by a member of the family for the support and maintenance of any child who does not reside in the household.
  - 2. Amount received by a person while employed as a DHA Resident Caretaker which exceeds the \$200 stipend permitted by 24 CFR Section 5.609. This amount will be subject to the 10% Rent Rule.
  - 3. Amount of income received by all family members whose head-of-household is employed as a Resident Caretaker will be subject to the 10% Rent Rule. This income is deducted during the term of the Resident Caretaker Contract.

3) Flat Rent

Residents who choose the flat rent provision are only required to have a rent review once every three years, but the household composition must be reviewed annually. Annual rent review is still required for all residents on an income based rent.

Flat rent schedule:	<u>Unit Size</u>	<u>Flat rent</u>
	Efficiency	\$ 513
	One Bedroom	\$ 650

Two Bedroom	\$ 754
Three Bedroom	\$ 1,175
Four Bedroom	\$ 1,250
Five Bedroom	\$ 1,325

Residents who choose the flat rent option may immediately switch to an income-based rent if, due to financial hardship, the resident is unable to pay the flat rent amount. The interim rent reduction should occur no later than the first of the month following the month the family reported the hardship. Residents must wait until their next re-examination to go back to the flat rent amount.

4) Minimum Rent

There is a \$25 minimum rent for all Conventional Public Housing households. Villages at Curtis Park is \$50 for their Conventional Public Housing households.

All family members ages 18 or older claiming no income must sign the "Declaration of No income" Thaccd form # 313 and meet bi-monthly with the authorized DHA representative to fill out a Zero Income Worksheet.

5) Re-determination of rent as a result of a reduction of welfare benefits.

According to the new Quality Housing and Work Responsibility Act of 1998, a re-determination of rent will not be done and the rent will not be decreased where a decrease in income is the result of noncompliance with the conditions of public assistance, or where public assistance is decreased due to an act of fraud by a member of a covered family.

6) Disallowance of Earned Income

The new Quality Housing and Work Responsibility Act of 1998 effective October 1, 1999 exempts earned income for qualified families who start work or self-sufficiency programs. The rent cannot be increased for a period of 12 months if the increase in income results from;

- a) Earnings of a previously unemployed family member. Previously unemployed person includes a person who has earned, in the previous twelve months, no more than

would be received for 10 hours of work per week for 50 weeks at the established minimum wage. (\$7.25 per hour x 10 hours = \$72.50 per week X 50 weeks = \$3625 per year)

- b) Earnings of a family member during participation in a self-sufficiency or job training program. (this does not apply to residents currently participating in DHA's Family Self Sufficiency Program)
- c) Earnings of family member that had been receiving TANF in the previous six months. The total amount of TANF received over the six-month period must be at least \$500.

7) Re-Determination Procedure

- a) All residents are required to report changes in family composition and/or income in writing within ten (10) days of their occurrence.
- b) Interim re-examinations are always required when there is a change in family composition and a new lease effecting the change must be executed. If the change in family composition would result in a decrease in rent, the decrease would be effective the first of the month following notification.
- c) Interim re-examinations will not be required if an increase in income does not exceed \$200.00 per month. If the increase in income is greater then \$200.00 per month an interim re-examination must be processed and the effective date of the increase would be the first of the second month following notification.
- d) Loss of income has to be for more than 30 days consecutively in order to complete a re-determ.

8) Income to be INCLUDED for rent examination/determination

- a) Employment Income (gross wages prior to payroll deductions, includes overtime, commissions, fees, bonuses, tips)
- b) Asset Income (interest, dividends, net income from

- property)
- c) Alimony or Child Support
- d) Annuities
- e) Unemployment Compensation
- f) Workman Compensation
- g) TANF
- h) General Assistance
- i) Social Security (gross prior to Medicare deduction)
- j) SSI
- k) Military Pay
  
- l) REGULAR contributions or gifts received from organizations or from organizations or from persons not residing in the unit.
- m) Income from Business (self -employed) or Real or Personal Property.
- n) Net income equals gross income less expenses.
- o) Lump Sum Payments

Assets: Lump-sum additions to family assets, such as inheritance, insurance payments (including payments under health and accident insurance and worker' compensation), capital gains and settlement for personal or property losses are considered as assets and are not included as income.

Income: Lump –sum payments caused by delays in processing periodic payments (unemployment, workers' compensation, welfare assistance benefits) are counted as income.

- p) Temporarily Absent Family Members

Income must be counted of every family member who is on the lease, including those who are temporarily absent. (head or spouse or other family member may be in the Armed Forces, away at college, etc.)

9) Income to be EXCLUDED for Rent Determination/Examination

- a) Exclude only employment income of minors (benefit income such as SS, SSI, TANF is counted). For income eligibility at admission, employment income of children under the age of 18 must be counted and if eligible the employment income is deducted to determine rent.

- b) Foster child or foster adult care payments (foster adult is usually a disabled person unrelated to the resident family, who is unable to live alone)
- c) Kinship payments received by a related legal guardian. (Kinship payments are usually received by a relative related to the parents of the child to help take care of the child when parents are unable to.
- c) Medical reimbursements
- d) Live-in Aide income, to be eligible for this exclusion must meet all three of the following conditions:
  - (1) Is determined to be essential to the care and well-being of the person;
  - (2) Is not obligated for the support of the person; and
  - (3) Would not be living in the unit except to provide the necessary supportive services.
- e) Full amount of student financial assistance (includes work study) paid directly to the student or education institution
- f) Hazardous pay (part of military pay when exposed to hostile fire)
- g) Amounts paid to welfare recipients to participate in welfare job training programs (transportation expenses or incentive payments for example)
- h) PASS income paid to SSI recipients to achieve self – sufficiency
- i) Amounts received under training programs funded by HUD, such as CIAP and COMP grant resident training programs.
- j) Resident services stipend not to exceed \$200 per month paid to a resident for performing part-time services to enhance the quality of life in the development.
- k) Sporadic income for example: Monetary gifts for holidays and birthdays. Nonrecurring income such as work earned

mowing a lawn one time, cleaning a home one time, or babysitting one time. Temporary employment lasting less than 30 days and not culminating in permanent employment. No historic stable pattern of income, i.e. substitute teacher, consultant and lecturer.

- l) Exclude earnings in excess of \$480 for full time students 18 or older, this exclusion does not apply to head of household or spouse.
- m) Adoption assistance payments in excess of \$480 per adopted child.
- n) Incremental earnings/benefits from state or local employment training programs. (Incremental means the difference between total amount of welfare and earnings prior to enrollment in the training program and the amount after enrollment in the training program)  
Training Programs for example:  
Class-room training  
On-the-Job training not to exceed six (6) month,  
Unless it is a mandate exclusion under Title V.  
HUD funded training programs  
Job Training or the Workforce Investment Act 1998  
Job Corps  
Veterans' employment programs  
City and State job training programs  
Intern programs
- o) Refunds or rebates for property taxes on dwelling unit.
- p) FEDERALY – MANDATED EXCLUSIONS

Food stamp allotments (cash or coupons)

Payments to Volunteers under the Domestic Volunteer Services Act of 1973(Vista, Foster Grandparents, Senior Companions)

Low-Income Home Energy Assistance Program (program to help pay utility bills)

Payments received under programs funded by the Job Training Partnership Act, this includes AmeriCorps

Grants/Scholarships under Title IV of Higher Educational Act of 1965

Payments funded under Title V of Older Americans Act (Seniors Inc.)

Earned income tax credits

US Census Bureau income

Special Indian Tribe exclusions:

Income from US land held in trust for certain Indian tribes

Maine Indian Claim Settlement of 1980

Grand River Band of Ottawa Indians

First \$2000 per capita shares from funds held in trust for an Indian tribe by Secretary of Interior

- 10) Rent is determined at time of move-in and remains in effect for the period between regular rent re-examinations, unless during this period any of the following occur:
- a) A decrease occurs in gross household income for a period of 30 days or more. All changes must be reported to DHA within ten (10) days of the change.
  - b) New income source or an increase occurs in gross household income. All changes must be reported to DHA within ten (10) days of the change.
  - c) A change in family composition which shall mean an increase or decrease in the number of household members listed on the lease. Such change must be reported to DHA within ten (10) days of the change.
  - d) Resident begins to receive public assistance or public assistance is terminated. Such a change must be reported to DHA within ten (10) days of the change. However, a monetary sanction administered by the Department of Human Services, which decreases a resident's monthly benefits, is not cause for rent re-determination.
  - e) If the amount of welfare is reduced specifically because the family engaged in fraud or failed to comply with an economic

self-sufficiency or work activities requirement, the public housing rent cannot be reduced based on the benefit reduction. This provision is not applicable if the reduction is neither the result of the expiration of a lifetime limit on receiving benefits nor a situation where the family has complied with welfare program benefits but cannot obtain employment.

When DHA receives a request for income re-examination and rent reduction predicated on a reduction in resident income from welfare, it may deny the request only after having written verification from the welfare agency that the family's benefits have been reduced because of non-compliance with an economic self-sufficiency program or work activity requirement or because of fraud.

- f) Discovery that the resident has misrepresented the facts upon which the rent is based, and the resident is paying less than they should have been charged. In this case, the increase in rent shall apply retroactively. Repayment arrangements may be made in accordance with DHA policy. Repayment arrangements must be made with DHA or the lease may be terminated. Additionally, failure to make payments on the repayment agreement in a timely fashion will be cause to terminate the lease. If resident intentionally misrepresents facts upon which rent is calculated a second time, it will be cause to terminate the lease. **ONLY ONE REPAYMENT AGREEMENT** is allowed for unreported income. If a second or additional unreported income is found the amount of back rent owed will be put on the resident next month's account and the total amount will be due with the next month's rent.
  
- g) If, at the time of admission or re-examination, due to unusual circumstances, projected annual income cannot be determined with any reasonable degree of accuracy, a temporary rent for a specified period not to exceed ninety (90) days may be established. At the expiration of the specified period, the income becomes stable, a new rent will be established. DHA will continue to conduct periodic reviews as often as necessary to determine the rent.
  
- h) 1) *Public Housing Only* DHA must not increase the annual income of an eligible family as a result of increased income due to employment during the 12-month period beginning on the date on which the employment is

commenced. Eligible families are those that reside in public housing:

- (a) Whose income increases as a result of employment of a family member who was previously unemployed for one or more years. For purposes of this section, "previously unemployed" includes a person who has earned, in the previous twelve months, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.
  - (b) Whose employment income increases during the participation of a family member in any family self-sufficiency or other job training; or
  - (c) Who is or was, within 6 months, assisted under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by DHA in consultation with the local TANF agency, and whose earned income increases.
- 2) Phase-in of rent increases. Upon expiration of the 12-month period described above, the rent payable by a family may be increased due to continued employment of a family member except that for the 12-month period following expiration of the initial 12-month disallowance, the increase may be based on only 50% of the family member's increased income.
  - 3) Each year at the time of the annual re-examination, the family has the option of selecting a flat rent amount in lieu of completing the re-examination process and having their rent based on the formula amount. Families paying flat rent shall have income reviews every year.
  - 4) In the case of an interim re-determination, and the rent decreases, the adjustment will become effective the first day of the month following the re-determination. In the event of rent increase, the adjustment will take effect the first day of the second month following the re-determination, unless the rent increase results from a finding of intentional misrepresentation under subsection 1(e) of this section.
  - 5) Changes in rent resulting from a scheduled re-examination will become effective on the anniversary date of the resident's admission to Conventional Public Housing.

- i) An interim re-examination will not be required if an increase in income does not exceed \$200.00 per month and is reported within 10 days of the change if the income is from a new source. If the increase in income is greater than \$200.00 per month, an interim re-examination must be processed and the effective date of the increase will be the first of the second month following notification.
- j) In the case of an interim re-determination, and the rent decreases, the adjustment will become effective the first day of the month following the re-determination. In the event of rent increase, the adjustment will take effect the first day of the second month following the re-determination, unless the rent increase results from finding of intentional misrepresentation under subsection 1(e) of this section.
- k) Changes in rent resulting from a scheduled re-examination will become effective on the anniversary date of the resident's admission to Conventional Public Housing.

### **2.32 Third Party Verification of Income and Assets**

All third party verifications are valid for 120 days from the date of receipt by DHA. The cash value of checking accounts will be determined by the average of the checking account balance on the most recent six months of bank statements and the cash value of savings accounts will be determined by the most recent bank statement.

### **2.33 Enterprise Income Verification (EIV)**

**HUD has mandated all PHA's to use the Enterprise Income Verification system (EIV). It became mandatory as January 31, 2010.**

Applicants - Since EIV only contains employment and income data for current participating tenants, third party verification must be obtained from the income source for determining the applicant's income for eligibility and rent calculation purposes. Only one report is available for applicants, the Existing Tenant report. EIV will provide Occupancy with information about the current status of the applicant and the entire household to determine if the applicant or anyone in the household is receiving HUD housing assistance. If so, DHA will verify with the current HUD housing assistance development and ensure that proper notice has been given and that no multiple subsidy is occurring. If the applicant or any member of the household fails to fully and accurately disclose receipt of HUD

assistance or rental history on the application, the applicant will be denied based on “misrepresentation” of information. If DHA discovers a discrepancy, the applicant will be notified and given the opportunity to respond to the inquiry. A copy of the report will be maintained in the applicant/resident file.

Tenants – A HUD form 9886 must be on file for accessing income reports in the EIV system. This form must be signed and dated by all household members who are at least 18 years of age or older. The HUD 9886 must be signed at application, initial lease up and annual recertification before accessing the income reports in the EIV system for an individual.

The HUD 9886 also authorizes HUD and DHA to seek wage, new hire (W4) and unemployment claim information from current or former employers to verify information obtained through computer matching. The form authorizes use of data obtained with another agency for verifying income used for establishing eligibility for and level of benefits under the Public Housing programs.

#### Disclosing an Individual’s Information to Another Person or Entity

The Federal Privacy Act (5 USC 552, as amended) prohibits the disclosure of an individual’s information to another person without the written consent of such individual. However, DHA is not prohibited from discussing with the head of household and showing the head of household how the household’s income and rent were determined based on the total income reported and verified. A consent form is available for the resident to sign for release of the information.

DHA is required to provide reminder notices to tenants informing them of their responsibility to provide DHA with information about changes in family income or composition that are necessary to properly complete an annual recertification. The notification must be in writing and must include a list of information that tenants are required to bring with them to their recertification interview.

When the employment and income information in EIV is the same or within \$200/month or \$2400/annually, compared to what the tenant reports he/she is receiving, DHA can use the EIV Income Report for third party verification and tenant provided documents for income calculation purposes.

Independent Third Party verification must be obtained when to complement EIV data when:

- (1) The tenant disputes the EIV data;
- (2) The tenant is unable to provide DHA with acceptable and current income documentation;
- (3) There is incomplete EIV data for a tenant; or
- (4) There is no EIV data for a tenant.

When DHA is unable to obtain additional third party verification, e.g., the third party does not respond, the tenant file must be documented why third party verification was not available.

DHA always has the discretion to obtain additional third party verification of income or verification of other EIV data based on circumstances encountered during the recertification process.

At the time of recertification, interim or unit transfer when there is a change in the household composition, DHA must use the EIV Reports to verify the employment and income of tenants participating in Public Housing and Multifamily Housing's rental assistance programs. Reports such as the New Hires Report, Income Discrepancy Report, etc. may be used other than recertification and redeterminations.

### **Income Report**

DHA must use the Income Report at the time of recertification or redetermination. This report provides DHA with employment and income information on tenants. The report provides information on tenants who have started new employment within the past few months, quarterly wage information for past or current employment, unemployment insurance benefits, social security benefits, Medicare premiums, and SSA disability status.

DHA must print and retain a copy of the Income Report(s) in the tenant file. In most cases, the printed report will serve as third party verification. If the tenant disputes the information on the Income Report you should note this on the report and the tenant file must include verification obtained directly from a third party source.

If you discover there is an error in the data provided by SSA, e.g., the tenant is being reported by SSA as being deceased when he/she is still living, you should advise the tenant of the discrepant information. It is the tenant's responsibility to contact the SSA to get information corrected. HUD cannot remove or correct the information in EIV reported by the SSA.

### **NDNH (New Hires (W-4), Wage and Unemployment Compensation)**

The NDNH employment and unemployment income information in EIV may only be used as third party verification of the tenant's employment and is not to be used to calculate the tenant's income. DHA will use the documentation provided by the tenant, e.g., pay stubs, unemployment benefit information, etc., to calculate the

tenant's income unless circumstances require you to obtain third party verification directly from the employer or unemployment agency.

If the information in EIV agrees or is within \$200/month or \$2400 annually, compared to what the employment and income the tenant reports he/she receives, you will use the EIV income report as third party verification of the tenant's employment and request the tenant to provide documentation, e.g., check stubs, that will support his/her current income being received. DHA will then use the documentation provided by the tenant for determining the tenant's income.

If the information in EIV does not agree with the employment and income that the tenant reports, or if the tenant disputes the EIV data, you must obtain third party verification directly from the employer for use in determining the tenant's income.

When no employment or income information is available in EIV and the tenant reports he/she is working, you must request third party verification directly from the employer.

There may be times when you will need to request third party verification directly from the source in order to have all of the information needed to determine the tenant's income. For example, employers are not required to report the "Hire Date" when submitting their data to the state; therefore, you may need to obtain third party verification for new employment reported for a tenant in order to obtain this information.

If DHA discovers that the income reported for wages or unemployment compensation does not belong to his/her tenant, you should advise the tenant. It is the tenant's responsibility to contact the employer or state unemployment agency to get the information corrected. HUD cannot remove the information reported for the tenant from EIV. You must:

- Attempt to obtain written third party verification from the employer to verify the information.
- Have the tenant certify that the employer and employment information displayed in the EIV is invalid and has been wrongly attributed to his or her personal identifiers.
- Advise the tenant to contact the third party income source, and if unsuccessful, the State Wage Agency in his or her state to request the information be removed from his or her record.
- Keep documentation on the above in the tenant files.
- If identity theft is suspected, you should refer the tenant to SSA's website at [www.ssa.gov](http://www.ssa.gov) for information on reporting identity theft or to local agencies who may assist the tenant in getting the matter resolved.

Further information regarding EIV can be found in DHA's 032 – Enterprise Income Verification System Procedure.

### **2.34 Addition of Household Member or Live-In-Aide to Lease/Public Housing**

a) In order to add a household member, other than through birth or adoption, and the persons are under the age of 18 years old the family must provide legal custody documentation (temporary or permanent) requesting 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 non-citizen status. Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.

A new family member will be required to go through the screening process similar to the process for applicants. DHA 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, the resident will be advised of his/her right to invoke the grievance procedure. If they are found to be eligible and meet 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.

b) In order to add a Live-In-Aide to the household, the head of household must request an accommodation, in accordance with DHA's Reasonable Accommodation in Housing Guidelines, and the request must be approved in writing by the 504 Coordinator, prior to the addition of a Live-In-Aide to the household. The Live-In-Aide must provide their social security number, if they have one, and must verify their citizenship/ eligible non-citizen status. Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.

c) Adult persons will not be added to the lease except for a Reasonable Accommodation in accordance with DHA's Reasonable Accommodation in Housing Guidelines, and the request must be approved in writing by the 504 Coordinator or Proof of guardianship prior to the addition to the household. Special cases may arise and the ultimate decision is left to

the discretion of the Denver Housing Authority and decisions will be on a case by case basis.

A Live-In-Aide is not a member of the resident's family, as defined in Section 1.26 of this policy or federal regulation. The Live-In-Aide is not required to meet all Conventional Public Housing eligibility requirements such as, by way of example and not limitation, income eligibility. However, the Live-In-Aide must undergo a criminal history background check, which may affect his/her eligibility to become a Live-In-Aide. Prior to being added to the household the Live-In-Aide and resident must complete the Live-In-Aide Acknowledgment. The Live-In-Aide's income is not included in the family's income. When the individual needing the support services leaves the unit or fails to qualify for continued occupancy, the Live-In-Aide can no longer live in the unit and has no right to continued occupancy as a Remaining Family Member.

### **2.35 Misrepresentations/Conventional Public Housing**

The resident will be notified, in writing, of any misrepresentations or lease violations discovered during the re-examination, rent review, or at other times. The applicant, resident certifies that accurate information has been provided regarding family composition, income, net family assets, allowances and deductions. Any misrepresentation is a violation of Federal regulations and shall result in lease termination and/or punishment under Federal law.

### **2.36 Designated Housing for Elderly Only**

In accordance with 24 C.F.R. Part 945, HUD approved the designation of the following buildings for occupancy by the elderly only: Barney Ford, Walsh Manor, and the North Lincoln Park Homes Midrise. In the future, any other properties designated as elderly only by HUD shall, upon passage of a Board resolution, automatically be incorporated into this Policy. Applicants must be 62 years of age or older to be eligible to live in these designated buildings.

### **2.37 Pet Ownership**

DHA has established the following pet policies: 1) Pet Policy for Elderly/Disabled Developments; and 2) Family Housing Pet Policy. These policies are available for review upon request to the building manager.

Consistent with 24 C.F.R. §5.312(b), DHA will provide appropriate notice to each applicant, when he/she is offered a dwelling unit in a building

designated for “elderly only” or a high-rise designated for the elderly and persons with disabilities stating that: 1) residents are permitted to own and keep common household pets in their dwelling units, in accordance with the Pet Policy for Elderly/Disabled Developments; 2) assistance animals that are used to assist persons with disabilities are excluded from this policy, see 2.46 Assistance Animals; and 3) residents may at any time request a copy of the current Pet Policy for Elderly/Disabled Developments.

Pursuant to 24 C.F.R. 960 Subpart G, a resident of a public housing dwelling unit may own a common household pet in accordance with DHA’s Family Housing Pet Policy and dwelling lease. Assistance animals are specifically excluded from this policy, see 2.46 Assistance Animals.

### **2.38 Assistance Animals**

Federal regulation requires DHA to allow, as a reasonable accommodation, a qualified person with a disability to own and keep an “assistance animal” (also referred to as service animal or companion animal) on DHA’s premises. An assistance animal is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability; or animals that provide emotional support that alleviate one or more identified symptoms or effects of a person’s disability. An assistance animal is not considered a pet and therefore is not subject to DHA’s Pet Policies. All individuals requesting an assistance animal must request an accommodation, in compliance with the Reasonable Accommodation in Housing Guidelines, as modified from time to time.

All qualified individuals with a disability approved to own and keep an assistance animal must execute an Assistance Animal Agreement. Additionally, dogs and cats must have all inoculations required by law, and be certified by a veterinarian licensed to practice in the State of Colorado. All assistance animals must have a tag attached to the animal’s collar showing that the animal has been inoculated with anti-rabies vaccine and has been properly licensed. The dog or cat shall wear the collar at all times.

Assistance animals may not be a nuisance or a wild or dangerous animal, as determined by DHA in its sole and absolute discretion, or as defined in the Denver Revised Municipal Code. By way of example and not limitation, a vicious dog or one which howls and barks incessantly will be excluded, even if the animal is certified or trained. Additionally, the resident must maintain good sanitary conditions in their unit, public and common areas (for example, immediate removal of all animal waste) with respect to the assistance animal; and is financially responsible for any damage caused by the

assistance animal. However, because an assistance animal is not a pet, DHA will not require the owner of an assistance animal to pay a pet deposit.

### **2.39 Order of Precedence**

This Admissions and Occupancy Terms and Policies define DHA's policies for the Public Housing program, incorporating Federal, State, and local law. If there is any conflict between this Policy and Federal law or HUD regulations, the laws and regulations shall prevail. If there is any conflict between this Policy and the dwelling lease or the grievance procedure, the dwelling lease or the grievance procedure shall prevail.

### **2.40 Services for Non-English Speaking Applicants and Residents**

DHA has developed the Housing Authority of the City and County of Denver Limited English Proficiency ("LEP") to ensure that all programs, services, and benefits are accessible to eligible individuals who, as a result of national origin, are limited in their English proficiency. This procedure outlines: 1) the process for determining the language needs of the population served; 2) the process for determining what documents are vital and will be translated; 3) provision of interpretation services for non-translated documents; 4) procedures for securing a certified interpreter; 5) how LEP Persons can access interpreter services; and 6) DHA's right to certify that an individual is limited English proficient, prior to providing specific interpretation or translation services.

### **2.41 Paragraph Headings**

The captions and headings set forth herein are for convenience of reference only, and shall not be construed so as to define or limit the terms and provisions hereof.

### **2.42 Violence Against Women and Department of Justice Reauthorization Act of 2005**

The purpose of this Act is to protect the safety of victims of domestic violence, dating violence, sexual assault, and stalking who reside in public housing and ensure that such victims have meaningful access to the criminal justice system without jeopardizing such housing. The Act creates long-term housing solutions that develop communities and provides sustainable living

solutions for victims of domestic violence, dating violence, sexual assault and stalking. This allows public housing agencies to build collaborations among victim service providers and to provide appropriate services, interventions and training to address the housing needs of victims of domestic violence, dating violence, sexual assault and stalking. The Act also enables public housing agencies to respond appropriately to domestic violence, dating violence, sexual assault and stalking while maintaining a safe environment for all housing residents. The “Violence Against Women Act Notification of Rights and Lease Addendum” shall be signed by the head of household and spouse or co head with the original lease and any new lease that is created after move-in.

This Act amends the United States Housing Act of 1937 with regard to the Public Housing Program in the following ways:

1. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence.
2. Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a resident’s household or any guest or other person under the resident’s control, shall not be cause for termination of the tenancy or occupancy rights, if the resident or immediate member of the resident’s family is a victim of that domestic violence, dating violence, or stalking.
3. DHA may bifurcate a lease in order to evict, remove, or terminate assistance to any individual who is a resident or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a resident or lawful occupant.
4. DHA retains the right to evict a resident for any violation of a lease not premised on the act or acts of violence in question against the resident or a member of the resident’s household, provided that DHA will not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other residents in determining whether to evict or terminate a tenancy.
5. DHA retains the right to evict a resident if it can be demonstrated that there is an actual and imminent threat to

- other residents or those employed at or providing service to the property if the resident's tenancy is not terminated.
6. DHA may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the Act. Such certification shall include the name of the perpetrator. The individual shall provide the certification within 14 business days after DHA requests it.
  7. If the individual fails to provide the certification discussed in paragraph 10 above within 14 business days of a request, DHA may evict any resident or lawful occupant that commits a violation of the lease. DHA may extend the 14 day deadline at its discretion.
  8. An individual may satisfy the certification requirement discussed above in paragraph 6 by: 1) providing DHA with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, 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 to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim has signed or attested to the documentation; or 2) producing a federal, state, tribal, territorial, or local police or court record.
  9. All information provided to DHA relating to the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence, except to the extent that disclosure is:
    - a. requested or consented to by the individual in writing;
    - b. required for use in an eviction proceeding; or
    - c. otherwise required by applicable law.

The following are additional requirements regarding requests for emergency transfers that are the result of domestic violence, dating violence, or stalking:

1. Resident initiated emergency transfers that are the result of domestic violence, dating violence, or stalking will only be approved if they are accompanied by documentation acceptable to DHA substantiating the domestic violence, dating violence, or stalking.

2. Whenever a resident is granted an emergency transfer that is the result of domestic violence, dating violence, or stalking, the perpetrator of such violence or stalking will be automatically barred from the resident's previous residence, the resident's new residence, and all of the resident's subsequent residences pursuant to the DHA No Trespass/Barring Procedure.
3. A resident who is granted an emergency transfer that is the result of domestic violence, dating violence, or stalking who subsequently allows a barred perpetrator of such violence or stalking onto the property in violation of the DHA No Trespass/Barring Procedure will be in violation of his/her lease and subject to possible eviction.

### **2.43 Rent Policies and Procedures**

The following policies and procedures regarding the payment and collection of rent apply to DHA's conventional public housing program. DHA will comply with all requirements in the Housing Authority of the City and County of Denver Procedure Manual, Section 03-H.M. Rent Collection Procedure.

- 1) Rent is due on the first day of the month. It is considered delinquent if it is not paid within the first (5) working days of the month for the Public Housing Program. Rent is due within the first (5) calendar days for the DHC properties.
- 2) Rent may include utilities as described in the lease.
- 3) Payment must be in the form of a check or money order, no cash is accepted. Once a resident has paid by personal check and the check is returned by the bank for insufficient funds, the resident will be charged a returned check fee and the Manager will no longer accept a personal check from that resident. DHA will only accept payment in the form of a Certified Check, Money Order or Cashier's Check.
- 4) The resident is required to pay the full amount of rent due; partial payment will not be accepted.
- 5) Three (3) late payments within a twelve (12) month period shall constitute a serious violation of the material terms of the lease, for which DHA may terminate the lease. Residents shall pay the full amount of rent and other charges when due, without

deduction or offset for any amount which the resident claims DHA owes to the resident, until any such deduction or offset is approved by DHA.

- 6) DHA business hours are from 8:00 a.m. to 4:30 p.m. Mon. - Fri. except for holidays. All rent payments and other charges must be mailed to DHA at PO Box 5488, Denver, Co 80217. Only during the Three Day demand period will payments be excepted in the office. DHA will not accept cash.
- 7) Once a resident has been served with a Demand for Payment of Rent or Possession, DHA will not accept payment for the amount of rent specified in the demand in the form of a personal check. DHA will only accept payment in the form of a Certified Check, Money Order or Cashier's Check.
- 8) At the discretion of the Denver Housing Authority repayment agreements may be entered into between DHA and the resident. The Manager is responsible for the recommendation in cases where there is a large maintenance charge or unreported income resulting in back rent. No more than one repayment agreement will be offered for back rent resulting in unreported income, if unreported income is discovered a second time the resident will be required to pay the full amount or be subject to eviction.

Additional policies and procedures regarding the calculation and payment of a resident's rent are contained in the lease and the Denver Housing Authority Housing Management Procedure Manual.

## Addendum 1

### Working Family Income Tier Ranges for Admission to Conventional Public Housing

<u>Family Size</u>	<u>Tier I</u>	<u>Tier II</u>	<u>Tier III</u>
1	\$0-\$15,950	\$15,951-\$26,600	\$26,601-\$42,500
2	\$0-\$18,200	\$18,201-\$30,400	\$30,401-\$48,600
3	\$0-\$20,500	\$20,501-\$34,200	\$34,201-\$54,650
4	\$0-\$22,750	\$22,751-\$37,950	\$37,951-\$60,700
5	\$0-\$24,600	\$24,601-\$41,000	\$41,001-\$65,600
6	\$0-\$26,400	\$26,401-\$44,050	\$44,051-\$70,450
7	\$0-\$28,250	\$28,251-\$47,101	\$47,101-\$75,300
8	\$0-\$30,500	\$30,501-\$50,100	\$50,101-\$80,150