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## ADMISSIONS & CONTINUED OCCUPANCY POLICY

| 07/01/~~2017~~2018

Effective:

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**ADMISSIONS AND CONTINUED OCCUPANCY POLICY  
GOVERNING HUD-ASSISTED PUBLIC HOUSING OPERATED BY THE  
CINCINNATI METROPOLITAN HOUSING AUTHORITY (CMHA)**

To eliminate unnecessary repetition, unless otherwise specifically noted, all policies described herein may be applied to applicants for admission and current residents, at CMHA's sole discretion. References to other Administrative Procedures are made throughout the text of this Policy. These Procedures are separate documents that describe the work steps necessary to implement the policy choices made in this document. The procedures are for use by staff and may be modified or amended as needed without Board approval.

**Section I – Non-discrimination and Accessibility**

**A. Compliance with Civil Rights Laws**

1. It is the policy of the Cincinnati Metropolitan Housing Authority (CMHA) to comply with all laws relating to Civil Rights, including but not limited to:
  - a. Title VI of the Civil Rights Act of 1964;
  - b. Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988);
  - c. Executive Order 11063, Section 504 of the Rehabilitation Act of 1973;
  - d. The Age Discrimination Act of 1975;
  - e. Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern);
  - f. any applicable State laws or local ordinances; and
  - g. any legislation protecting the individual rights of tenants, applicants or staff that may subsequently be enacted.

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2. CMHA shall not discriminate because of race, color, sex, religion, creed, national or ethnic origin, age, to actual or perceived sexual orientation, gender identity, familial or marital status, handicap or disability. in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under CMHA's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.
3. CMHA shall not deny any family or individual the equal opportunity to apply for or receive assistance under its Asset Management Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, to actual or perceived sexual orientation, gender identity, familial or marital status, handicap or disability. In addition, CMHA shall not:
  - a. Deny anyone the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
  - b. Provide anyone housing that is different from that provided others<sup>1</sup>;
  - c. Subject anyone to segregation or disparate treatment;
  - d. Restrict anyone's access to any benefit enjoyed by others in connection with the housing program;
  - e. Treat anyone differently in determining eligibility or other requirements for admission<sup>2</sup>;
  - f. Deny anyone access to the same level of services<sup>3</sup>; or
  - g. Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.
  - h. Permit these policies to be subverted to do personal or political favors. CMHA will not offer units in an order different from that prescribed by this policy, since doing so violates the policy, federal law, and the civil rights of the other families on the waiting list.
4. CMHA shall not automatically deny admission to any group or category of otherwise qualified applicants (e.g., families with children born to unmarried parents or families whose head or

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<sup>1</sup> CMHA is required to provide persons with disabilities with housing that is appropriate for their needs. This accessible or adaptable housing, although different from that provided to others, is permitted because it allows persons with disabilities to participate in the public housing program.

<sup>2</sup> CMHA is obliged to offer reasonable accommodations to applicants with disabilities, but this does not affect CMHA's screening or eligibility standards.

<sup>3</sup> This requirement applies to services provided by CMHA and services provided by others with CMHA's permission on public housing property.

spouse/co-head is a student). Each applicant in a particular group or category must be treated on an individual basis in the normal processing routine. Structural Modification for 504 Compliance.

a. CMHA will identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504, and the Fair Housing Amendments Act of 1988, CMHA will make structural modifications to its housing and non-housing facilities and make reasonable accommodations in its procedures or practices to permit people with disabilities to take full advantage of the CMHA's housing program and non-housing programs.

b. In making structural modifications to existing housing programs or in making reasonable accommodations for otherwise qualified persons with disabilities, CMHA is **not** required to:

- (1) Make each of its existing facilities accessible; or make structural alterations when other methods can be demonstrated to achieve the same effect;
- (2) Make structural alterations that require the removal or altering of a load-bearing structural member;
- (3) Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level;
- (4) Take any action that would result in a fundamental alteration in the nature of the program; or
- (5) Take any action that would result in an undue financial and administrative burden on the Authority.

c. When CMHA is making substantial alterations as Comprehensive Modernization or work in communities with 15+ units, work whose value exceeds 75% of the replacement cost of the facility) to an existing housing facility CMHA is not required to:

- (1) Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level;
- (2) Make structural alterations that require the removal or altering of a load-bearing structural member; or
- (3) Make structural alterations to meet minimum accessibility requirements where it is structurally impracticable. Structural impracticability is defined as: Changes having little likelihood of being

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accomplished without removing or altering a load-bearing structural member and/or incurring an increased cost of 50% or more of the value of the element of the building or facility involved. Note that the undue burdens test is not applicable to housing undergoing substantial alteration.

## **B. Reasonable Accommodation**

- 1. The vision and purpose of the policy:** To shape our future by utilizing sustainable funding models to develop quality affordable housing solutions in partnership with our community shareholders, CMHA must ensure that persons with disabilities have full access to CMHA's programs and services.

CMHA's reasonable accommodation policy is developed to provide all otherwise qualified applicants, residents, employees and other participants of CMHA programs or operations with equal access to all opportunities, programs and services offered by CMHA.

Such access shall not be compromised by an individual's disability, unless in doing so, the nature of CMHA's programs or services would be fundamentally changed or result in undue hardship to CMHA or pose a direct threat to the health or safety of the individual or others.

CMHA asks all applicants and resident families in writing on the initial application, reexamination documents, and notices of adverse action by CMHA, if applicants and tenants require any type of accommodations

## **2. Policy**

### **2.1 Housing Programs and Services:**

CMHA will provide reasonable accommodation in housing for applicants and residents with disabilities. A reasonable accommodation is a change in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program. A person with a disability may request a reasonable accommodation at any time during the application process, residency in public housing, or participation in the Housing

Choice Voucher and Modern Rehabilitation programs of CMHA. The individual, CMHA staff, or any person identified by the individual must submit all requests in writing.

In accordance with CMHA's *Reasonable Accommodation's Policy*, the decision to approve or deny request for reasonable accommodation is made on a case-by-case basis and takes into consideration the disability and the needs of the individual, as well as, the nature of the program or activity in which the individual seeks to participate. Reasonable accommodation methods or actions that may be appropriate for a particular program and individual may be found to be inappropriate for another program or individual.

CMHA will make available to all persons applying for residency at CMHA, or current residents, notice of the option to request a reasonable accommodation.

CMHA will encourage that requests be submitted in writing using a reasonable accommodation request form. However, CMHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted. If a resident requests a reasonable accommodation and does not wish to put the request in writing, the site asset manager (or other CMHA staff) should reduce the request to writing and forward to the 504 Coordinator.

The family must explain what type of accommodation is needed to provide the person with the disability full access to CMHA's programs and services. If the need for the accommodation is not readily apparent or known, the family must explain the relationship between the requested accommodation and the disability

CMHA shall designate an individual within the Office of General Counsel as the CMHA Section 504/Reasonable Accommodation Coordinator. The coordinator is responsible for monitoring CMHA's compliance with this Policy and coordinating all CMHA's efforts to comply with the various provisions of the federal, state and local law governing reasonable accommodation in housing.

The Reasonable Accommodation Coordinator shall be available to CMHA applicants and residents as well as staff to answer questions and deal with issues regarding reasonable accommodation requests. The Reasonable Accommodation Coordinator shall be available to consult as needed and to provide

advice to any CMHA official making a determination on a reasonable accommodation request.

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### C. Accessibility and Plain Language

1. Facilities and programs used by residents must be accessible to a person in a wheelchair. Application and management offices, hearing rooms, community centers, day care centers, laundry facilities, craft and game rooms must be usable by residents with a full range of disabilities. If none of these facilities are already accessible (and located on accessible routes), some<sup>4</sup> must be made so, subject to the undue financial and administrative burden test.
2. Documents to be used by applicants and residents will be made available in formats accessible for those with vision or hearing impairments. The documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. Unless prohibited by local law, documents may be translated into languages other than English as needed<sup>5</sup>.
3. Some aspects of eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance are complicated, but CMHA will present examples to help applicants and residents understand the issues involved. In writing materials for applicants and residents, CMHA staff will keep in mind that mental retardation, learning disabilities and cognitive disabilities may affect the applicant's ability to read or understand – so rules and benefits may have to be explained verbally, perhaps more than once.
4. At the point of initial contact with all applicants, CMHA staff will ask whether they need some form of communication other than plain language paperwork. Alternative forms of communication might include: sign language interpretation; having materials explained orally by staff, either in person or by phone; large type materials; having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials; permitting applicants to file applications by mail; and permitting alternative sites for application taking.

<sup>4</sup> It is not required that all public and common areas be made accessible as long as persons with disabilities have full access to all the types of facilities and activities available to persons without disabilities. Thus, not all laundry facilities need to be accessible as long as there are sufficient accessible laundry facilities for use by persons with disabilities at each property that provides laundry facilities.

<sup>5</sup> 24 CFR § 5.505 requires that any notice or document relating to citizen or eligible immigration status, where feasible, be provided to an applicant or tenant in a language that is understood by the individual if the individual is not proficient in English. In general, documents will be translated when there are sufficient numbers of applicants or residents speaking a language to warrant the expense.

5. Some applicants will not be able to read (or to read English), so intake staff must be prepared to read and explain anything that they would normally hand to an applicant to be read or filled out. Applicants who read or understand little English may request an interpreter who can explain what is going on. CMHA is required to pay the costs associated with having a foreign language interpreter as they are for a sign language interpreter for the hearing impaired.
6. At a minimum, CMHA will prepare the following information in plain-language accessible formats:
  - a. Marketing, promotional and informational materials;
  - b. Information about the application process;
  - c. How rents and utility allowances are determined;
  - d. The application form and required certifications;
  - e. All form letters and notices to applicants and residents;
  - f. General statement about reasonable accommodation;
  - g. Orientation materials for new residents;
  - h. The lease and house rules, if any;
  - i. Guidance or instructions about care of the housing unit;
  - j. Information about opening, updating or closing the waiting list;
  - k. All information related to applicant's rights (to informal hearings, etc.)

## **Section II Eligibility for Admission and Processing of Applications**

### **A. Affirmative Marketing**

1. CMHA will conduct outreach as needed to maintain an adequate application pool representative of the eligible population in the area. Outreach efforts will consider the level of vacancy in ~~the~~ CMHA's units, availability of units through turnover, and waiting list characteristics. CMHA will periodically assess these factors in order to determine the need for and scope of any marketing efforts. All marketing efforts will include outreach to those least likely to apply.
2. Marketing and informational materials will be subject to the following:
  - a. Marketing materials will comply with Fair Housing Act requirements on wording, logo, size of type, etc.;

- b. Marketing will describe the housing units, application process, waiting list and preference structure accurately;
- c. Marketing will use clear and easy to understand terms and will use more than strictly English-language print media;
- d. Agencies that serve and advocate for potentially qualified applicants least likely to apply (e.g. the disabled) will be contacted to ensure that accessible/adaptable units are offered to applicants who need these features;
- e. Marketing materials will make clear who is eligible: low income individuals and families; working and non-working people; and people with both physical and mental disabilities; and
- f. CMHA will be clear about its responsibility to provide reasonable accommodations to people with disabilities.

**B. Qualification for Admission**

- 1. It is CMHA's policy to only admit qualified applicants<sup>6</sup>.
- 2. An applicant is qualified if he or she meets all of the following criteria:
  - a. Is a family as defined in Section XV of this policy;
  - b. Meets the HUD requirements on citizenship or immigration status;
  - c. Has an Annual Income (as defined in Section XII of this document) at the time of admission that does not exceed the income limits (maximum incomes by family size established by HUD) posted in CMHA offices.
  - d. Provides documentation of Social Security numbers for all family members; and
  - e. Meets or exceeds the Applicant Selection Criteria set forth in Section II. G. of these policies, including attending and successfully completing a CMHA-approved pre-occupancy orientation session;
  - f. Has the legal capacity to execute a lease.

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<sup>6</sup> The term "qualified" refers to applicants who meet the applicant selection standards. Eligibility is a term having specific meaning under the Housing Act of 1937. In order to be eligible, a family must meet four tests: (1) they must meet HA's definition of family; (2) have an Annual Income at or below program guidelines; (3) each family member; and (4) each family member receiving assistance must be a citizen or non-citizen with eligible immigration status.

### C. **Waiting List Management**

1. It is the policy of CMHA to administer its waiting list as required by the regulations. (24CFR §§5.4, 5.5, 5.6, 960.201 - 960.215).

2. Opening and Closing Waiting Lists

- a. CMHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. CMHA may open or close the list for persons with a high preference category, or by unit size or type available. See (c) below.
- b. For any unit size or type, if CMHA's sites have sufficient applications to fill anticipated vacancies for the coming 12 months, CMHA may elect to: (a) close the waiting list completely; (b) close the list during certain times of the year; or (c) restrict intake by preference, type of project, or by size and type of dwelling unit.
- c. Decisions about closing the authority-wide, or a specific site-based waiting list will be based on the number of applications available for a particular size and type of unit, and the ability of CMHA to house an applicant in an appropriate unit within a reasonable period of time (between twelve and eighteen months). A decision to close the waiting lists, restricting intake, or opening the waiting lists will be publicly announced.
- d. During the period when the waiting list is closed, CMHA will not maintain a list of individuals who wish to be notified when the waiting list is re-opened.

3. Determining if the Waiting List may be Closed

CMHA may stop accepting applications for a specific wait list site, unit type or unit size, if there are enough applications to fill anticipated vacancies for the next 12 months. The wait list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

Upon the reopening of the waiting list, CMHA will advertise through public notice.

4. Updating the Waiting List

CMHA will update each waiting list at least once a year by contacting all applicants in writing<sup>7</sup>. If, after one written attempt<sup>8</sup> no response is received, or if mail is returned without a forwarding

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<sup>7</sup> Applicants with disabilities may be contacted by an alternate method as requested.

<sup>8</sup> Written communications will be sent by first class mail.

address, CMHA will withdraw the names of applicants from the waiting list.

When CMHA withdraws from the waiting list the name of an applicant family that includes a person with disabilities who is subject to reasonable accommodation in accordance with 24 CFR part 8, and the applicant did not respond to the PHA request for information or updates because of the family member's disability, then CMHA will reinstate the applicant in the family's former position on the waiting list.

At the time of initial intake, CMHA will advise families of their responsibility to notify CMHA when their income, mailing address, phone numbers, or family composition changes, change in wait-list unit choices, and wait-list preferences.

CMHA will not remove an applicant's name from the waiting list except in accordance with the procedures as stated herein.

5. Change in Preference Status While on the Waiting List
  - a) Families on the waiting list who did not qualify for a local or ranking preference when they applied may experience a change in circumstances that qualifies them for a preference. In such instances, it will be the family's duty to contact CMHA so that their status may be recertified or, depending on application processing status, re-verified. Applicants whose preference status changes while they are on the waiting list will retain their original date and time of application.
  - b) To the extent that CMHA determines that the family does not now qualify for a preference, they will be moved up on the waiting list in accordance with their preference(s) and their date and time of application.

#### **D. Processing Applications for Admission**

1. CMHA will accept and process applications in accordance with applicable HUD Regulations and CMHA's Admissions and Continued Occupancy Policy. CMHA will work on the assumption that the facts certified— by the applicant in the preliminary application are correct, although all those facts will be subject to verification later in the application process.
2. **Initial Eligibility Determination:** Upon receipt of an application, the Eligibility Department will first conduct a preliminary eligibility determination to review preferences and initial eligibility. Reviewing initial eligibility includes checking to see if the applicant is on

CMHA's trespass list, if the applicant's income exceeds HUD-established guidelines, if the applicant is on a sex offender registry and if the applicant owes a balance to CMHA or any other subsidized housing program.

3. If an applicant is ineligible, the Eligibility Department will send a letter to the applicant declining placement on the waiting list and the grounds for that denial. Applicants whose applications have been rejected may request an informal hearing.
  
4. Interviews and Verification Process: As applicants approach the top of the waiting list, they will be contacted and requested to come to CMHA's Eligibility Office for an interview to complete their applicant file. Applicants who fail to attend their scheduled interview or who cannot be contacted to schedule an interview will have their applications withdrawn, subject to reasonable accommodations for people with disabilities.
  - a. The following items will be verified according to CMHA's *Procedure on Verification*, to determine qualification for admission to CMHA's housing:
    - (1) Family composition and type (Elderly/Disabled/near-elderly /non-elderly)
    - (2) Employment History
    - (3) Annual Income
    - (4) Assets and Asset Income
    - (5) Deductions from Income
    - (6) Preferences
    - (7) Social Security Numbers of all Family Members
    - (8) Information used in applicant selection
    - (9) Citizenship or eligible immigration status
  - b. Third party written verification is the preferred form of documentation to substantiate applicant or resident claims. CMHA may also use: (1) up-front verifications (UIV) which may include obtaining computerized information from an independent agency; (2) phone verifications with the results recorded in the file, dated, and signed by CMHA staff; (3) review of documentation, and, if no other form of verification is available, (4) applicant self-certification. Applicants must cooperate fully in obtaining or providing the necessary verifications.
  - c. Third party documentation issued by another federal, state or local government agency: An original document showing

the individual's name and SSN of the individual (e.g., a benefit award letter, Medicare card, or printout from a federal, state or local government agency will be accepted as verification for purposes of determining eligibility. This could include welfare agency documents, military papers, unemployment insurance documents, or any other government-issued documentations.

- d. Verification of eligible immigration status shall be carried out pursuant to 24 CFR § 5.5. Citizens are permitted to certify to their status.
5. Applicants reporting zero income will be asked to complete a family expense form. This form will be the first completed in the interview process. CMHA requires applicants to document how much they spend on: food, transportation, health care, childcare, debts, household items, etc. and to specify the source(s) of income used to pay for these expenses. Applicants must also report the status of any pending application and/or benefits received through OWF or other similar programs. If a *zero income* family is admitted, re-determinations of income may be performed every 120 days. (Ref. *Periodic Recertifications*, Section VI.C.3 of this policy.)
6. CMHA's applicant admission records shall indicate the date and time the application was received; the applicant's race and ethnicity; CMHA's determination of eligibility/ineligibility of the applicant; when the applicant was made eligible; the unit size(s) for which the applicant was made eligible; preference(s), if any; the date, location, identification, and circumstances for each housing offer made; and a record of the acceptance or rejection of each offer.
7. Applicant must act in a cooperative manner with CMHA representatives. Applicant agrees to refrain from and cause members of Applicant's household or persons accompanying them to the CMHA offices to refrain from acting or speaking in an abusive or threatening manner toward CMHA representatives and others on the CMHA premises. This behavior includes, but is not limited to, taunting, sending threatening emails or voice mail messages, physical assault, and other violent or aggressive actions directed towards CMHA representatives and any attempt or damage caused to CMHA property. Applicant's failure to comply with this provision will result in the application being denied.

#### **E. The Preference System**

Qualifying for a preference does not guarantee admission. CMHA's local preferences will be fully described below. CMHA has adopted local preferences in order to ensure that its housing resources are utilized to

their maximum effect within the community. Preferences are used to establish the order of placement on the waiting list. Every applicant must still meet CMHA's Resident Selection Criteria (described later in this policy) before being offered a unit.

1. When selecting a family for a unit with accessible features, CMHA will give a preference to applicant families with disabilities who can benefit most from the unit's features. First preference will be given to current resident families needing a transfer to an accessible unit, and second preference will be given to applicant families. If no family needing accessible features can be found for a unit with accessible features, CMHA will house a family that does not need the unit features. This housing offer is subject to the requirement in Section III - Tenant Selection and Assignment Plan, under which a non-disabled family in an accessible unit can be required to move so that a family needing the unit features can be housed.
2. Police officers and their families who may not otherwise be eligible for occupancy in public housing may be admitted in order to increase the presence of security for residents in a CMHA community.
3. Notwithstanding any other provision of this Admissions and Continued Occupancy Policy, each tenant living in a property at the time CMHA takes legal title to the property will have the right to become a public housing tenant in the dwelling unit the tenant occupies on the date CMHA takes legal title, provided (1) the tenant family income is within the income limits for admission to the public housing program on the day the tenant family signs the public housing lease; and (2) the tenant family is determined to be eligible based on other CMHA admission criteria; and the tenant's household composition meets CMHA guidelines.
4. Preferences will be granted to applicants who are otherwise qualified and who, at the time of moving onto the site-based waiting list and meet the definitions of the preferences described below.

**F. Local Preferences and Unit Selection**

1. **Site-based Waiting List Choice:** Local preferences will be used in conjunction with CMHA's site based waiting list(s). Applicants may choose as many sites as they would like for placement on its site-based waiting list.
2. **Local Preference and Points Allocation:** The local preferences in effect are as follows:

Preference	Points
<b>Victims of involuntary displacement by government</b>	<b>32 Points</b>

agency or natural disaster – These individuals will <del>supercede</del> <b>supersede</b> the point system and move to the top of the waiting list due to the exigent situation. These will also include individuals who are participants in the Housing Choice Voucher Program that move from their HCV subsidized unit/HCV participant due to the unit's failed HQS and/or abatement from the program	
Victims of domestic violence - referral from YWCA, Women Helping Women, or Third-Party Social Service Agency	9 Points
Victims of domestic violence – Self certification only	4 Points
Referral from Local Homeless Coalition	4 Points
Veteran preference	9 Points
Full-time students (Head/Co-Head of Household with 3 <sup>rd</sup> party verification from the school)	3 Points
Working Families, Disabled Families or Elderly	3 Points
Family Unification (see below/to be defined) and/or youths aging out of foster care who are between the ages of 18-24.	2 Points
Good Neighbor Program Completion	2 Points

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3. **Definitions of Preferences:**

- a. Definition of Working Family Preference: The *Working Family Preference* is given to households where the Head or Co-Head of Household is employed at the time of application and at the time of admission.
- b. Definition of Homeless: An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  - (1) Sleeping in a place not designed for or ordinarily used as a regular sleeping accommodation
  - (2) Or Living in a shelter (designated to provide temporary living arrangements
  - (3) Or exiting an institution with no subsequent residence identified\_ where they resided for 90 days or less AND were residing in emergency shelter or place not meant for human habitation immediately before entering institutio
- c. Definition of Veteran: In the selection of tenants for dwelling units, CMHA shall give preference, (as among applicants equally in need and eligible for occupancy of the dwelling unit), to families of veterans and persons serving in the

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active military or naval service of the United States, including families of deceased veterans or deceased persons who were so serving at the time of death. For purposes of the preference, "Veteran" means either of the following:

- (1) A person who has served in the active military or naval service of the United States and who was discharged or released therefrom under conditions other than dishonorable;
  - (2) A person who served as a member of the United States merchant marine and to whom either of the following applies:
    - (a) The person has an honorable report of separation from active duty military service, form DD214 or DD215.
    - (b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.
    - (c) "United States merchant marine" includes the United States army transport service and the United States naval transport service.
- d. Family Reunification: the term "family reunification" as used this preference section is defined to describe a variety of programs that are intended to provide services to children and families who are experiencing serious problems that lead to the placement of children in foster care or otherwise result in the dissolution of the family unit.
- e. Good Neighbor Program: Completion of CMHA's Good Neighbor Program. The Good Neighbor program is a voluntary challenge program designed to educate applicants about CMHA housing and the aspects of life management. This program does not exclude the applicant from attending the New Resident Orientation.
- f. Working Family: The Head or Co-Head of Household has been continuously employed on the average of at least 20 hours/week for at least six months.
- g. Youth Aging out of Foster Care: Individuals between the ages of 18-24 who can verify that they were residents of a state-run foster care system within twelve months of the onset of adulthood or emancipation.

4. Method of Applying Preferences

Points are given to each applicant that meets the qualifications for the specific preferences. All points are totaled and families are placed on each site-based waiting list pursuant to their preference total.

Families are selected from the site based waiting list based upon preference points. In utilizing its preference system, CMHA will ensure that families with incomes between 0% and 30% of Area Median Income group will constitute at least 40% of all admissions in any year. Families with incomes between 31% and 80% of Area Median Income will be equal to or less than 60% of all admissions in any year.

Among applicants on the same site waiting list with the same preferences, families are selected on a first-come, first-served basis according to the time and date of their completed application.

When selecting applicants from the waiting list for a site, CMHA matches the characteristics of the available unit (size, accessibility) to the applicants on the waiting list. CMHA offers the unit to the highest ranking applicant who qualifies for that unit size.

By matching unit and family characteristics, it is possible that families who are lower on the site waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status. (For example, if only two bedroom units were available and a family needing a four bedroom unit is next on the waiting list. The family needing the four bedroom unit will be passed over until an appropriately sized unit is available.)

CMHA Admission Department will sort and prioritize the waiting list based upon total number of preference points, then by date and time of application.

CMHA will also offer units to existing residents on the transfer list. Some types of transfers are processed before new admissions and some types of transfers are processed with new admissions, using a ratio set forth in the *Tenant Selection and Assignment Plan* (reference Section III). Transfers do not count toward the 40% Tier I requirement.

CMHA will neither hold units vacant for prospective applicants with preferences, nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants with preferences.

5. Withholding Preferences

As required by law (24 CFR 960.204), CMHA will withhold a preference from an applicant if any member of the applicant family has been evicted from assisted housing (as defined in the 1937 Housing Act) during the past three years because of drug-related or criminal activity that threatens the health, safety or peaceful enjoyment of other residents or staff. In addition, CMHA will not grant an admission preference within three years of eviction, from any rental housing, to any family when the reason for eviction is drug-related. The term “drug-related criminal activity” includes, but is not limited to, the possession, use, purchase, manufacture, sale, distribution, or transport, of any of the following: (1) illegal drug, (2) controlled substance, (3) drug counterfeit or analog, (4) controlled substance counterfeit or analog, (5) drug paraphernalia, or (6) drug abuse instrument; as defined by local, state, or federal law.

CMHA may, at its sole discretion, grant admission preference in any of the following cases:

- a. If CMHA determines that the evicted person has successfully completed a rehabilitation program that is directly relevant to the reason(s) for the eviction;
- b. If CMHA determines that the evicted person clearly did not participate in or know about the drug-related or criminal activity; or
- c. If CMHA determines that the evicted person no longer participates in any drug-related or criminal activity that threatens the health, safety or right to peaceful enjoyment of other tenants or staff.

6. Designated Housing

The preference system described above will work in combination with requirements to match the characteristics of the family to the type of unit available, including communities with HUD-approved designated populations, if any. When such matching is required or permitted by current law, CMHA will give preference to the families eligible for the designated housing, as described below. The ability to provide preferences for some family types will depend on unit size available.

**Communities designated for the elderly:** Elderly families will receive a priority for admission to units or buildings covered by a

HUD-approved Designation Plan. When there are insufficient elderly families on the waiting list, near-elderly families (head or spouse/co-head ages 50 to 61) will receive a priority for this type of unit.

**Communities designated for disabled families:** Disabled families will receive a priority for admission to units or buildings that are covered by a HUD-approved Designation Plan.

**Mixed Population Communities:** Elderly families, disabled families and families displaced by governmental action will receive equal priority for admission to such units.

All elderly, disabled or displaced applicants who are single persons shall be admitted before single persons who are not elderly, disabled nor displaced.

**General Occupancy Communities:** The priority for elderly and disabled families and displaced persons does not apply at General Occupancy Properties.

7. Administration of the Preferences

Depending on the time an applicant may have to remain on the waiting list, CMHA will either verify preferences at the time of application (when there is no waiting list or the waiting list is very short) or require that applicants certify to their qualification for a preference at the time of pre-application (when the wait for admission exceeds four months). Preference verifications shall be no more than 120 days old at the time of certification.

At the time of pre-application, CMHA may use a pre-application to obtain the family's certification that it qualifies for a preference. Between pre-application and the application interview, the family will be advised to notify CMHA of any change that may affect their ability to qualify for a preference.

Applicants that are otherwise eligible and self-certified as qualifying for a preference will be placed on the waiting list in the appropriate applicant pool.

Applicants that self-certify to a preference at the time of pre-application and cannot verify current preference status at the time of certification will lose their preference status and their standing on the waiting list.

Families that cannot qualify for any of the preferences will be moved into the No-preference category, and to a lower position on the waiting list based on date and time of application.

Families that claim a preference at the time of the pre-application, but do not qualify for a preference at the time of application

interview, will be notified in writing and advised of their right to an informal meeting as described below. If otherwise qualified, the family's application will then be placed on the waiting list in the appropriate No-preference category.

8. Notice and Opportunity for a Meeting

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

CMHA will provide a written notice if an applicant does not qualify for a preference. This notice shall contain a brief statement of the reason(s) for the determination, and notice that the applicant has the right to an Informal Hearing.

If the applicant requests the meeting, CMHA shall designate an employee or other agency designee to conduct the meeting. A written summary of this meeting shall be made and retained in the applicant's file.

The applicant will be advised that s/he may exercise other rights if the applicant believes that illegal discrimination, based on race, color, national origin, religion, age, disability, or familial status has contributed to CMHA's decision to deny the preference.

**G. Applicant Selection Criteria**

1. Required Denial of Admission

In accordance with 24 CFR § 960.204 CMHA will deny admission for:

- a. Persons previously evicted from government-subsidized housing for drug-related criminal activity<sup>9</sup>
- b. Persons engaging in illegal use of a drug;
- c. Persons convicted of methamphetamine production; or
- d. Persons subject to a sex offender registration requirement;
- e. Persons that abuse or show a pattern of abuse of alcohol.

2. It is CMHA's policy that all applicants shall be screened in accordance with HUD's regulations and CMHA's *Applicant Screening Procedures*. During screening, CMHA will require applicants to demonstrate their ability to comply with essential provisions of the lease as summarized below:

- a. pay rent and other charges (e.g. utility bills) in a timely manner;
- b. care for and avoid damaging the unit and common areas;
- c. use facilities and equipment in a reasonable way;

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<sup>9</sup> The definition of drug-related criminal activity includes possession of drug paraphernalia.

- d. create no health or safety hazards;
  - e. report maintenance needs in a timely manner;
  - f. not interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
  - g. not to engage in any activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff;
  - h. not to engage in any drug-related activity; and
  - i. to comply with necessary and reasonable rules and program requirements of HUD and CMHA.
  - j. No applicant for public housing who has been a victim of domestic violence, dating violence, stalking, or sexual assault shall be denied admission into the program if they are otherwise qualified.
  - k. CMHA will utilize a twelve (12) month “look back” period for review of the Applicant’s compliance with the screening criteria as set forth above.
3. CMHA will check ability to comply with essential lease requirements:
- a. Applicant ability and willingness to comply with the essential lease requirements will be checked and documented in accordance with CMHA’s *Applicant Screening Procedure*. Information to be considered in completing applicant screening shall be reasonably related to assessing the conduct of the applicant and other family members listed on the application, in present and prior housing.
  - b. The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected **not to**:
    - (1) 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;
    - (2) Adversely affect the physical environment or financial stability of the project;
    - (3) Violate the terms and conditions of the lease;
    - (4) Require services from CMHA staff that would alter the fundamental nature of CMHA’s program.
  - c. CMHA will conduct a detailed interview of all applicants. Answers will be subject to third party verification.
  - d. Payment of funds owed to CMHA, any other housing authority or any other government-funded housing program is part of the screening evaluation. Payment of outstanding

balances is an opportunity for the applicant to demonstrate an improved track record. CMHA will reject an applicant for unpaid balances owed CMHA by the applicant for any program that CMHA operates. CMHA expects these balances to be paid in full (either in a lump sum or over time) before initiating the full screening process. CMHA will not admit families who owe back balances. Payment of an outstanding balance will not guarantee selection for housing.

- e. CMHA will complete a national and/or local criminal background check on all adult household members
- f. It is CMHA's policy that residents and/or applicants that have been evicted from any public housing authority must wait 12 months from the date of move out to reapply for housing.
- g. It is CMHA's policy that applicants may submit their application at any time except if an applicant has been previously deemed ineligible by the CMHA Eligibility Department and this determination has been upheld through the administrative appeals process, in which case, the subsequent application may not be processed for a six month period.
- h. CMHA will deny admission to housing to individuals evicted from any rental housing for criminal related activity within a 36 month period from the date of application. Criminal activity does not include routine vehicular traffic offenses.
- i. CMHA may complete a home visit on applicants as a reasonable accommodation. The purpose of the Home Visit is to obtain information to be used in determining the applicant's compliance with Applicant Screening Criteria.
  - (1) Unless waived by the applicant, all applicants shall have at least two days' advance written notice of Home Visits.
- j. All eligible applicants are required to ~~attend/ or~~ review CMHA's Orientation video packet prior to leasing.
- k. CMHA's examination of relevant information with respect to past and current habits or practices will include, but is not limited to, an assessment of:
  - (1) The applicant's past performance in meeting financial obligations, especially rent and utility bills.
  - (2) 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 tenants or neighbors.

- i. Any history of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff with respect to criminal activity. This also includes persons who are convicted of a form of arson-based criminal activity. Routine vehicular traffic offenses are not deemed to be criminal activity.
  - (3) Applicants will be determined ineligible for admission if CMHA determines that there is reasonable cause to believe that the applicant and/or any family member's pattern of abuse of an illegal drug and/or alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. CMHA may waive this requirement if the person demonstrates to CMHA's satisfaction that the person is no longer engaging in abuse of alcohol and/or drugs and:
    - (a) Has successfully completed a supervised drug rehabilitation program satisfactory to CMHA;
    - (b) Has otherwise been rehabilitated successfully (third-party verification required); or
    - (c) Is participating in a supervised drug or alcohol rehabilitation program satisfactory to CMHA.
  - (4) A record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).
  - (5) An applicant's ability and willingness to comply with the terms of CMHA's lease.
- m. An applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition, income or rent will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.
- n. By the time of admission applicants must be able to demonstrate their ability and willingness to comply with the

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terms of CMHA's lease, either alone or with assistance.<sup>10</sup> Availability of assistance and/or the ability to comply with lease terms are subject to verification by CMHA.

4. Screening applicants who claim mitigating circumstances
  - a. If negative information is received about an applicant, CMHA shall consider the time, nature, and extent of the applicant's conduct and factors that might indicate a reasonable probability of favorable future conduct. To be considered in CMHA's screening assessment of the applicant, mitigating circumstances must be verifiable.
  - b. Mitigating circumstances<sup>11</sup> are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified, indicate both: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, and the applicant's prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances may outweigh information already gathered in the screening process.
  - c. If the applicant asserts that the mitigating circumstances relate to a change in disability, medical condition or course of treatment, CMHA shall have the right to refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance. CMHA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify the need for a reasonable accommodation.
  - d. Examples of mitigating circumstances might include:
    - (1) Evidence of successful rehabilitation;
    - (2) Evidence of the applicant family's participation in social service or other appropriate counseling service; or
    - (3) Evidence of successful and sustained modification of previous disqualifying behavior.

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<sup>10</sup> Applicants whose landlord, financial, criminal and other references demonstrate that they are already willing and able to comply with lease terms in their existing housing will be considered to have met this criterion, whether or not they are disabled. Applicants whose housing situations make it difficult for CMHA to determine whether or not they are able and willing to comply with lease terms (e.g. because they are homeless, are living with friends or relatives, or have other non-traditional housing circumstances) will have to demonstrate ability and willingness to comply with lease terms whether or not they are disabled.

<sup>11</sup> Mitigating circumstance is applicable to all applicants.

- e. Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. CMHA will consider such circumstances in light of:
  - (1) the applicant's ability to verify the claim of mitigating circumstances and his/her prospects for improved future behavior;
  - (2) the applicant's overall performance with respect to all the screening requirements; and
  - (3) the nature and seriousness of any criminal activity, especially drug related criminal activity that appears in the applicant's record. Routine vehicular traffic violations are not deemed criminal activity by CMHA.

#### **A. Due Process Rights for Applicants**

1. Families determined to be qualified will be notified by CMHA of the projected date of occupancy insofar as that date can be reasonably determined. The projected date is just an estimate and does not mean that applicants should necessarily expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon many factors CMHA does not control, such as turnover rates, and market demands as they affect available bedroom sizes and location.
2. Applicants determined unqualified for admission will be promptly notified. These applicants will receive a Notice of Ineligibility from CMHA, stating the basis for such determination. CMHA shall provide an opportunity for informal review of the determination as described in the Notice of Ineligibility. Rejected applicants may request an informal hearing within 15 business days of the date of the Notice of Ineligibility. Applicants are not entitled to use the resident grievance process.

It is the responsibility of each applicant to keep CMHA apprised of any changes in address, phone number, family income or other family circumstances. No applicant on the waiting list shall be removed from the waiting list except when one of the following situations occurs:

- a. The applicant receives and accepts an offer of housing;
- b. The applicant requests that his/her name be removed from the waiting list;
- c. The applicant is rejected; or

- d. The application is withdrawn because CMHA attempted to contact the applicant for an annual waiting list update, to schedule a meeting or interview, to offer or show a unit, or for some other reason, and was unable to contact the applicant. In attempting to contact an applicant, the following methods shall be undertaken before an application may be withdrawn:
- (1) The applicant will be sent a letter by first class mail to the applicant's last known address, asking the applicant to contact CMHA<sup>12</sup> either by returning the update postcard or in person within the specified time;
  - (2) If an applicant contacts CMHA, as required, within any of the deadlines stated above, he/she shall be reinstated at the former waiting list position.
  - (3) When CMHA is unable to contact an applicant by first class mail to schedule a meeting, or interview or to make an offer, CMHA shall suspend processing of that application until the applicant is either withdrawn (no contact by the applicant) or reinstated (contact by the applicant within the stated deadlines). While an application is suspended, applicants next in sequence will be processed.
- e. Applicants who fail to respond to CMHA's attempts to contact them because of circumstances related to a disability shall be entitled to reasonable accommodation, provided that the circumstances are verified to be related to a disability. In such circumstances CMHA shall reinstate the applicants to their former waiting list positions.
- f. Families whose applications are withdrawn or rejected as described above must reapply for housing at a time the waiting list is open and will be assigned a new date and time of application.
- g. Families whose applications are withdrawn or rejected as described above may either reapply for housing at a time the waiting list is open or request an informal hearing.
- h. Notice and Opportunity for an Informal Hearing  
If an applicant does not qualify for housing, the applicant can request an informal hearing:

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<sup>12</sup> Except that CMHA shall contact persons with disabilities according to the methods such individuals have previously designated. Such methods of contact could include verbal or in-person contact or contacting relatives, friends or advocates rather than the person with disabilities.

CMHA will provide a written notice if an applicant's application is withdrawn or is denied admission. This notice shall contain a brief statement of the reason(s) for the determination, and notice that the applicant has the right to meet with CMHA's designee to review the determination through an informal hearing.

If the applicant requests the informal hearing, CMHA shall designate an employee or other agency designee to conduct the informal hearing. A written summary of the hearing decision shall be made, delivered to the applicant and retained in the applicant's file.

3. The applicant will be advised that s/he may exercise other rights if the applicant believes that illegal discrimination, based on race, color, national origin, ethnic origin, religion, age, disability, , or actual or perceived sexual orientation, gender identity, familial or marital status has contributed to CMHA's decision to deny housing.

#### I. **Occupancy Guidelines**

1. Units shall be assigned and occupied by families based on the appropriate bedroom size that complies with HUD rules related to Occupancy Standards. Assignments will be made based on the family's preference and the availability of units within the housing authority.

Standard for Minimum and Maximum-Number-of-Persons-Per Unit

Number of Bedrooms	Minimum Number of Persons/Unit	Maximum Number of Persons/Unit <sup>13</sup>
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10
6	6	12

The following principles govern the size of unit for which a family will qualify. Generally, two people are expected to share each bedroom, except that units may be assigned so that:

<sup>13</sup> When determining the maximum number of people allowed in a unit, the Occupancy Specialist may also take into account the actual size of the bedrooms in the unit, which may vary significantly from property to property.

- a. It will not be necessary for persons of different generations or opposite sex, to occupy the same bedroom, although they may do so at the request of the family.
  - b. Exceptions to the largest permissible unit size may be made as needed in cases of reasonable accommodation for a person with disabilities.
  - c. Two individuals of the opposite sex will not be required to share a bedroom, although they may do so at the request of the family.
  - d. Children who have an age difference of four or more years.
  - e. An unborn child may not be counted as a person in determining unit size.
  - f. Foster children will be included in determining unit size only if they will be in the unit for more than six months.
  - g. A child who is temporarily away from the home because the child has been placed in foster care, kinship care, or is away at school will be counted when determining unit size; however, family members not listed on the lease, such as those in the military, shall not be counted in determining unit size.
  - h. A single head of household parent shall not be required to share a bedroom with his/her child, although they may do so at the request of the family.
  - i. A Live-in Aide may be assigned a bedroom.
2. The local housing code standard of two persons per bedroom will be used as the standard for the smallest unit a family may be offered. Individual housing units with very small or very large bedrooms, or other specific situations that inhibit or encourage lower or higher levels of occupancy, may be permitted to establish lower or higher occupancy levels. CMHA will consider the size of the unit as well as the size and the number of bedrooms. Assignment of units by bedroom size may not have the effect of discriminating on the basis of familial status.
  3. The largest unit size that a family may be offered would provide no more than one bedroom per family member, taking into account family size and composition.
  4. When a general occupancy family applies for housing, and each year when the waiting list is updated, some families will qualify for more than one unit size. Based on the family's choice, CMHA will place the family on one wait list for any of the unit sizes for which that family chooses. A family that chooses to occupy the minimum

size unit must agree not to request a transfer until their family size changes.

5. When a family is actually offered a unit, if they no longer qualify for the unit size, they will remain on the wait list until the appropriate sized unit becomes available. The applicant will retain their preferences and date and time of application. This may mean that they may have to wait longer for a unit offer.
6. The unit size standards shall be discussed with each applicant family that qualifies for more than one unit size. Families will also be informed about their status and movement on the various waiting lists maintained by CMHA. Families shall be asked to declare, in writing, the waiting list(s) on which they wish to be placed. If a family requests a smaller unit size than would normally be assigned under the largest unit size standard, the family will be required to sign a statement agreeing to the unit assignment until their family size or circumstances change. At the family's request, CMHA shall change the family's site preference any time while the family is on the waiting list.

## Section III - Tenant Selection and Assignment Plan

### A. Organization of the Waiting List

#### 1. Site-Based Waiting List

Each applicant shall be assigned his/her appropriate place on the site-based waiting list(s) selected by the applicant in sequence based upon:

- a. type and size of unit needed and selected by the family (e.g. general occupancy building, accessible or non-accessible unit, number of bedrooms);
  - b. applicant preference or priority, if any; and
  - c. date and time the application is received.
2. CMHA will maintain its waiting list in the form that records the type and size of unit needed, each applicant's priority/preference status and the date and time of application. All current applicants will be given an opportunity to select the communities where they would accept a unit offer. If the eligible applicant rejects the initial unit offer, from their wait list selection, they will be removed from the wait list of that site, but allowed to remain on the other wait lists. Should the eligible applicant fail to accept the unit offers from their selected wait list(s), then, their application will be withdrawn in its entirety, and the applicant must reapply for housing. All applicants will be informed of the length of each list and may change their site selection as needed.
3. In the event there are no eligible applicants on the site based waiting list with a vacancy, the site may offer the unit to the next eligible applicant.<sup>14</sup>

### B. Unit Offers to Applicants

1. To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, national origin, disability or familial status, ethnic origin, age, to actual or perceived sexual orientation, gender identity, or marital status, CMHA will make its unit offers to the first eligible applicant in sequence on the site-based waiting list. The second unit offer will be made in accordance with A.2 of this section. Applicants may be removed from the waiting list for refusing a unit offer without good cause.
2. CMHA will first match the characteristics of the unit available with the highest ranking applicant for a unit of that size, type and special features (if any), taking into account any limitations on admission,

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<sup>14</sup> See admissions criteria

i.e. designated housing (if applicable). Preferences, if any, are then applied to determine the order of applicant selection from the waiting list. If two applicants need the same type and size of unit and have the same preference status, the applicant with the earlier date and time of application will receive the first offer.

3. For an available unit with accessible features, CMHA will give first preference to families that include a person with disabilities who can benefit from the unit features.
4. When a unit with accessible features is ready and no applicant in the targeted preference group requires the features of the unit, CMHA will make an offer to an applicant who does not qualify for the accessible feature. These applicants will be required to fill out a waiver form which spells out the rules and regulations of when they may have to transfer to a non-accessible unit. Certain types of transfers will also be processed with new admissions. See Section F. for the ratio of transfers to new admissions.
5. CMHA will communicate with the applicant that a unit is available by either ordinary mail, telephone, or email. Based on the applicant's preference for communication.
6. The applicant must accept the vacancy offered by ~~Non-the close of business~~ the next business day and ~~the offer~~ may be communicated initially by phone or email. If the applicant cannot be reached by phone or email contact information listed on application within this timeframe, then CMHA will offer the unit to next applicant on wait list. For applicants that could not be reached via telephone or email, they will receive a letter indicating that we were unable to reach them by phone. This letter will inform them to update telephone information and that they will be ~~offered the next unit available~~, placed back on the wait list called from, if they are still interested.
7. It is the responsibility of the applicant to keep CMHA aware of any changes to their income or family composition. If the applicant is offered a unit and there have been changes to their information, the applicant will have 2 working days to submit their information to the Property Management Office for verification or CMHA will offer the unit to the next applicant. Failure to update the information within the required period will result in the applicant's removal from the waiting list.
8. If more than one unit of the appropriate size and type is available, the first unit to be offered will be the unit that is ready or will be ready for occupancy the soonest.

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### **C. Good Cause for Applicant Refusal to Lease**

If an applicant is willing to accept the unit offered but is unable to move at the time of the offer, and presents to the satisfaction of CMHA, clear evidence (“good cause”) that acceptance of the offer will result in undue hardship not related to considerations of race, color, sex, religion or national origin, ethnic origin, age, to actual or perceived sexual orientation, gender identity, familial or marital status, handicap or disability, the applicant will not be removed from the waiting list.

1. Examples of “good cause” for refusing an offer of housing include, but are not limited to:
  - a. The family demonstrates, to CMHA’s satisfaction, that accepting the offer will place a family member’s life, health or safety in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption;
  - b. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member;
  - c. The unit is inappropriate for the applicant’s disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30 day notice to move.
2. The applicant must be able to document that the hardship claimed is good cause for refusing an offer of housing. Where good cause is verified, the refusal of the offer shall not require that the applicant be removed from the waiting list or otherwise affect the family’s position on the waiting list. (In effect, the family’s application will remain at the top of the waiting list until the family receives an offer for which they have no good cause for refusal.)
3. CMHA will maintain a record of units offered, including location, date, and circumstances of each offer, and each acceptance or refusal, including the reason for the refusal.

### **D. Dwelling Units with Accessible/Adaptable Features**

1. Before offering a vacant accessible unit to a non-disabled applicant, CMHA will offer such unit:

- a. First, to a current occupant of another unit of the same community, or other public housing communities under CMHA's control, having a disability that requires the special features of the vacant unit (in effect, a transfer of the occupant with disabilities from a non-adapted unit to the vacant accessible/adapted unit).
  - b. Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.
2. When offering an accessible/adaptable unit to a non-disabled applicant, CMHA will require the applicant to sign an agreement to move to an available non-accessible unit within 30 days when either a current resident or an applicant with a disability needs the unit. This requirement is also reflected in the lease agreement signed with the applicant.

#### **E. Leasing and Occupancy of Dwelling Units**

Applications for admission will be processed centrally. Initial intake, waiting list management and screening will also be handled from the Eligibility Department. All other transfer offers will be coordinated by the Property Management Office and/ or Relocation Staff.

#### **F. Transfers**

CMHA has four types of transfers: Emergency, and/ or Administrative (Category 1, Category 2 and Category 3.). The definition of each type of transfer is found in the Transfer section of this policy.

1. Emergency transfers, Category 1 and 2 Administrative transfers all take priority over general admissions. Category 3 Administrative transfers will be processed at the rate of four general admissions for each Category 3 Administrative transfer.
2. To the greatest degree possible, transfers will be made at the location where the family currently resides. If an appropriate size or type of unit is not available in the family's current location, the family will be made another housing offer of a vacant, ready unit that is the right size and type.
3. Except for Emergency transfers, tenants on the transfer list may refuse transfer offers for the "good cause" reasons cited in Section C above without losing their position on the transfer list.
4. Tenants who refuse a final transfer offer without good cause may be removed from the transfer list. Tenants whose transfers are mandatory and who refuse a final transfer offer without good cause are subject to lease termination.

5. Tenants are entitled to use the CMHA Grievance Procedure if they are refused the right to transfer or if CMHA requires them to transfer and they do not believe the required transfer falls within the reasons as specified in this policy. Emergency transfers must proceed, and may be grieved after the fact.

## **Section IV - Leasing Policies and Occupancy of Dwelling Units**

### **N. General Leasing Policy**

1. All units must be occupied pursuant to a CMHA public housing lease that complies with HUD regulations.
2. The lease shall be signed by the head and spouse or co-head of the household accepted as a resident family and by an authorized representative of CMHA, prior to actual admission.
3. Changes in family composition, source(s) of income, or status between the time of the interview with the applicant and the showing of the unit will be processed centrally. Managers shall work with CMHA's leasing office to forward necessary information and coordinate this activity with the applicant.
4. If a resident transfers from one CMHA unit to another, a new lease will be executed for the dwelling into which the family moves.
5. If at any time during the life of the lease agreement a change in the resident's status results in the need for changing or amending any provision of the lease, either:
  - a. A new lease agreement will be executed, or
  - b. A Notice of Rent Determination will be executed, or
  - c. An appropriate rider will be prepared and made a part of the existing lease, or appropriate insertions made within the lease. All copies of such riders or insertions are to be dated and signed by the Resident and by the authorized representative of the Housing Authority.

### **O. Showing Units Prior to Leasing**

1. When offering units, CMHA property management staff will provide the applicant with a brief property description and other information to help orient the applicant to the neighborhood and location of the unit on the property. The property management staff will contact the applicant to set up a date to show the unit.
2. Managers will only lease units of the appropriate size. A family may choose to lease a unit between the largest and smallest unit for which they qualify. If a family opts to lease a unit smaller than the largest unit for which they qualify, the family shall agree in writing to remain in that size unit until a change in family size or circumstances require a different size unit. If an exception to CMHA's largest unit standard is approved for the applicant, this information will be noted in the applicant's file. No exceptions will

be granted to the smallest unit standard, since this would result in overcrowding.

**P. Occupancy, Additions to the Household and Visitors**

1. Only those persons listed on the most recent certification form and lease shall be permitted to occupy a dwelling unit. Except for natural birth or adoption, any family seeking to add a new member must request approval, in writing, prior to the new member occupying the unit. This includes situations in which a resident is granted custody of a child or children not previously listed on the application or lease, As well as situations in which a person came to the unit as a visitor but stayed on in the unit. All persons listed on the most recent certification form and the lease must use the dwelling unit as their sole residence.
2. Following receipt of a family's request for approval to add a new person(s) to the lease, the resident must move expeditiously to complete the Interim Process through the Management Office. The normal criteria for new admissions shall be used to determine whether CMHA will approve admitting the new member as a resident. The potential household member is not permitted to move into the property until written approval is given to the resident.
3. Minors added through a formal custody award or kinship care arrangement are exempt from the regular pre-admissions screening process, although the resident still needs to request, in writing, permission from CMHA to add children other than those born to or adopted by family members.
4. Examples of situations where the addition of a family or household member is subject to the regular admissions process include:
  - a. Resident plans to be married and files a request to add the new spouse to the lease;
  - b. Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child;
  - c. A unit is occupied by a remaining family member(s) under age 18 (who is ~~not~~ a minor with~~out~~ the legal capacity to execute a lease) and an adult, not a part of the original household, requests permission to take over as the head of the household; or
5. Residents who fail to notify CMHA of additions to the household or who permit persons to join the household without expeditiously completing the regular admissions process are in violation of the lease. Such persons will be considered unauthorized occupants by CMHA, and this is grounds for termination of the lease.

6. Visitors are permitted in a dwelling unit. The family must request authorization from CMHA to have visitors who will be in the unit for more than 14 days total within any twelve-month period. Visitors who remain beyond this period shall be considered trespassers, unless otherwise authorized by CMHA. ~~Violation of this provision is grounds for termination of the lease.~~
7. In accordance with the lease, roomers and lodgers shall neither be permitted to occupy a dwelling unit, nor shall they be permitted to move in with any family occupying a dwelling unit. Violation of this provision is grounds for termination of the lease.
8. Residents are prohibited from allowing a former resident of CMHA who has been evicted to occupy the unit for any period of time. Violation of this requirement is grounds for termination of the lease.
9. Family members age 18 and older, or minors who move from the dwelling unit, shall be removed from the lease. The resident has the responsibility to report the move-out within 30 calendar days of its occurrence.
10. To remove a minor from the lease, the resident may be required to provide evidence that they no longer have legal custody of the child, or other substantive proof that the child resides elsewhere.
11. CMHA may allow for visitors beyond the 14 day provisions in conjunction with a sponsored guest program. A sponsored guest is defined below.

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**Q. SPONSORED GUEST:**

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**1. DEFINITION OF SPONSORED GUEST:** Sponsored Guests are individuals who are approved to reside in the CMHA household for a period longer than the fourteen (14) day standard guest provision.

a. ~~A~~ Sponsored Guest may be participating in a social service program, applying for family reunification, or may be needed in the CMHA Tenant's household for a brief period of time.

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b. ~~Parties~~ to the Sponsored Guest Agreement understand that CMHA's permission to allow for a longer guest period does not create a tenancy or confer eligibility upon the Sponsor Guest for CMHA housing programs.

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**2. REQUEST FOR SPONSORED GUEST STATUS:** The CMHA head of household must affirmatively request CMHA for authorization to allow a sponsored guest to stay longer ~~than the fourteen (14) day~~

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standard guest provision. CMHA has the discretion to authorize or deny the request.

3. In submitting the *Request for Sponsored Guest*, the CMHA –tenant head of household must submit the completed *Sponsored Guest Agreement* as outlined below:

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### SPONSORED GUEST AGREEMENT

#### SPONSORED GUEST INFORMATION:

Name	
Address	
Telephone	
Email	
Relationship to Sponsoring/CMHA Resident	
Referring Agency	

#### CMHA SPONSORING RESIDENT:

Name	
Address	
Telephone	
Email	
Relationship to Sponsored Guest	

The Tenant \_\_\_\_\_ does submit this agreement in accordance with the following provision of CMHA Residential Dwelling Lease Agreement:

**B. Prior Written Consent.** The Tenant agrees to obtain the prior written consent of CMHA before permitting any additional persons (including live-in aides and foster children) to reside in the Dwelling Unit. Such new persons will be screened for admission in accordance with CMHA's Admissions and Continued Occupancy Policy. The Tenant agrees that he/she shall be responsible for the actions of all household members, guests, and all other persons under their control, and that any violations of the Lease by such persons shall be grounds for termination of the Lease and eviction from the dwelling unit.

**TERMS AND CONDITIONS OF CONTINUED OCCUPANCY:** Tenant may have guests or visitors for a period not to exceed fourteen (14) days each year.

Permission may be granted, upon written request to the Manager, for an extension of this provision.

Tenant \_\_\_\_\_ (CMHA Sponsoring Resident) does submit this Sponsored Guest Agreement as a request for written consent to permit \_\_\_\_\_ (Sponsored Guest) to reside in the CMHA Residential Dwelling unit located at \_\_\_\_\_ as a sponsored guest for an extension of the fourteen (14) day period as set forth in the residential dwelling lease.

**TERMS AND CONDITONS OF SPONSORED GUEST AGREEMENT:**

1. The parties understand that the approved extension will not exceed six (6) months and does not confer any rights of continued occupancy on the sponsored guest or create a tenancy with the housing authority. The parties understand that this approval may be withdrawn by the housing authority upon 24 hour notice to the Sponsored Guest.

2. Tenant is advised that the Sponsored Guest will be deemed to be under the control of the Tenant and that the Tenant is the person responsible for ensuring that the Sponsored Guest complies with the lease obligations during their stay in the Tenant's household.

3. The Sponsored Guest further agrees to abide by the provisions of the referring program as attached hereto as Exhibit "A."

4. The Sponsored Guest stay will terminate on \_\_\_\_\_ 2018.

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IN WITNESS WHEREOF, the Agreement has been executed as of the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Cincinnati Metropolitan Housing Authority

By \_\_\_\_\_

Its: \_\_\_\_\_

Tenant \_\_\_\_\_

Sponsored Guest: \_\_\_\_\_

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**R. Absences from the Unit**

- 1. Families must advise CMHA if they will be absent from the unit for more than 30 days. Residents are required to notify the manager, make arrangements to secure the unit and provide a means for CMHA to contact the resident in the event of an emergency. Failure to advise CMHA of an extended absence is grounds for termination of the lease.

2. If the entire family is absent from the unit for more than 90 consecutive days, the unit will be considered vacated and the lease will be terminated. To determine if the family is absent from the unit, CMHA may conduct a home visit, attempt to contact the family via written correspondence sent to the unit, telephone the family at the unit, interview neighbors and verify if utilities are in service.
3. If a family member leaves the unit to enter a medical facility, CMHA will seek advice from a reliable qualified source about the likelihood and timing of the family member's return. If the member will be permanently confined to a nursing home, the member will be considered permanently absent. If the family member will return in 90 days or less, the member will not be considered permanently absent.
4. If any family member is incarcerated for more than 90 consecutive days, he/she will be considered permanently absent.
5. If the family includes children that are temporarily absent due to placement in foster care, CMHA will determine when they will be returned home. If the children will be absent for 90 days or more, they will be removed from the certification and the unit size may be reduced.
6. Whenever an adult member leaves the household for more than 30 calendar days, the family is required to notify CMHA whether the absence is temporary or permanent. Permanent moves from the household will trigger an interim recertification.

~~7.~~

**S. Occupancy, -Removal of Household Members:**

1. Whenever an adult member leaves the household for more than 30 calendar days, the family is required to notify CMHA whether the absence is temporary or permanent. Permanent moves from the household will trigger an interim recertification.
2. The following items will be accepted as verification of the adult's removal from the household:
  - a. -Lease\_ of the adult member showing a new address
  - b. Utility bill showing the address of the vacated adult member
  - c.- Affidavit of the remaining head of household

**T. Written Notice to Terminate the Lease**

1. Tenant must give thirty days written notice prior to vacating the unit

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2. Families transferring from the Asset Management Program must return keys and possession of the unit to the site manager within 3 days of lease execution with owner, or the date the landlord begins to receive assistance under the CMHA Housing Choice Voucher (HCV) program.

## Section V - Transfer Policy

### A. General Transfer Policy

1. It is CMHA's policy that transfers will be made without regard to race, color, sex, religion, creed, national or ethnic origin, age, to actual or perceived sexual orientation, gender identity, familial or marital status, handicap or disability. Residents can be transferred to accommodate a disability.
2. The good cause standard applicable to new admissions for refusal of a housing offer shall also apply to transfers.

### B. Types of Transfers

This policy sets forth the transfer categories. Priority for transfer, and the order in which families are transferred, shall be subject to the hierarchy, by category, set forth below.

1. Emergency Transfers are mandatory. When the unit or building conditions poses an immediate threat to resident life, health or safety, as determined by CMHA, an emergency transfer will be required. Emergency transfers within sites or between sites may be made to: permit repair of unit defects hazardous to life, health, or safety; or to alleviate verified disability problems of a life threatening nature. Refusal of an immediate transfer offer, without good cause, will result in lease termination.

Emergency transfers shall take priority over new admissions.

2. Category 1 Administrative Transfers include mandatory transfers to: provide housing options to residents who are victims of federal hate crimes<sup>15</sup> or extreme harassment; **or to witnesses of crimes,<sup>16</sup> or to victims of domestic violence, dating violence, stalking, or sexual assault<sup>17</sup>**, or to alleviate verified disability problems of a

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<sup>15</sup> Following consultation with Housing Opportunity Made Equal that such a transfer is appropriate.

<sup>16</sup> Following consultation with and upon recommendation of the local prosecutor that such a transfer is appropriate and recommended.

<sup>17</sup> The individual seeking the transfer may provide supportive referrals from- a third-party social service agency, the local prosecutor or law enforcement. [The procedure for a VAWA emergency transfer is outlined in the Emergency Transfer VAWA Plan, which is an addendum to this ACOP.](#)

serious (but not life-threatening) nature; permit modernization or demolition of units; or to permit a family that requires a unit with accessible features to occupy such a unit. Residents will receive three transfer offers.

Refusal of all three transfer offers, without good cause, may result in the removal of the household from the transfer list for voluntary transfers, or lease termination in the case of a mandatory transfer.

Category 1 Administrative transfers shall take priority over new admissions.

Requests for these transfers will be made to the property manager. The resident shall provide the necessary documentation to substantiate the need for such a transfer. Transfers may also be initiated by CMHA (e.g. moving a person with mobility problems to a unit with accessible features).

3. Category 2 Administrative Transfers are mandatory transfers within or between sites to correct serious occupancy standard problems (over or under CMHA's standards) as described below. Residents will receive three transfer offers. Refusal of all three transfer offers, without good cause, may result in the removal of the household from the transfer list for voluntary transfers, or lease termination in the case of a mandatory transfer.

Category 2 Administrative transfers will take priority over new admissions.

Category 2 transfers to correct occupancy standards will only be made if the family size is so small that it includes fewer persons than the number of bedrooms, or so large that the household members over age 3 would equal more than two persons per bedroom. These transfers are mandatory.

If a family's size is between the smallest and largest size permissible for the unit, the family may request a transfer, but it shall be considered a Category 3 transfer.

4. Category 3 Administrative Transfers are transfers within sites or between sites ~~may be made~~ to correct and avoid concentration of the most economically and socially deprived families or to correct occupancy standards (voluntary if the family is between the minimum and maximum occupancy standard but the family requests a transfer, e.g. to permit older children of the opposite sex to have separate bedrooms). Residents will receive three transfer offers. Refusal of all three transfer offers, without good cause, may result in the removal of the household from the transfer list for voluntary transfers, or lease termination in the case of a mandatory transfer.

Category 3 Administrative transfers will not take priority over new admissions. They will be processed at the rate of one transfer to four admissions.

Whenever feasible, transfers will be made within a resident's preferred geographical area.

### C. Processing Transfers

1. A centralized transfer waiting list will be administered by CMHA's Eligibility Department. Managers are responsible for submitting requests for transfer, including necessary documentation, to the Eligibility Supervisor.
2. Transfers will be sorted into their appropriate categories by the Leasing staff. Admissions will be made in the following order:
  - a. Emergency transfers
  - b. Category 1 Administrative Transfers
  - c. Category 2 Administrative Transfers
  - d. Applicants, and, at a rate of four applicants to every transfer,
  - e. Category 3 Administrative Transfers

Within each category, transfer applications will be sorted by the date the completed file (including any verification needed) is received from the manager.

3. Category 2 transfers to correct occupancy standards may be recommended at time of recertification or interim re-determination. This is the only method used to determine over/under housed status.
4. Residents in a Category 2 over/under housed status will be advised in their 30-day *Notice of Result of Recertification* that a transfer is recommended and that the family has been placed on the transfer list.
5. Split-family transfer requests will be processed in accordance with the regular admissions process. Families that wish to split into two separate households will be treated as a new admission for purposes of their placement on the Waiting List.
6. Category 3 Administrative transfers will be processed with new admissions using a ratio of one transfer for every four new admissions. This ratio is discretionary and will be reviewed at least annually to determine its effects on vacancy.

**D. Cost of Transfers**

1. CMHA will pay for the cost of a transfer when a resident is required to move as a result of the approval of demolition, modernization of their unit, or in the case of some emergency transfers. The resident shall bear the cost associated with any other type of transfer.
2. When a resident transfers to another unit, if the security deposit is higher on the new unit, the resident must pay the higher security deposit (e.g., security deposit on the new unit is \$300.00 and the security deposit on the old unit was \$150.00, the tenant must pay the difference between the two) with the exception of emergency, modernization or demolition transfers.
3. If the rent is higher on the unit, it will be effective the first day of the next month.

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## Section VI - Eligibility for Continued Occupancy, Over Income Households, Annual Recertification and Remaining Family Members

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~~In order to preserve the availability of affordable housing in LIPH/Asset Management program and to assure that qualified families are provided with quality affordable housing, t~~The Cincinnati Metropolitan Housing Authority will conduct re-certifications of household income and composition to ensure proper calculation of rent and the tenant's continued eligibility for assisted housing. CMHA may need to terminate assistance to families that are over the established income limits.

### A. Eligibility for Continued Occupancy

Residents who meet the following criteria will be eligible for continued occupancy:

1. Qualify as a family as defined in Section XII of this policy. For purpose of continued occupancy, remaining family members qualify as a family so long as at least one of the remaining members has the legal capacity to execute a lease. Remaining family members can also include minors under the age of 18 who are determined to have the capacity to execute a lease.
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Whose family members (excluding foster children) each have Social Security numbers or have certifications on file indicating they have no Social Security number.
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent as a result of non-contending or ineligible immigration status.
5. Who are in compliance with the community service requirement as may be required by HUD regulations, notices and guidelines.

### B. Over Income Households:

Public Housing Authorities are vested by HUD with the discretion to terminate assistance to over income households and in doing so thereby making units available for applicants who are income-eligible.

CMHA is committed to keeping a balanced approach to having mixed income communities and diversity within its communities.

Lease termination is considered when the total household income is over 80% AMI income. In making its decision to terminate the lease, the CMHA will exempt the following families from termination when it is solely based upon their status as an over income individual or family.

**1. Exemptions:**

- a. The family is a participant in the FSS program or CMHA's Home Ownership Program
- b. The family is receiving earned income disallowance
- c. There is/are disabled member(s) of the family
- d. Persons who are considered elderly having attained 62 years of age.
- e. The over income level is a result of the combined incomes of individuals living in a multi/intergenerational household (e.g. a parent with several adult children) where the family members assist in the care of a disabled or elderly family member in the household.

**2. Lease Termination and Transition From CMHA Housing:**

CMHA will assist families in gaining financial independence by establishing the following safe harbor periods:

<b>AMI Level</b>	<b>Safe Harbor Period</b>	<b>Lease Termination</b>
81% – 100%	Thirty (30) Months	90 consecutive days after safe harbor period
101% - 120%	Twenty-Four (24) Months	60 consecutive days after safe harbor period
121% and above	Eighteen (18) Months	30 consecutive days after safe harbor period

The safe harbor period begins from the point that the individual achieves the over-income status.

**C. Remaining Family Members and Prior Debt**

- 1. As a party to the lease, remaining family members 18 years of age or older (other than the head or spouse/co-head) will be held responsible for arrearages incurred by the former head or spouse/co-head. CMHA will not hold remaining family members (other than the head or spouse/co-head) responsible for any portion of the arrearage incurred prior to the remaining member attaining age 18.
- 2. Remaining family members under age 18 shall not be held responsible for the rent arrearages incurred by the former head of household.

#### D. Periodic Recertification

1. Regular Recertification: CMHA shall, at least once a year, re-examine the incomes of all resident families, except those families paying a flat rent. CMHA will begin the recertification process 120 days in advance of the anniversary date of the lease agreement.
2. Special Recertifications: When it is not possible to estimate projected family income with any degree of accuracy at the time of admission or regular recertification, a temporary determination may be made with respect to income and a special recertification will be scheduled every 90 days until a reasonably accurate estimate of income can be made. The resident will be notified in advance as to the date for the special recertification(s).
3. Zero Income Families/Minimum Rent Payers: Unless the family has income that is excluded from the rent computation, families reporting zero income or other income that results in a minimum rent determination will have their circumstances re-examined every 120 days until they have a stable income. Households claiming zero income or paying minimum rent will also be required to complete a family expense form. These residents must provide estimates of how much they spend on telephone, cable TV, food, clothing, transportation, health care, child care, debts, household items, etc. Residents must adequately explain how they pay for these items. Recurring monthly expenses being paid for or contributed to the family will be considered regular contributions and will be counted as income.
4. Families Paying Flat Rents: Families paying flat rents shall have their incomes re-examined every three years. These families shall still be subject to an annual recertification process to review Community Service compliance, family composition and appropriateness of unit size.
5. Recertification Procedures
  - a. At the time of recertification, all adults in the household will be required to sign an Application for Continued Occupancy and other forms required by HUD.
  - b. Employment, income, allowances, Social Security numbers, credit reports, and such other data as is deemed necessary to determine eligibility for continued occupancy will be verified, and all verified findings will be documented in the tenant file.
  - c. Police background checks will be done for all adult members at annual recertification to determine continued eligibility as defined in Section II.F.
  - d. Verified information will be analyzed and a determination made with respect to:

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- (1) Eligibility of the resident as a family or as the remaining member of a family;
  - (2) Unit size required for the family (using the Occupancy Guidelines); and
  - (3) Rent determination.
- e. Residents with a history of employment, including self-employment, whose regular recertification takes place at a time that they are not employed, may have income projected based on their past and anticipated employment. Residents with seasonal or part-time employment of a cyclical nature may be required to provide third party documentation of the circumstances of their employment, including start and ending dates.
- f. Income shall be computed in accordance with the definitions and procedures set forth in Federal regulations and this policy.
- g. Families failing to respond to either the recertification appointment or a request for information from CMHA will be issued a cure letter to cure the deficiency within 15 days of the cure notice. Failure to respond to the final request will result in a notice of lease termination.

6. Fixed Income Recertifications; (c) Streamlined income determination—(1) General. CMHA in accordance with 24CFR 982.576 has elected to use a streamlined income recertification process for households with fixed incomes.

(2) Definition of "fixed income". Fixed income means periodic payments at reasonably predictable levels from one or more of the following sources:

(i) Social Security, Supplemental Security Income, Supplemental Disability Insurance.

(ii) Federal, state, local, or private pension plans.

(iii) Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts.

(iv) Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.

(3) Method of streamlined income determination. CMHA will adjust a household's income using the streamlined income determination must adjust a household's income according to the percentage of a household's unadjusted income that is from fixed income.

(i) When 90 percent or more of a household's unadjusted income consists of fixed income, CMHA will apply a COLA to the household's sources of fixed income, provided that the household certifies both that 90 percent or more of their unadjusted income is

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fixed income and that their sources of fixed income have not changed from the previous year.

(ii) When less than 90 percent of a household's unadjusted income consists of fixed income, CMHA by using its streamlined income determinations will apply a COLA to each of the household's sources of fixed income individually. CMHA will determine all other income pursuant to the income verification procedures outlined in this ACOP.

(4) COLA rate applied by CMHA: CMHA by using streamlined income determinations will adjust a household's fixed income using a COLA or current interest rate that applies to each specific source of fixed income and is available from a public source or through tenant-provided, third-party-generated documentation. If no public verification or tenant-provided documentation is available, then CMHA must obtain third-party verification of the income amounts in order to calculate the change in income for the source.

(5) Triennial verification. For any income determined pursuant to a streamlined income determination, a CMHA must obtain third-party verification of all income amounts every 3 years.

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#### 67. Action Following Recertification

- a. If there is any change in rent, the lease will be amended, a new lease will be executed, or a Notice of Rent Determination will be issued.
- b. If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described in Section V of this policy.

### E. Verification of Income

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#### 1. Policy

CMHA will obtain proper authorization from the family before requesting information from independent sources. CMHA staff will use Enterprise Income Verification system (EIV) to streamline the verification of a family's income. This will be the first method of verifying and validating tenant reported information.

Applicants and program participants must provide true and complete information to CMHA whenever information is requested. After the verification process is completed, CMHA will make a final determination of eligibility and continued occupancy. This decision will be based upon information provided by the family, the verification completed by CMHA, and the current eligibility criteria in effect.

This chapter explains CMHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition.

## 2. Methods Of Verification And Time Allowed

CMHA will verify information through the five methods of verification acceptable to HUD in the following order in accordance with its verification procedures:

- a. Enterprise Income Verification (EIV) as mandated by 24 CFR 5.233
- b. Review of Documents
- c. Third-Party Written
- d. Third-Party Oral
- e. Certification/Self-Declaration
- f. Other governmental documentation

## 3. Types of income that may be verified using Enterprise Income Verification (EIV)

- a. Gross Wages and Salaries (including overtime pay, commissions, fees, tips, bonuses, and other compensation for personal services)
- b. Unemployment Compensation
- c. Welfare Benefits
- d. Social Security Benefits (including federal and state benefits, Black Lung benefits, dual benefits)
- e. Social Security (SS)
- f. Supplemental Security Income (SSI)

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4. CMHA will compare EIV reported information to tenant reported information. EIV may alleviate the need for independent third-party verifications when a family does not dispute the EIV information and provides acceptable supporting documentation, such as current pay stubs, letter from employer, etc.

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5. EIV data will be used to validate family reported income and supplement family provided documents. HUD considers an income discrepancy to be an income source not reported by a tenant, or an

income source reported at a substantial income difference from EIV (\$200 per month, or \$2,400 annually). If there is no discrepancy, CMHA will use current tenant provided documentation to calculate annual income.

6. CMHA will request written third party verification when:

- a. Documents provided by the family are not acceptable to CMHA;
- b. Tenant reported information differs from EIV reported information;
- c. Family reports of loss or reduced income for an interim recertification;
- d. Family is unable to provide verification documents requested by CMHA; or Family disputes EIV and one or both of the above conditions apply.
- e. Tenant Obligation to Supply CMHA/HUD with Information (24 CFR 960.259)
- f. The family must supply any information that CMHA or HUD determines is necessary in the administration of the program.
- g. The family must supply any information requested by CMHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

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7. Rejection of Tenant Provided Documents

- a. CMHA may reject tenant provided documentation when:
  - 1. Document provided is not an original;
  - 2. Original document has been altered, mutilated, or is not legible; or
  - 3. Document appears to be a forged document or does not appear to be authentic.
- b. CMHA must analyze all data (EIV data, third-party verification and other documents/information provided by the family).
- c. CMHA will review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when the PHA cannot readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.

- d. The PHA will use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.
- e. HUD recommends that applicant-provided documents should be dated within the last 60 days of the PHA interview date. For applicants, verifications may not be dated more than 60-calendar days old. For participants, verifications may not be dated more than 90-calendar days old at the time of completion of recertification.
- f. If the PHA is unable to anticipate annual income using current information due to historical fluctuations in income, the PHA may average amounts received/earned to anticipate annual income.
- g. Note that if the tenant disputes EIV Social Security (SS)/ Supplemental Security Income (SSI) benefit data, the PHA should request the tenant to provide the PHA with a current, original Social Security Administration (SSA) notice or benefit letter within 10 business days of their interview date. The tenant may contact SSA at 1-(800) 772-1213 or visit their local SSA office.

**8. Resources for Historical Income Data:**

- a. Social Security Earnings Statement (summary of gross earnings for each year that the participant has worked in his/her lifetime) may be obtained from the Social Security Administration. Request for this document may be done via mail or online at [www.ssa.gov](http://www.ssa.gov).
- b. Two years of earnings may be obtained from the EIV System or local State Wage Information Collection Agency (SWICA). This information is only available to PHAs in states where the local SWICA has entered into an agreement with HUD to obtain wage and unemployment compensation data.
- c. Last eight (8) amounts of Social Security benefits paid to a participant (or household member) may be obtained from the EIV system.
- d. CMHA will allow seven (7) business days for return of third-party verifications before going to the next method. CMHA will document the file as to why third-party written verification was not received.

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e. For applicants, verifications may not be dated more than 60-calendar days. For participants, verifications may not be dated more than 90-calendar days old at the time of completion of recertification.

#### 9. Third-Party Written Verification

a. Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail, fax or e-mail. The family will be required to sign an authorization for the information source to release the specified information.

b. Verifications received electronically directly from the source are considered third-party written verifications.

c. CMHA will accept third-party verifications in the form of computerized printouts, pay stubs and letters from the employer on employer letterhead delivered by the family from the following:

1. Social Security Administration

2. Employers

3. Unemployment Compensation Board

4. City or County Courts

5. Veterans Administration

6. Welfare Assistance

7. Financial Institutions

8. Medical Providers/Pharmacies

#### 10. Credit Reports

When CMHA conducts annual/interim reviews of zero-income families, CMHA may run a credit report with a release signed by the family.

#### 11. Third-Party Oral Verification

Oral third-party verification will be used when written third-party verification is delayed beyond seven (7) business days or is not possible. When third-party oral verification is used, staff will be required to initiate contact and to complete an oral verification form, noting with whom they spoke, the date of the conversation, and the facts provided.

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## 12. Review of Documents

- a. CMHA will accept tenant-provided information as the primary source, unless the provided documentation is not an original, appears to have been forged, has been mutilated or the documentation is not legible.
- b. All such documents, excluding government checks, will be photocopied and retained in the applicant file.
- c. CMHA will accept the following documents from the family provided that the document is such that tampering would be easily noted:
  1. Consecutive and original pay stubs;
  2. Social Security Administration Award Letter;
  3. Bank statements;
  4. Pension benefit statements;
  5. Temporary Assistance to Needy Families (TANF) Award Letter;
  6. Other official and authentic documents from a federal, state, or local agency;
  7. Computer printouts from the employer;
  8. Signed letters (provided that the information is confirmed by phone); and
  9. Other documents noted in this Chapter as acceptable verification.
- d. If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, CMHA will utilize the third-party verification.
  1. CMHA will accept electronic documents.
  2. CMHA will accept photocopies when appropriate.

## 13. Self-Certification/Self-Declaration

When verification cannot be made by EIV, third-party verification or review of documents, families will be required to submit a self-certification. Self-

certification requires an affidavit certification statement under penalty of perjury.

#### **14. Release of Information**

Adult family members will be required to sign the HUD 9886 Release of Information/Privacy Act form.

In addition, family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, *Authorization for the Release of Information/Privacy Act Notice*.

Each member requested to consent to the release of specific information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance. It is a family obligation to supply any information required for admission into or continued participation in the Asset Management Program and to sign all consent forms requested by CMHA or HUD.

#### **15. Items To Be Verified**

- a. Earned income for all adult household members, 18 years of age or older.
- b. Unearned income for all household members (including minors).
- c. Full-time student status including high school students who are 18 years of age or older.
  - i. Current assets including assets disposed of for less than fair market value within the past two years. (Net family assets in excess of \$5,000 must be verified by third party. Net family assets equal to or less than \$5,000 must be third party verified every three years. In the interim, program participants with net family asset equal to or less than \$5,000 are required to provide CMHA with a declaration of assets at each annual reexamination)
- d. Child care expense where it allows an adult family member to be employed, or to actively seek work, or to further his/her education.
- e. Total medical expenses of all family members in households whose head or spouse/co-head is elderly or disabled.
- f. Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an adult family member to be employed.

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- g. Disability for determination of preferences, allowances, deductions or reasonable accommodation.
- h. U.S. citizenship/eligible immigrant status.
- i. Social security numbers for all family members.
- j. Familial/Marital status when needed for head or spouse definition.
- k. Other factors that affect the determination of adjusted income or income-based rent.
- l. Verification of Reason for Reduction in Welfare Benefits: CMHA will use written verification from the welfare agency stating that the family's benefits have been reduced for noncompliance with the Self-Sufficiency Program when assessing the family's request for rent reduction.

#### 16. Verification of Income

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EIV will be used to verify and validate tenant reported information. This section defines some specific methods CMHA will use to verify various types of income.

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

Prior to utilizing this streamlined income determination, CMHA will verify the appropriate COLA or current rate of interest from a public source or through tenant-provided, third party-generated documentation. If no such verification is available, then CMHA will obtain third-party verification of income amounts in order to calculate the change in income for each fixed income source.

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

#### 17. Employment Income

##### a. Acceptable methods of verification include:

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- i. Check stubs, letter from the employer or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings.
- ii. Electronic third party vendor sources such as the Work Number.

iii. W-2 forms plus income tax return forms.

iv. Self-certifications and income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

v. Electronic print-outs.

b. As needed, CMHA may request verification directly from the employer. The employment verification form will request the employer provide following information:

i. Dates of employment;

ii. Amount and frequency of pay;

iii. Date of the last pay increase;

iv. Likelihood of change of employment status and effective date of any known salary increase during the next 12 months;

v. Year to date earnings; and

vi. Estimated income from overtime, tips, and bonus pay expected during next 12 months.

vii. Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

viii. In cases where there are questions about the validity of information provided by the family, CMHA will require additional information to support the information.

ix. Where doubt regarding income exists, a referral to IRS for confirmation may be made on a case-by-case basis.

**18. Social Security, Pensions, Supplementary Security Income (SSI), Disability Income**

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**Acceptable methods of verification include:**

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- 1. Award or benefit notification letters prepared and signed by the providing agency.**
- 2. Computer report electronically obtained or in hard copy.**

**19. Unemployment Compensation**

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**Acceptable methods of verification include:**

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- a. Computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.**
- b. Payment stubs.**

**20. Welfare Payments or General Assistance**

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**Acceptable methods of verification include:**

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- a. Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.**
- b. Computer-generated Notice of Action.**
- c. Computer-generated list of recipients from the Ohio Department of Job and Family Services.**

**21. Alimony or Child Support Payments**

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**Acceptable methods of verification include:**

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

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b. A notarized letter from the person paying the support.

c. Copy of latest check and/or payment stubs from Court Trustee. CMHA must record the date, amount, and number of the check.

d. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

e. Printout from child support enforcement agency or other agency responsible for collection and distribution of monies.

22. If payments are irregular, the family must provide one of the following:

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

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b. A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.

c. A notarized affidavit from the family indicating the amount(s) received.

d. A welfare notice of action showing amounts received by the welfare agency for child support.

e. A written statement from an attorney certifying that a collection or enforcement action has been filed.

f. Printout from child support enforcement agency or other agency responsible for collection and distribution of monies.

23. Net Income from a Business

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In order to verify the net income from a business, CMHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

a. Acceptable methods of verification include:

1. IRS Form 1040, including:
2. Schedule C (Small Business)
3. Schedule E (Rental Property Income)
4. Schedule F (Farm Income)

b. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

1. Audited or unaudited financial statement(s) of the business.
2. Credit report or loan application.
3. Documents such as manifests, appointment books, cashbooks, bank statements, and receipts will be used as a guide for the prior 180 calendar days (or lesser period if not in business for 180 calendar days) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.

24. Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business. If applicant/participant is a licensed day care business with Jobs and Family Service (JFS), a printout can be accepted from JFS to confirm income.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), CMHA will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.

25. Recurring Gifts

The family must furnish a self-certification, which contains the following information:

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a. The person who provides the gifts;

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b. The value of the gifts;

c. The regularity (dates) of the gifts; and

d. The purpose of the gifts.

e. CMHA reserves the right to verify the income amount and source of the person providing the recurring gift.

## 26. Zero-Income Status

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a. Families claiming to have no income will be required to execute income verification forms. CMHA will utilize EIV methods to verify a client's zero-income status. CMHA may also utilize credit checks to determine if there is unreported income of a household member.

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### b. Full-Time Student Status

1. Only the first \$480 of the earned income of full time students, other than head, co-head, or spouse, will be counted towards family income.

2. Financial aid, scholarships and grants are not counted towards family income. Verification of full time student status includes:

3. Written verification from the registrar's office or other school official.

4. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

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## 27. Verification Of Student Financial Assistance

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a. Any reported financial assistance in excess of amounts received for tuition (including all mandatory educational fees) that a person attending an institution of higher education receives under the Higher Education Act of 1965, from private sources or from an institution of higher education must be considered income unless the student is over the age of 23 with dependent children or is residing with parents who are eligible for or receiving assistance.

b. For students over the age of 23 with dependent children or students residing with parents who are eligible for or receiving assistance, the full amount of student financial assistance is excluded from annual income. The full amount of student financial assistance is also excluded for students attending schools that do not qualify as institutions of higher education. Excluded amounts are verified only if, without verification, CMHA would not be able to determine whether or to what extent the income is to be excluded.

c. For a student subject to having a portion of his/her student financial assistance included in annual income in accordance with HUD regulations, CMHA may request third-party written verification of both the source and the amount from the educational institution attended by the student as well as from any other person or entity providing such assistance as well as all authorized tuition costs.

d. If CMHA is unable to obtain third-party written or oral verification of the requested information, CMHA will pursue other forms of acceptable verification with the family and student member.

## 28. Income From Assets

### a. Bank Account Interest Income and Dividends

1. Acceptable methods of verification include, in this order:

2. Account statements, passbooks, certificates of deposit, or CMHA verification forms completed by the financial institution.

3. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.

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4. IRS Form 1099 from the financial institution provided that CMHA must adjust the information to project earnings expected for the next 12 months.

5. Self-certification of assets that generate income of less than \$5,000.00. (For established program participants)

#### 29. Interest Income from Mortgages or Similar Arrangements

Acceptable methods of verification include, in this order:

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown).

2. Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

#### 30. Net Rental Income from Property Owned by Family

Acceptable methods of verification include, in this order:

1. IRS Form 1040 with Schedule E (Rental Income).

2. Copies of latest rent receipts, leases, or other documentation of rent amounts.

3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

4. Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

### F. Verification Of Assets

1. Applicants – CMHA will obtain third-party verification of assets for all applicants to determine initial program eligibility.

2. Residents – Residents may be required to provide third party verification of all household assets. CMHA will not require resident families with net assets equal to or less than \$5,000 to submit third party asset information during the following three annual certifications. During the stated two year period, CMHA will accept a family's declaration of household assets with a net value of less than \$5,000, without taking additional steps to verify the accuracy of the declaration. CMHA will accept a family's self-declaration of assets with a value of less than \$5,000. The participant's self-declaration must include the current value of all household assets and the income expected to be received from those assets. CMHA's reexamination documentation, which is signed by all adult family members, may serve as the household's self – declaration of assets. Where the family has net family assets equal to or less than \$5,000, CMHA will not request supporting documentation (e.g. bank

statements) from the family to confirm the assets or the amount of income expected to be received from those assets.

3. When the participant family has net family assets in excess of \$5,000, CMHA will obtain supporting documentation (as outlined below) from the family to confirm the net value and anticipated income from all assets.

#### **4. Family Assets**

When family assets exceed \$5,000, CMHA will require the information necessary to determine the current cash value of the family's assets (the net amount the family would receive if the asset were converted to cash). Regardless of the value of a participant family's assets, third party verification must be obtained every three years.

Acceptable verification may include any of the following:

- a. Verification forms, letters, or documents from a financial institution or broker.
- b. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
- c. Quotes from a stockbroker or realty agent as to net amount family would receive if they liquidated securities or real estate.
- d. Real estate tax statements if the approximate current market value can be deduced from assessment.
- e. Financial statements for business assets.
- f. Copies of closing documents showing the selling price and the distribution of the sales proceeds.
- g. Appraisals of personal property held as an investment.
- h. Family's self-certification describing assets or cash held at the family's home or in safe deposit boxes.
- i. Self-certification of assets that generate income of less than \$5,000.00 (For current program participants only)

#### **5. Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification**

- a. For all certifications and recertifications, CMHA will obtain the Family's certification as to whether any family member has disposed of assets for less than fair market value during the two

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years preceding the effective date of the certification or recertification.

b. If the family certifies that they have disposed of assets for less than fair market value, verification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third-party verification will be obtained wherever possible. Income that would have been generated from the disposed of asset will be considered an asset during the annual recertification for two consecutive years. Any income that would have been calculated, had the asset been retained, will be used in calculating adjusted income.

## G. Verification of Allowable Deductions From Income

### 1. Child Care Expenses

a. Childcare voucher stubs.

b. Written verification from the person who receives the payments is required. If the childcare provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.

c. Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

d. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

### 2. Medical Expenses

a. Families who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

i. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will not be reimbursed by insurance or a government agency.

ii. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.

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iii. Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

iv. For attendant care:

v. A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.

vi. Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

vii. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.

viii. Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.

ix. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. CMHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.

x. CMHA will use mileage at the IRS rate, cab fare, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

### **3. Disability Expense**

In All Cases:

a. Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.

b. Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

**c. Attendant Care:**

- i. Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.
- ii. Certification of family and attendant and/or copies of canceled checks family used to make payments.

**d. Auxiliary Apparatus:**

- i. Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
- ii. In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

**4. Verifying Non-Financial Factors**

**a. Verification of Legal Identity**

- i. In order to prevent program abuse, CMHA will require applicants to furnish verification of legal identity for all family members.
- ii. The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.
- iii. Certificate of birth or naturalization papers;
- iv. Church issued baptismal certificate;
- v. Current, valid driver's license;
- vi. U.S. military discharge (DD 214);
- vii. U.S. passport;
- viii. Voter's registration;
- ix. Company/Agency identification card;
- x. Department of Motor Vehicles identification card/state identification card; or
- xi. Hospital records.

b. Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

i. Certificate of birth;

ii. Adoption papers;

iii. Custody agreement;

iv. Health and Human Services ID; or

v. School records.

vi. If none of these documents can be provided, a third party who knows the person may, at CMHA's discretion, provide verification.

#### 5. Verification of Marital Status

a. Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

b. Verification of a separation may be a copy of court-ordered maintenance or other records.

c. Verification of marriage status is a marriage certificate.

#### 6. Familial Relationships

The following verifications will always be required if applicable:

7. Verification of Relationship

- a. Official identification showing names;
- b. Birth certificates; or
- c. Baptismal certificates.

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8. Verification of Guardianship

- a. Court-ordered assignment;
- b. Affidavit of parent;
- c. Verification from social services agency; or school records.

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9. Verification of Permanent Absence of Family Member

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If an adult or child member who was formerly a member of the household is reported permanently absent by the family, CMHA will consider any of the following as verification:

- a. Husband or wife institutes divorce action. Husband or wife institutes legal separation.
- b. Order of protection/restraining order currently active with the courts, obtained by one family member against another.
- c. Proof of another home address, such as utility bills, canceled checks for rent, current driver's license, or current verifiable lease or rental agreement.
- d. Statements from other agencies such as social services or a written statement from the owner or manager that the adult family member is no longer living at that location.
- e. If the adult or child family member is incarcerated, a document from the court or correctional facility should be obtained stating how long they will be incarcerated. If the incarceration is due to criminal or drug related activity while a member of the household, assistance may be terminated.
- f. If no other proof can be provided, CMHA will accept a self-certification from the head of household. If the head of household is the absent member, proof can be provided by the spouse or co-head.

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#### 10. Verification of Change in Family Composition

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CMHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, owners, neighbors, credit data, school or DMV records, and other sources.

#### 11. Verification of Disability

Verification of disability may be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by an appropriate diagnostician such as physician, psychiatrist, psychologist, rehab specialist, or licensed social worker.

#### 12. Verification of Citizenship/Eligible Immigrant Status

- a. To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare his or her status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while CMHA hearing is pending.
- b. Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.
- c. CMHA will require citizens to provide documentation of citizenship.
- d. Acceptable documentation will include at least one of the following original documents:
  - i. United States birth certificate;
  - ii. United States passport;
  - iii. Resident alien/registration card;
  - iv. Social security card; or
  - v. Other appropriate documentation as determined by CMHA.
- e. Eligible Immigrants age 62 or over are required to sign a declaration of eligible immigration status and provide proof of age.
- f. Noncitizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. CMHA verifies the status through the INS

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SAVE system. If this primary verification fails to verify status, CMHA must request within ten days that the INS conduct a manual search.

g. Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse/co-head.

h. Noncitizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

### 13. Failure to Provide

If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

### 14. Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination.

CMHA will not provide assistance to any family prior to the affirmative establishment and verification of the eligibility of the individual or at least one member of the family.

For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in.

### 15. Extensions of Time to Provide Documents

CMHA will grant an extension not to exceed 30 calendar days for families to submit evidence of eligible immigrant status.

### 16. Acceptable Documents of Eligible Immigration

a. The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register:

i. Resident Alien Card (1-551)

ii. Alien Registration Receipt Card (1-151)

iii. Arrival-Departure Record (1-94)

iv. Temporary Resident Card (1-688)

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v. Employment Authorization Card (I-688B)

vi. Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified.

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b. A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

c. If CMHA determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the family's unit, the family's assistance will be terminated for three years, unless the ineligible individual has already been considered in prorating the family's assistance.

## 17. Verification of Social Security Numbers

### a. Applicants

CMHA will deny eligibility to an applicant if any member of the family that is required to disclose their Social Security Number does not disclose it or provide documentation of such Social Security Number. However, if the family is otherwise eligible to participate in the program, the family may maintain their position on the wait list for a period of 90 days in order to provide the missing Social Security Number for each member of the household. If there are issues beyond the family's control that prevent the Social Security Number from being obtained, CMHA may grant the family a one-time 90-day extension to comply with the Social Security Number documentation requirement. Once the Social Security Number is obtained, the family will be placed back on the wait list based on the date and time of their original application.

At the expiration of the provided time period, if any required family member has failed to comply with the Social Security Number disclosure and documentation requirements, CMHA will withdraw the family for failure to provide documentation.

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### b. Residents

Individuals exempt from disclosure and verification procedures are:

i. Individuals who do not claim to have eligible immigration status;

ii. Tenants age 62+ as of 1/31/10; and

iii. Tenants who have previously disclosed a valid SSN

iv. For resident households adding a new household member under the age of six with no assigned SSN, the new household member will be included as a household member, under a PIC generated alternate ID number. These families will be provided 90 days to provide documentation of SSN. CMHA may extend an additional 90 days if unforeseen circumstances outside of the family's control will prevent timely disclosure of required documentation.

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v. For resident households adding a new household member at least six years of age, or under the age of six with an assigned SSN, the family must disclose the SSN and provide documentation of the SSN to CMHA at the time of requesting the addition of the new household member. The new household member cannot be added to the family composition until the family has complied with SSN disclosure and verification requirements.

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#### c. Acceptable Sources of Social Security Numbers

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Verification of social security numbers will be done through a social security card issued by the Social Security Administration. If a family member cannot produce a social security card, only the documents listed below showing his or her social security number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the social security card information provided are complete and accurate.

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- i. A driver's license;
- ii. Identification card issued by a federal, state or local agency;
- iii. Identification card issued by a medical insurance company or provider (including Medicare and Medicaid);
- iv. An identification card issued by an employer or trade union;
- v. Earnings statements or payroll stubs;
- vi. Bank statements;
- vii. IRS Form 1099;
- viii. Benefit award letters from government agencies;
- ix. Retirement benefit letter;
- x. Life insurance policies;
- xi. Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records; or
- xii. Verification of benefits or social security number from Social Security Administration.

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## **Section VII - Interim Rent Adjustments: Income-Based Rent**

### **A. Rent Adjustments**

Residents are required to report all changes in family composition or income to the Manager within 30 calendar days of the occurrence. Changes may be reported either by using the CMHA voice mail box specifically set up for such reporting, or reporting in writing to the Manager. Failure to report within the 30 calendar days may result in a retroactive rent increase, but not a retroactive credit or rent reduction. In order to qualify for a rent reduction for the following month, residents must report income decreases prior to the first of the month.

1. CMHA will process interim changes in rent in accordance with the chart below:

<b><u>TYPE of INCOME CHANGE</u></b>	<b><u>CMHA ACTION</u></b>
(a) Decrease in income for any reason, <u>except</u> for a decrease that lasts less than 30 days.	<ul style="list-style-type: none"> <li>• CMHA will process an interim reduction in rent if the income decrease will last more than 30 days.</li> </ul>
(b) Decrease in OWF benefits due to either non-compliance with the self-sufficiency program or program fraud.	<ul style="list-style-type: none"> <li>• CMHA will not decrease rent and will use the imputed welfare income for purposes of rent determination until such time there is a reported replacement income.</li> </ul>
(c) Combined household increases averaging \$100 or less per month between annual recertifications.	<ul style="list-style-type: none"> <li>• CMHA will defer the increase to the next regular recertification.</li> <li>• When combined income increases average in excess of \$100 per month, rent will increase the first day of the second month based on all increases.</li> </ul>
(d) Increase in income because another person with income (from any source) joins the household.	<ul style="list-style-type: none"> <li>• CMHA will increase rent on the first day of the second month. The recalculation of rent is not to be interpreted as CMHA's approval of an unauthorized person residing in the unit.</li> </ul>
(e) A resident, at the annual or interim recertification misrepresents the facts upon which the rent is based so that the rent the resident is paying is less than the rent that s/he should have been charged.	<ul style="list-style-type: none"> <li>• CMHA will increase rent retroactive to the first of the month in which the rent should have increased had it been timely reported. Residents will be required to pay the additional rent, and the lease may be terminated.</li> </ul>
(f) Lump-sum payments from a delay of periodic payments. (Except Social Security)	<ul style="list-style-type: none"> <li>• CMHA will increase rent retroactively to the first day of the second month from the effective start date of the periodic payment.</li> </ul>
(g) Expiration of any mandated exclusion(s) period (Federal and/or CMHA).	<ul style="list-style-type: none"> <li>• CMHA will increase rent either prospectively or retroactively to the date of the expiration of the exclusion.</li> </ul>

2. Complete verification of the circumstances applicable to rent adjustments must be documented and approved by an authorized representative of CMHA.
3. Exceptions to Interim Adjustments: CMHA will compute the income of persons who are self-employed by using past history to

anticipate annual income. CMHA will process an interim adjustment when it is determined that the change in self-employment income is permanent and not sporadic.

#### **B. Effective Date of Adjustments**

Residents will be notified in writing of any rent adjustment. The notice will state the effective date of the adjustment.

1. Rent decreases are effective the first of the month following the reported change. Income decreases reported and verified before the tenant accounting cut-off date will be effective the first of the following month. Income decreases reported or verified after the tenant accounting cut-off date will be effective the first of the second month with a credit retroactive for the previous month.
2. Rent increases (except those due to misrepresentation, non-compliance or untimely reporting) require that CMHA give the resident 30 days advance notice of the increase. Rent increases become effective the first day of the second month following timely reporting.
3. Rent increases resulting from a delay in periodic payments, except Social Security, although reported timely, will be effective the first day of the second month from the **effective date** of the income increase, not when the income was actually received.

#### **C. Failure to Report Accurate Information**

If a resident misrepresents the facts upon which his/her rent is based, or fails to timely report changes to CMHA, including errors or omissions by CMHA, so that the rent charged is less than what should have been charged, then the increase in rent will be made retroactive. Failure to report accurate information may result in termination of the lease.

### **Section VIII - Family Debts Owed to CMHA**

This section describes CMHA's policies to recover money owed to CMHA by either current or former residents. It describes the methods that will be used to collect money and the guidelines for collecting different types of debts. It is CMHA's policy to meet the informational needs of families and to communicate the program rules to avoid family debts. Before a debt is assessed against a family, there must be sufficient documentation to support CMHA's claim that the debt is owed. The family will be relieved of the alleged indebtedness if CMHA cannot produce documentation of the debt. The file must also contain documentation of the method of calculation in a clear format, which is available for review by the family or other interested parties.

**A. Collection Methods**

When a family owes money to CMHA, CMHA will make every effort to collect it using a variety of collection tools, including, but not limited to:

1. Request for lump sum payment;
2. Civil suits;
3. Repayment agreements;
4. Collection agencies;
5. Credit bureaus;
6. Income tax set-off programs
7. Criminal prosecution

**A. B. Repayment Agreement for Families for Families Currently in Occupancy With CMHA**

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1. A Repayment Agreement as used in this Plan is a document entered into between CMHA and a person who owes a debt to CMHA. It is similar to a Promissory Note, but contains more detail regarding the nature of the debt, the terms of repayment, any special provisions of the agreement, and the remedies available to CMHA upon default of the agreement. The Repayment Agreement must be signed by the head of household and/or spouse/co-head.
2. CMHA may enter into a Repayment Agreement with a person only if they are able to make an initial payment of 25% of the total outstanding debt and pay the remainder in a maximum of six equal monthly payments in accordance with the schedule below. The Director of Housing Management, or his/her authorized designee, may make exceptions to the terms of a Repayment Agreement.

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**Repayment Schedule for Monies Owed to CMHA**

<b>(% of Total Amount)</b>	<b>Initial Payment Due Amount Owed</b>	<b>Maximum Term</b>
25%	0-\$500	6 months
25%	\$501 - \$1,000	12 months
25%	\$1,001 - \$1,999	18 months
15%	\$2,000 - \$2,999	24 months
10%	\$3,000 - \$5,000	36 months

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3. CMHA may not enter into a Repayment agreement if CMHA determines that the family has committed fraud in relation to any subsidized housing program.

4. If the family has a Repayment Agreement in place and incurs an additional debt to CMHA, CMHA may enter into more than one Repayment Agreement at a time with the same family.
5. If a family transfers to the Housing Choice Voucher (HCV) program and it is found that debt is owed to the Asset Management Program, the family will be required to pay the debt within 30 days of notification. Failure to do will result in the Asset Management Program referring the family to the HCV program for voucher termination.

**CB. Late Payments**

1. A payment will be considered to be late if not received on or before the seventh calendar day of the month.
2. If the family's repayment agreement is in arrears (late), CMHA may:
  - a. Require the family to pay the balance in full within 30 days;
  - b. Terminate the family's tenancy;
  - c. Pursue civil collection of the balance due.
3. If the family requests a transfer to another unit, has a repayment agreement in place and the repayment agreement has not been in arrears for the previous three months, the family may be permitted to move.
4. CMHA may, at its sole discretion, allow a tenant that has made two late payments of rent in a twelve (12) month period to sign a "Seventh Day Agreement" whereby the tenant agrees to make timely payments to the rental office, or a location of CMHA's designation, for a twelve (12) month period.<sup>18</sup> If the tenant fails to make any timely payment, CMHA may refuse to accept late rent and file an eviction action against the tenant.

**CD. Debts Due to Fraud/Non-Reporting of Information**

Program fraud and abuse consists of a single act or pattern of actions that constitute false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead.

1. Families who owe money to CMHA due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in this Section.
2. Families who owe money to CMHA due to program fraud will be required to repay the amount in full in 30 days. If the full amount is paid within this time period, and the family is still eligible, CMHA may continue assistance to the family. The Director of Housing

<sup>18</sup> Note: In lieu of rental office, payments may be made at office of CMHA's designation.

Management or his/her designee may make exceptions and allow a repayment agreement.

3. If, as a result of program fraud, a family owes an amount that exceeds \$5,000, eviction proceedings will be initiated against the tenant and the case will be referred to the HUD Inspector General. When appropriate, CMHA will also refer the case for criminal prosecution to the county prosecutor.

**ED. Program Integrity Procedure**

CMHA's Program Integrity Procedure will be followed in the collection of debts and addressing program fraud and abuse.

**FE. Dormant Debts:** It is CMHA's policy not to collect dormant debt or to hold dormant debts against the applicant seeking admission to its housing programs. A dormant debt is any debt that is barred by the Ohio Statute of Limitations. As of the date of this ACOP, the present statute of limitations is for a period of eight (8) years. If the dormant debt was attributable to fraud or misrepresentation, then this applicant may be denied admission based on the prior fraud or misrepresentation and not the unpaid dormant debt.

## **Section IX - Lease Termination Policies**

### **A. General Policy: Lease Termination**

**In order to preserve the availability of affordable housing in LIPH/Asset Management program and to assure that qualified families are provided with quality affordable housing, the Cincinnati Metropolitan Housing Authority may need to terminate assistance to families that are in-eligible for housing assistance or no longer compliant with the lease agreement or ACOP.**

It is CMHA's policy that no resident's lease shall be terminated except in compliance with applicable HUD regulations and the lease terms.

### **B. Notice Requirements**

1. No resident shall be given a Notice of Lease Termination without being informed by CMHA, in writing, of the reason for the termination. The resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure, and be given the opportunity to make such a reply as he/she may wish.

The following actions do not qualify for the Grievance Procedure; specifically: any termination in connection with criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, CMHA employees or persons residing in the immediate vicinity; and any drug-related criminal activity on or off the premises.

2. Notices of Lease Termination shall be served by first class mail. Notices to Leave Premises shall be served personally or at the premises in accordance with applicable state law.

### **C. Termination for Over Income Families**

1. Subject to certain restrictions, HUD authorizes public housing authorities to evict or terminate the tenancies of families who are determined to be over-income for continued housing in the LIPH/Asset Management program. Authority of the termination of the lease termination for over-income families is done in accordance with 24 CFR 960.261:
  - a. PHAs may evict or terminate the tenancies of families who are over income, subject to paragraph (b) of this section.
  - b. Unless it is required to do so by local law, a PHA may not evict or terminate the tenancy of a family solely because the family is over the income limit

for public housing, if the family has a valid contract for participation in an FSS program under 24 part 984. A PHA may not evict a family for being over the income limit for public housing if the family currently receives the earned income disallowance provided by 42 U.S.C. 1437a(d) and 24 CFR 960.255.

**D. Criteria to Consider Lease Termination.**

Public Housing Authorities are vested by HUD with the discretion to terminate assistance to over income households and in doing so thereby making units available for applicants who are income-eligible.

CMHA is committed to keeping a balanced approach to having mixed income communities and diversity within its communities.

Lease termination is considered when the total household income is over 80% AMI income. In making its decision to terminate the lease, the CMHA will exempt the following families from termination when it is solely based upon their status as an over income individual or family.

**E. Exemptions to Lease Termination for Over Income Families:**

1. The family is a participant in the FSS program or CMHA's Home Ownership Program
2. The family is receiving earned income disallowance
3. There is/are disabled member(s) of the family
4. Persons who are considered elderly having attained 62 years of age.
5. The over income level is a result of the combined incomes of individuals living in a multi/intergenerational household (e.g. a parent with several adult children) where the family members assist in the care of a disabled or elderly family member in the household.

**F. Termination of Assistance: Victims of Domestic Violence, Dating Violence or Stalking or Sexual Assault.**

An incident or incidents of actual or threatened domestic violence, dating violence or stalking or sexual assault will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

CMHA may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or

stalking without terminating the assistance or evicting victimized lawful occupants.

CMHA may honor court orders regarding the rights of access or control of the property, including orders issued to protect the victim, and orders issued to address the distribution or possession of property among household members when the family breaks up.

There is no limitation on the right of CMHA to evict for other good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking, or sexual assault other than the victim may not be subject to a more demanding standard than non-victims.

CMHA is not prohibited from evicting if it can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property that may result if the victim's tenancy is not terminated.

Any protections provided by law that gives greater protection to the victim are not superseded by these provisions.

CMHA requires certification by the victim of victim status. Certification forms are available in the Property Management Offices.

#### **G. Recordkeeping Requirements**

A written record of every termination and/or eviction shall be maintained by CMHA, and shall contain the following information:

1. Name of resident, race and ethnicity, address and identification of unit occupied;
2. Date of the Notice of Lease Termination and any other state or local notices required, which may be on the same form and run concurrently;
3. Specific reason(s) for the Notice(s), including the section of the lease violated, and other facts pertinent to the issuing of the Notice(s) described in detail;
4. Date and method by which the resident was notified.

### **Section X - Utilities**

**General Policy:** The Utility Allowance is developed by CMHA in consultation with both an energy consultant and the utility supplier and is reviewed by HUD.

#### **A. Resident-Paid Utilities:**

In some CMHA communities, utilities are in the residents' name. The following requirements apply to residents living in or applicants being admitted to properties with resident-paid utilities:

1. In properties with resident-paid utilities, each resident will receive the benefit of a monthly utility allowance that reflects a reasonable amount of utilities for the specific size and type of unit occupied. The amount of the utility allowance will be deducted from the total rent owed to CMHA each month. The resident is responsible to pay the utility bill in full, directly to the utility provider.
2. When the supplier of utilities offers a "Budget" or level payment plan, residents are encouraged to pay their bills according to this plan. This protects the resident from large seasonal fluctuations in utility bills.
3. When residents make application for utility services to be placed in their own names, they shall sign a third-party notification agreement so that CMHA will be notified if the resident fails to pay the utility bill or if service is due to be terminated.
4. If an applicant is unable to get utilities connected because of a previous balance owed to the utility company, the applicant will not be admitted to a tenant-paid utility property.
5. Paying the utility bill is the resident's obligation under the lease. Failure to pay utilities timely is grounds for termination of the lease.

#### **B. Excess Utility Charges**

1. Residents in units where CMHA pays the utilities may be charged for excess utilities in accordance with the lease and/or the Maintenance Charge Schedule.
2. Residents with disabilities may be entitled to higher than normal utility allowances or may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability.

### **Section XI - Ceiling Rents/Flat Rents**

#### **A. Flat Rent**

Flat Rent is a market-based rent. Accordingly, the flat rent will vary by unit size and type and also by location. An analysis of rent reasonableness

data, housing market studies, and unit characteristics is used by CMHA to determine the flat rent. Flat rent amounts will be set at no less than 80% of the applicable Fair Market Rent (FMR). CMHA is not required to lower flat rents to 80% of applicable FMR in years when the FMR decreases from the previous year.

**B. Recertification of Families on Flat Rents**

Families paying flat rents are required to recertify income once every three years, rather than annually. In the off years, the annual recertification will be limited to a review of family composition, unit size and fulfilling Community Service requirements, as applicable. At the annual recertification, the resident must affirm their decision to continue with a flat rent as opposed with income-based rent.

At the time of annual recertification, all residents will be offered the choice of paying either an income-based rent or the established flat rent. Families choosing the flat rent pay the established market-based rent, regardless of changes in increases of income. If families who experience a decrease in their income will be considered for income-based rent upon submission of an interim report. Families who choose to pay the flat rent do not receive an additional utility allowance. Families may choose, at any time, to go back to an income-based rent. However, they may only choose the flat rent once a year, at the time of recertification.

**C. Review of Flat Rents**

Periodically, CMHA will review flat rent levels to ensure that they continue to mirror market rents. Residents paying flat rents do not have their flat rents adjusted (up or down) until their annual recertification.

**D. Ceiling Rents**

Ceiling rents are intended to provide an incentive to remain in public housing for families whose incomes have increased to the point that an income-based rent (Total Tenant Payment) is unreasonable for the housing being provided. Use of ceiling rents by CMHA is optional.

**E. Establishing Ceiling Rents**

1. Ceiling rents will be set in accordance with the methodology established in the Quality Housing and Work Responsibility Act of 1998.
2. CMHA retains the right to revoke or raise ceiling rents at any time after giving reasonable notice to the affected tenants.

3. Ceiling Rents are part of the Income-Based rent choice. Tenants paying a ceiling rent remain eligible for utility allowances.

**F. What the Resident Pays under the Ceiling Rent**

Tenants choosing to pay an income-based rent shall pay the lower of the ceiling rent as established by CMHA, or the income-based rent.

**Section XII – Non Smoking Residences and Common Areas**

Tenants are prohibited from smoking or using lit tobacco products in all smoke free living units, indoor common areas and in the CMHA residences that are designated as a smoke free. Lit tobacco products includes electronic nicotine devices (ENDS or e-cigarettes) water pipe tobacco smoking, also known as hookahs. Failure to comply with this prohibition is a serious and material violation of the residential lease agreement and the ACOP, subject to lease termination.

**Section XIII - Definitions and Procedures to be used in  
Determining Income and Rent**

**A. Annual Income (24 CFR 5.609)**

Annual income is the anticipated total income, monetary or not, from all sources, including net income derived from assets received by or on behalf of the family head and spouse/co-head (even if temporarily absent) and by each additional family member. Annual income includes all net income from assets for the 12-month period following the effective date of initial determination or recertification of income, exclusive of income that is temporary, non-recurring, or sporadic (as defined below), or is specifically excluded from income by federal statute. Annual income includes, but is not limited to, the following:

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business;

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 the straight-line depreciation of real or personal property is permitted. Any withdrawals of cash or assets will be considered as income, except when used to reimburse the family for cash or assets invested in the property;

If 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 payments, or periodic payments received as a lump sum, from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts received by or on behalf of any family member. (See B. 14. below for treatment of delayed or deferred periodic payment of social security or supplemental security income benefits.);
5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (See paragraph B. 3. below concerning treatment of lump-sum additions as family assets.);
6. All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any family member;
7. Periodic and determinable allowances, such as alimony and child support payments, and regular cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members; and
8. All regular pay, special pay, and allowances of a family member in the Armed Forces. (See paragraph B. 7. below concerning pay for exposure to hostile fire.)

**B. Items not included in Annual Income [24 CFR § 5.609] (Exclusions)**

Annual Income does not include the following:

1. Earned income of minors;
2. Payments received for the care of foster children or foster adults (foster adults are usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident

insurance, and worker's compensation), capital gains, one-time lottery winnings, and settlement for personal property losses (but see paragraphs 4 and 5 above if the payments are or will be periodic in nature);

(See paragraph 14 below for treatment of delayed or deferred periodic payments of social security or supplemental security income benefits.)

4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide, provided the person meets the definition of a live-in aide (see Section 13 of these policies);
6. The full amount of student financial assistance paid directly to the student or the educational institution (FR Vol. 60, #65/ 5 April 1995);
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. Certain amounts received that are related to participation in the following programs:
  - a. Amounts received under HUD funded training programs (e.g. Step-up program. This excludes stipends, wages, transportation payments, child care vouchers, etc. paid during the training);
  - b. Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income (SSI) and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - c. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program;
  - d. A resident services stipend. A resident services stipend is a modest amount (not to exceed \$200/month) received by a public housing resident for performing a service for CMHA, on a part-time basis, that enhances the quality of life in public housing. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time; and

- e. Incremental earnings and/or benefits resulting to any family member from participation in a qualifying state or local employment training program (including training programs not affiliated with the local government), and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance by CMHA;
- 9. Temporary, non-recurring, or sporadic income (including gifts);
  - 10. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
  - 11. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household and spouse/co-head);
  - 12. Adoption assistance payments in excess of \$480 per adopted child;
  - 13. The incremental earnings and benefits to any resident 1) whose annual income increases due to employment of a family member who was unemployed for one or more years previous to employment; or 2) whose annual income increases as the result of increased earnings by a family member during participation in any economic self sufficiency or other job training program; or 3) whose annual income increases due to new employment or increased earnings of a family member during or within six months of receiving state-funded assistance, benefits or services. For purposes of this paragraph, the following definitions apply:
    - a. State-funded assistance, benefits or services means any state program for Temporary Assistance for Needy Families (OWF) funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering OWF and Welfare-to-Work programs. The OWF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance, provided that the total amount over a six-month period is at least \$500.
    - b. During the 12-month period beginning when the member is first employed or the family first experiences an increase in income, the PHA must exclude from Annual Income any increase in income as a result of employment. For the 12 months following the exclusion period, 50% of the income increase shall be excluded.

- c. Regardless of how long it takes a resident to work for 12 months (to qualify for the first exclusion) or the second 12 months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is 48 months.
  - d. The disallowance of increased income under this section is only applicable to current residents and will not apply to applicants who have begun working prior to admission.
14. Deferred periodic payments of Supplemental Security Income (SSI) and Social Security benefits that are received in a lump sum payment;
  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 developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
  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 the United States Housing Act of 1937. (A HUD Notice, which is periodically updated, published in the Federal Register, identifies the benefits that qualify for this exclusion. )

The following is a list of benefits excluded by other Federal Statute:

- a. The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 [7 USC 2017 (h)];
- b. Payments to volunteers under the Domestic Volunteer Service Act of 1973 [42 USC 5044 (g), 5088]; Examples of programs covered under this Act include but are not limited to:
  - (1) Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;
  - (2) National Volunteer Anti-poverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs;
  - (3) Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired

Executives (SCORE), and Active Corps of Executives (ACE).

- c. Payments received under the Alaska Native Claims Settlement Act [43 USC.1626 (a)];
- d. Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes [(25 USC. 459e)];
- e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program [42 USC 8624 (f)];
- f. Payments received under programs funded in whole or in part under the Job Training Partnership Act [29 USC 1552 (b)];
- g. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians [Pub. L. 94-540, 90 State 2503-04];
- h. The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC 14-08), or from funds held in trust for an Indian Tribe by the Secretary of Interior [25 USC 117b, 14];
- i. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs [20 USC 1087 uu];
  - (1) Examples of Title IV programs include but are not limited to: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.
- j. Payments received from programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)];
  - (1) Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.

- k. Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the Agent Orange product liability litigation;
- l. Payments received under the Maine Indian Claims Settlement Act of 1980 [Pub. L. 96-420, 94 Stat. 1785];
- m. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 [42 USC 9858q];
- n. Earned income tax credit refund payments received on or after January 1, 1991 [26 USC 32 (j)];
- o. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero [Pub L 95-433];
- p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 [42 USC 12637(d)];
- q. Any allowance paid under the provisions of 38 USC 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran [38 USC 1805];
- r. Any amount of crime victim compensation as determined under the Victims of Crime Act [42 USC 10602]; and
- s. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 [29 USC 2931].

**C. Anticipating Annual Income [24 CFR § 5.609]**

- 1. Is based on, at the time of admission, reexamination, or recertification:
  - a. Actual income being received (projected forward for a 12-month period); or
  - b. Past actual income received or earned within the last 12 months of the determination date, as HUD may prescribe in applicable administrative instructions when:
    - (1) The family reports little or no income; and
    - (2) The processing entity is unable to determine annual income due to fluctuations in income (e.g., seasonal or cyclical income);
- 2. Historical amounts. If we are unable to determine annual income using current information because the family reports little to no

income or because income fluctuates, we may average past actual income received or earned within the last 12 months before the determination date to calculate annual income. We may also request the family to provide documentation of current income. If the family can provide acceptable documentation dated either within the 60-day period preceding the determination date or the 60-day period following the request date, we may use this documentation to determine annual income.

3. Rejection of documentation. The processing entity may reject any income documentation for such reason as HUD may prescribe in applicable administrative instructions.

#### **D. Adjusted Income**

Adjusted Income (the income upon which rent is based) means Annual Income less the following deductions and exemptions:

1. For All Families
  - a. Child Care Expenses — A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which Annual Income is computed, but only when such care is necessary to enable a family member to be gainfully employed, to seek employment or to further his/her education. Amounts deducted must be un-reimbursed expenses and shall not exceed: (a) the amount earned by the family member enabled to work that is included in annual income; or (b) an amount determined to be reasonable by CMHA when the expense is incurred to permit education or to seek employment.
  - b. Dependent Deduction — An exemption of \$480 for each member of the family residing in the household (other than the head of household, spouse/co-head, Live-in Aide, foster adult or foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, handicapped, or a full-time student.
  - c. Work-related Disability Expenses — A deduction of un-reimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) enabled to work.

Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for the visually impaired, and equipment added to cars and vans to permit their use by the disabled family member. Also included would be the annualized cost differential between a car and the cost of a van required by the family member with disabilities.

- (1) For non-elderly families and elderly families without medical expenses, the amount of the deduction equals the cost of all un-reimbursed expenses for work-related disability expense less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.
- (2) For elderly families with medical expenses: the amount of the deduction equals the cost of all un-reimbursed expenses for work-related disability expense less three percent of Annual Income (provided the amount so calculated does not exceed the employment income earned) PLUS medical expenses as defined below.

2. For Elderly and Disabled Families Only:

- a. **Medical Expense Deduction** — A deduction of un-reimbursed Medical Expenses, including insurance premiums, anticipated for the period for which Annual Income is computed.

Medical expenses include but are not limited to: services of physicians and other health care professionals, services of health care facilities, health insurance premiums (including the cost of Medicare), prescription and accepted non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by CMHA for the purpose of determining a deduction from income, the expenses claimed must be verifiable.

- (1) For elderly families without disability expenses, the amount of the deduction shall equal total medical expenses less three percent of annual income.
  - (2) For elderly families with both disability and medical expenses: the amount of the deduction is calculated as described in paragraph 1.d.(2) above.
- b. **Elderly/Disabled Household Exemption** — An exemption of \$400 per household. See Definitions, Section XV.

3. CMHA Optional Deductions/Exemptions:
  - a. Child support paid by a resident, up to a maximum of \$480 per household;
  - b. 20% of earned income of adult family members, except when an individual is receiving the benefit of another income disregard pursuant to Federal law or CMHA policy for the same income.

**E. Rent Computation**

1. Total Tenant Payment is the highest of:
  - a. 30% of adjusted monthly income; or
  - b. 10% of monthly income; but never less than the
  - c. Minimum Rent; and never more than the
  - d. Ceiling Rent
2. The Minimum Rent shall be \$50 per month, but a hardship exemption shall be granted to residents who can document that they are unable to pay the \$50 because of a long-term hardship (over 120 days). Examples under which residents would qualify for the hardship exemption to the minimum rent include but may not be limited to the following:
  - a. The family has lost eligibility for or is applying for an eligibility determination for a Federal, State or local assistance program;
  - b. The family would be evicted as a result of the imposition of the minimum rent requirements;
  - c. The income of the family has decreased because of changed circumstances, including loss of employment;
  - d. A death in the family has occurred.

Under no circumstances will a family pay less than 10% of monthly income or 30% of monthly adjusted income. If it is determined that the hardship period was temporary (less than 120 days), the tenant shall be required to repay any rent abated under this hardship provision.

## Section XV – Mixed-Finance Communities

Mixed-finance public housing allows CMHA to mix public, private, and non-profit funds to develop new housing communities. These communities may be made up of a variety of housing types: rental, homeownership, private, subsidized, and public housing. These new communities are built for residents with a wide range of incomes, and are designed to fit into the surrounding community. The HOPE VI Program was developed as a result of recommendations by the National Commission on Severely Distressed Public Housing, which was charged with proposing a National Action Plan to eradicate severely distressed public housing. The Commission recommended revitalization in three general areas: physical improvements, management improvements, and social and community services to address resident needs.

In conjunction with the HOPE VI Program and/or other initiatives, CMHA may have public housing units that it does not directly manage under Annual Contributions Contract with HUD. Private and/or non-profit management entities may have admissions and continued occupancy policies for the public housing units in mixed-finance communities that are consistent with HUD guidelines, but which differ from standard practices of CMHA. The approved public housing admissions and continued occupancy policy documents of such entities are hereby incorporated in the CMHA Admissions and Continued Occupancy Policy by reference.

## Section XVI– Designated Housing

The following listings are the types and locations of CMHA designated housing:

Currently CMHA does not have any properties that are designated elderly housing. CMHA may apply with HUD in 2018 for the following locations for an “Elderly Designation”

- Stanley Rowe A Building, 835 Poplar Street, Cincinnati, Ohio 45214
- San Marco, 1601 Madison Road, Cincinnati, Ohio 452016
- Evanston, 1820 Rutland Avenue, Cincinnati, Ohio 45207
- Pinecrest, 3951 8<sup>th</sup> Street, Cincinnati, Ohio 45205

**Communities designated for the elderly:** Elderly families will receive a priority for admission to units or buildings covered by a HUD-approved Designation Plan. When there are insufficient elderly families on the waiting list, near-elderly families (head or spouse/co-head ages 50 to 61) will receive a priority for this type of unit.

**Communities designated for disabled families:** Disabled families will receive a priority for admission to units or buildings that are covered by a HUD-approved Designation Plan.

- None designated

**Mixed Population Communities:** Elderly families, disabled families and families displaced by governmental action will receive equal priority for admission to such units. All elderly, disabled or displaced applicants who are single persons shall be admitted before single persons who are not elderly, disabled nor displaced.

- None designated

**General Occupancy Communities:** With the exception of the above designations, all other CMHA communities are designated as “General Occupancy Communities.” The priority for elderly and disabled families and displaced persons does not apply at General Occupancy Properties.

## Section XVII

### Definitions of Terms Used in This Statement of Policies

1. Accessible Dwelling Units -- When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical handicaps. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in accordance with the Uniform Federal Accessibility Standards (UFAS) is “accessible” for purposes of this policy.

When an individual dwelling unit in an existing facility is being modified for use by a specific individual, the unit will not be deemed accessible, even though it meets the standards that address the impairment of that individual, unless it also meets the UFAS standards.

2. Accessible Facility - All or any portion of a facility other than an individual dwelling unit used by individuals with physical handicaps. [24 CFR § 8.21]
3. Accessible Route - For persons with mobility impairment, a continuous unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards. For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility. [24 CFR § 8.3 & § 40.3.5]

4. Adaptability - Ability to change certain elements in a dwelling unit to accommodate the needs of handicapped and non-handicapped persons; or ability to meet the needs of persons with different types & degrees of disability. [24 CFR § 8.3 & § 40.3.5]
5. Alteration - Any change in a facility or its permanent fixtures or equipment. It does not include: normal maintenance or repairs, re-roofing, interior decoration or changes to mechanical systems. [24 CFR § 8.3 & § 8.23 (b)]
6. Applicant - A person or a family that has applied for admission to housing.
7. Area of Operation - The jurisdiction of ~~the~~ CMHA as described in applicable State law, and the CMHA's Articles of Incorporation, is all of Hamilton County, Ohio, in excess of Section 6 of Harrison Township.
8. Assets - Assets means "cash (including checking accounts), stocks, bonds, savings, equity in real property, or the cash value of life insurance policies. Assets do not include the value of personal property such as furniture, automobiles and household effects or the value of business assets." IMPORTANT: See the definition of *Net Family Assets*, for the definition of the assets used to compute annual income. (See 24 CFR § 5.603 for definition of Net Family Assets)
9. Auxiliary Aids - Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities. (24 CFR § 8.3)
10. Care attendant - A person that regularly visits the unit of a CMHA resident to provide supportive or medical services. Care attendants are not live-in aides, since they have their own place of residence, and, if requested by CMHA, must demonstrate proof of a separate residence. Care attendants have no rights of tenancy.
11. Co-head of Household - A household where two persons are held responsible and accountable for the family.
12. Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.
13. Domestic Violence – [as defined in VAWA 2013, which reauthorizes and amends VAWA 1994 (Title IV, sec. 40001-40703 of Public Law 103-322), which was previously reauthorized by VAWA 2000 (Public

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Law 106-386) and VAWA 2005 (Public Law 109-162, approved January 5, 2006, with technical corrections made by Public Law 109-271, approved August 12, 2006). Violence Against Women Act which are found in Title VI of the statute. (See Public Law 113-4, 127 Stat. 54, approved March 7, 2013, at 127 Stat. 101). VAWA 2005 (Public Law 109-162, 119 Stat. 2959, approved January 5, 2006) includes (i) felony or misdemeanor crimes of violence committed by a current or former spouse of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is co-habiting with or has co-habited with the victim as a spouse; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. A tenant or an applicant may be a victim of domestic violence, dating violence, sexual assault, or stalking regardless of whether the act was perpetrated by a tenant living on the property, or whether the act occurred on the property grounds, or, in cases of sexual assault or stalking, whether the tenant knows the perpetrator.

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14. Dependent - A member of the household, other than head, spouse/co-head, sole member, foster child, or Live-in Aide, who is under 18 years of age, or 18 years of age or older and disabled, handicapped, or a full-time student. [24 CFR § 5.603]
15. Designated Family - The category of family for whom CMHA elects (subject to HUD approval) to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 Housing Act. (HUD Directive 96-60)
16. Designated housing (or designated project) - a project(s), or portion of a project(s) designated for elderly only or for disabled families only in accordance with HUD Directive 96-60.
17. Disabled Family - A family whose head, spouse/co-head or sole member is a person with disabilities. (Person with disabilities is defined later in this section.) The term includes two or more persons with disabilities living together, and one or more such persons living with one or more persons including live-in aides determined to be essential to the care and well being of the person or persons with disabilities. A disabled family may include persons with disabilities who are elderly. (24 CFR § 5.403)
18. Displaced Person - A person displaced by government action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise recognized pursuant to Federal disaster relief laws. This definition is used for eligibility determinations only. It should not be confused

with the Federal preference for involuntary displacement. [(42 USC 1437a(b)(3)]

19. Divestiture Income - Imputed income from assets, including business assets, disposed of by applicant or resident in the last two years at less than fair market value. (See the definition of Net Family Assets (24 CFR § 5.603) in this section.)
20. Drug-related Criminal Activity –Drug trafficking, illegal use, or possession for personal use of a controlled substance (as defined in Section 102 of the Controlled Substances Act [21 U.S.C. 802]), or possession of drug paraphernalia.
21. Drug Trafficking – The illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance (as defined in Section 102 of the Controlled Substances Act [21 U.S.C. 802]).
22. Elderly Family - A family whose head or spouse/co-head (or sole member) is at least 62 years of age. It may include two or more elderly persons living together, and one or more such persons living with one or more persons, including live-in aides, determined to be essential to the care and well-being of the elderly person or persons. An elderly family may include elderly persons with disabilities and other family members who are not elderly. (24 CFR § 5.403)
23. Elderly Person - A person who is at least 62 years of age. [42 USC 1437a(b)(3)]
24. Extremely Low Income Family – A family whose Annual Income is equal to or less than 30% of Area Median Income, as defined in the HUD guidelines.
25. Family - Two or more persons (with or without children) regularly living together, related by blood, marriage, adoption, guardianship or operation of law who will live together in CMHA housing; or two or more persons who are not so related, but are regularly living together, can verify shared income or resources and who will live together in CMHA housing.

The term family also includes: Elderly family (Definition #20), Near elderly family (Definition #34) disabled family (Definition #15), displaced person (Definition #16), single person (Definition #41), the remaining member of a tenant family, a foster care arrangement, or a kinship care arrangement (Definition #27). Other persons, including members temporarily absent (e.g. a child temporarily placed in foster care or a student temporarily away at college), may be considered a part of the applicant family's household if they are living or will live regularly with the family. (24 CFR §§ 5 and 960)

Live-in Aides (Definition #28) may also be considered part of the applicant family's household. However, live-in aides are not family members and have no rights of tenancy or continued occupancy.

Foster Care Arrangements include situations in which the family is caring for a foster adult, child or children in their home who have been placed there by a public child placement agency, or a foster adult or adults placed in the home by a public adult placement agency.

For purposes of continued occupancy, the term family also includes the remaining member of a resident family with the capacity to execute a lease.

26. Family –The term “*family*” includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
- a. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or
  - b. A group of persons residing together and such group includes, but is not limited to:
    - (1) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
    - (2) An elderly family;
    - (3) A near-elderly family;
    - (4) A disabled family;
    - (5) A displaced family; and
    - (6) The remaining member of a tenant family.

In addition, for categorizing family as defined above, the terms disabled family, elderly family and near-elderly family (per 24 CFR 5.403) are:

- *Disabled family* means a family whose head (including co-head), spouse or sole member is a person with a disability.
- *Elderly family* means a family whose head, (including co-head), spouse or sole member, is a person who is at least 62 years of age.
- *Near elderly family* means a family whose head (including co-head), spouse or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at

least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age An applicant must be within the appropriate Income limits.

27. Full-Time Student - A person who is carrying a course load that is considered full-time under the standards and practices of the educational institution attended. Educational institutions shall include, but not be limited to, colleges, universities, secondary schools, vocational schools and trade schools (24 CFR 5.603).
28. Head of Household - Head of household means the family member (identified by the family) who is held responsible and accountable for the family, as listed on the CMHA Lease Agreement.
29. Individual with Handicap means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. For purposes of housing programs, the term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.
  - a. *Physical or mental impairment* means:

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sensory organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The term *physical or mental impairment* includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.
  - b. *Major life activities* means:

Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

- c. *Has a record of such an impairment* means:  
Has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
  - d. *Is regarded as having an impairment* means:
    - (1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation; or
    - (2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
    - (3) Has none of the impairments defined in this section but is treated by a recipient as having such an impairment.
30. Kinship care - an arrangement in which a relative or non-relative becomes the primary caregiver for a child or children but is not the biological parent of the child or children. The primary caregiver need not have legal custody of such child or children to be a kinship caregiver under this definition. (Definition provided by the Kinship Care Project, National Association for Public Interest Law).
31. LIHTC - means, ~~in the Baldwin Grove Admissions Policy, (as the context requires)~~ the Low Income Housing Tax Credit program, as described in and governed by the Code, or the tax credits allocated to the Project.
32. Live-in Aide - A person who resides with an elderly, disabled or handicapped person and who: (a) is determined by CMHA to be essential to the care and well being of the person; (b) is not obligated to support the family member; and (c) would not be living in the unit except to provide the necessary supportive services. CMHA policy on Live-in Aides stipulates that:
- a. Before a Live-in Aide may be moved into a unit, a verification must be completed by a qualified ~~third~~-third party that establishes the need for such care and the fact that the live-in aide is qualified to provide such The need will be evaluated and approved by CMHA's authorized designee;
  - b. Move-in of a Live-in Aide must not result in overcrowding of the existing unit according to the maximum-number-of-persons-per-unit standard, although a reasonable accommodation for a resident with a disability may be provided to move the family to a larger unit;

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- c. A Live-in Aide has no right to the unit as a remaining member of a resident family;
  - d. Relatives who satisfy the definitions and stipulations above may qualify as Live-in Aides, but only if they sign a statement prior to moving in relinquishing all rights to the unit as the remaining member of a resident family;
  - e. A Live-in Aide will be required to meet CMHA's screening requirements with respect to past behavior. Criteria that will disqualify a person from consideration as a Live-in Aide include:
    - (1) A past history of disturbing neighbors, and/or destruction of property;
    - (2) Living or housekeeping habits at current or prior residences that may adversely affect the health, safety, or welfare of other tenants or neighbors;
    - (3) Criminal activity, such as crimes of physical violence to persons or property, and other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or the community; and
    - (4) A record of eviction from housing or termination from residential programs.
  - f. A Live-in Aide will be subject to annual review and re-determination of continued need.
33. Low-Income Household - A family whose annual income does not exceed 80 percent of the Area Median Income (AMI) as determined by HUD guidelines. (42 USC 1437a (b)).
34. Market Rate means units at the Baldwin Grove Project that are not subsidized. The Admissions and Occupancy of these units is not governed by the CMHA Admissions and Continued Occupancy Policy.
35. Medical Expense Allowance - For purposes of calculating adjusted income for elderly or disabled families only, the medical expense allowance means the eligible medical expenses in excess of 3% of Annual Income, where these expenses are not compensated for or covered by insurance. (24 CFR § 5.603).
36. Minor - A minor is a person less than 18 years of age. An unborn child is not considered a minor. (See definition of dependent.)
32. Mixed Population Project - A public housing project for both elderly and disabled families. (PIH Notice 97-12)

33. Multifamily Housing Project - For purposes of Section 504, means a project containing five or more dwelling units. (24 CFR § 8.3)
34. Near-elderly family - A family whose head, spouse/co-head, or sole member is a near-elderly person (at least 50 but less than 62 years of age), who may be a person with a disability. The term includes two or more near-elderly people living together, and one or more such person living with one or more person who is determined to be essential to the care or well being of the near-elderly person(s). A near-elderly family may include other family members who are not near-elderly. (24 CFR § 5.403)
35. Near-elderly person - A person who is at least 50 but less than 62 years of age. (42 USC 1437a(b)(3))
36. Net Family Assets [24 CFR § 5.603]- The net cash value, after deducting reasonable costs that would be incurred in disposing of:
  - a. Real property (land, houses, mobile homes)
  - b. Savings (CDs, IRA or KEOGH accounts, checking and savings accounts, precious metals)
  - c. Cash value of whole life insurance policies
  - d. Stocks and bonds (mutual funds, corporate bonds, savings bonds)
  - e. Other forms of capital investments (business equipment)

Net cash value is determined by subtracting the reasonable costs likely to be incurred in selling or disposing of an asset from the market value of the asset. Examples of such costs include brokerage or legal fees, settlement costs for real property, penalties for withdrawing saving funds before maturity, etc.

Net Family assets also include the amount in excess of any consideration received for assets disposed of by an applicant or resident for less than fair market value during the two years preceding the date of the initial certification or recertification. This does not apply to assets transferred as the result of a foreclosure or bankruptcy sale.

In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be less than fair market value if the applicant or resident receives important considerations not measurable in dollar terms (24 CFR § 913.102).

37. Person with disabilities<sup>19</sup> (42 USC 1437a(b)(3)) A person<sup>20</sup> who:

<sup>19</sup> This is the program definition for public housing. The Section 504 definition does not supersede this definition for purposes of eligibility or admission. [24 CFR 8.4 (c) (2)]

<sup>20</sup> A person with disabilities may be a child.

- a. Has a disability as defined in Section 223 of the Social Security Act (42 USC 423); or,
  - b. Has a physical, mental, or emotional impairment that:
    - (1) Is expected to be of long, continued and indefinite duration; and
    - (2) Substantially impedes his/her ability to live independently; and,
    - (3) Is of such nature that such disability could be improved by more suitable housing conditions; or,
  - c. Has a developmental disability as defined in Section 102 (5) (b) of the Developmental Disabilities Assistance and Bill of Rights Act [42 USC 6001 (5)].
38. Portion of project – May include one or more buildings in a multi-building project, one or more floors of a project(s); a certain number of dwelling units in a project(s). (24 CFR § 945.105)
39. Project, Section 504 - The whole of one or more residential structures and appurtenant structures, including equipment, roads, walks and parking lots that are covered by a single contract for federal financial assistance or application for assistance, or are treated as a whole for processing purposes, whether or not the structures are located on a common site. [24 CFR § 8.3]
40. Project-Based Voucher (PBV) is voucher subsidy that stays with the building, rather than with the tenant. The Baldwin Grove Project has some PBV units.
41. Protected Class: a **protected class** is a characteristic of a person which cannot be targeted for discrimination. The following characteristics are considered "**Protected Classes**": race, color, sex, religion, creed, national or ethnic origin, age, to actual or perceived sexual orientation, gender identity, familial or marital status, handicap or disability.
42. Public Housing Units means the forty (40) units in the Baldwin Grove Project that will be operated and maintained as public housing units in accordance with all applicable public housing requirements.
43. Qualified Individual with Handicaps, Section 504 - An individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that would result in a fundamental alteration in it's the nature of the program or activity.

Essential eligibility requirements include stated eligibility requirements such as income, as well as other explicit or implicit requirements inherent in the nature of the program or activity, such as requirements that an occupant of multifamily housing be capable of meeting the recipient's selection criteria and be capable of

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complying with all obligations of occupancy with or without supportive services provided by persons other than the CMHA.

For example, a chronically mentally ill person whose particular condition poses a significant risk of substantial interference with the safety or enjoyment of others or with his or her own health or safety in the absence of necessary supportive services may be “qualified” for occupancy in a project where such supportive services are provided by the CMHA as a part of the assisted program. The person may not be ‘qualified’ for a project lacking such services. (24 CFR § 8.3)

**44. SEXUAL ORIENTATION – refers to who you're attracted to and who you feel drawn to romantically. It's different than gender identity.**

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**44-45. Single Person** - A person who is not an elderly person, a person with disabilities, a displaced person, or the remaining member of a resident family.

**45-46. Spouse** - Spouse means the husband or wife of the head of the household

**46-47. Stalking** –means to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and to place under surveillance with the intent to kill, injure, harass or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person. For purposes of this definition, “*Immediate Family Member*” means a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or any other person living in the household of that person and related to that person by blood or marriage.

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**47-48. Tax Credit Units** means the ninety-five (95) units in the Baldwin Grove Project (37 of which are Public Housing Units) that will receive the benefit of the Project’s allocation of LIHTCs.

**48-49. Tenant Rent** - The amount payable monthly by the Family as rent to CMHA. Where all utilities (except telephone) and other essential housing services are supplied by the Authority, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the CMHA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment minus the Utility Allowance. **(24 CFR § 5.603).**

**49-50. Total Tenant Payment (TTP)** - The TTP is the highest of the following: 30% of the monthly Adjusted Income (as defined in these

policies); or 10% of the monthly Annual Income (as defined in these policies); but not less than the CMHA Minimum Rent or higher than the Ceiling Rent.

~~50-51.~~ Uniform Federal Accessibility Standards - Standards for the design, construction, and alteration of publicly owned residential structures to insure that physically handicapped persons will have ready access to and use of such structures. The standards are set forth in Appendix A of 24 CFR Part 40, and may be cross-referenced with 24 CFR § 8.32 (a).

~~51-52.~~ Utilities - Water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection, and sewerage services. Telephone service is not included as a utility (24 CFR § 965.473).

~~52-53.~~ Very Low-Income Family - A family whose Annual Income does not exceed 50 percent of the Area Median Income for the area, as defined by HUD guidelines (42 USC 1437a(b)).

~~53-54.~~ Working Family Preference - The amount earned shall not be a factor in granting this local preference. This local preference shall also be available to a family if the head, spouse/co-head, or sole member is 62 or older, or is receiving social security disability, or SSI disability benefits, or any other payments based on the individual's inability to work. [Required, 24 CFR 960.212 (b) (1)]

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