

## **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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This Admissions and Continued Occupancy Policy defines the Mexico Housing Authority's policies for the operation of the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

### **1.0 FAIR HOUSING**

It is the policy of the Mexico Housing Authority to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the U.S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. The Mexico Housing Authority shall affirmatively further fair housing in the administration of its Public Housing Program.

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

The U.S. Department of Housing and Urban Development posted a new rule that will be important in the fight against discrimination by ensuring that all HUD core programs are open to eligible persons regardless of sexual orientation, gender identity or marital status. This action will also support achievement of the goals of the National HIV/AIDS Strategy in helping to combat related stigma and discrimination due to HIV or perceived HIV. These serve as barriers in the prevention of HIV, especially for persons in unstable housing situations who have greater risks of infection. Stigma and discrimination are also barriers faced by persons living with HIV as shown in the tremendous disparities in their entry and retention in care. Secretary Shaun Donovan recently spoke about this new rule and other HUD actions to address LGBT housing discrimination issues at the 2012 National Gay and Lesbian Task Force "Creating Change" Conference. The Secretary stated "HUD is working to ensure that our housing programs are open to all" and that the rule states "clearly and unequivocally that LGBT individuals and couples have a right to live where they chose." He also noted that the agency will work to provide training and guidance on this new rule. In acting together, with fair and equal access to housing, we can help create changes needed to achieve the promise shown in HIV care and treatment that we can live in an AIDS free generation.

The rule can be found in the Federal Register of February 3, 2012, p 5662. It includes provisions that:

Require entities assisted by HUD or insured by FHA to make housing available without regard to actual or perceived sexual orientation, gender identity, or marital status;

Clarify that the definition of “family” and “household,” which identifies who is eligible for HUD’s core programs, includes persons regardless of actual or perceived sexual orientation, gender identity, or marital status;

Prohibit HUD-assisted and HUD-insured entities from inquiring about an applicant’s or occupant’s sexual orientation or gender identity for the purpose of determining eligibility or otherwise making housing available;

Prohibit FHA-approved lenders from basing eligibility determinations for FHA-insured loans on actual or perceived sexual orientation or gender identity.

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

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

## **2.0 REASONABLE ACCOMMODATION**

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

## **2.1 COMMUNICATION**

Anyone requesting an application will also receive a Request for Reasonable Accommodation form.

Notifications of reexamination, inspection, an appointment, or eviction will include information about requesting a reasonable accommodation. The tenant may at any time request a reasonable accommodation.

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

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

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

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

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

B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the Mexico Housing Authority will obtain documentation that the requested accommodation is needed due to the disability. The Mexico Housing Authority will not inquire as to the nature of the disability.

C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:

1. Would the accommodation constitute a fundamental alteration? The Mexico Housing Authority's business is housing. If the request would alter the fundamental business that the Mexico Housing Authority conducts, that would not be reasonable. For instance, the Mexico Housing Authority would deny a request to have the Mexico Housing Authority do grocery shopping for a person with disabilities.

2. Would the requested accommodation create an undue hardship? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the Mexico Housing Authority may request a meeting with the individual to investigate and consider equally effective alternatives.

D. Generally the individual knows best what it is he or she needs; however, the Mexico Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the Mexico Housing Authority's programs or services.

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

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

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

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

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

All applicants that appear to be experiencing difficulties communicating in English will be asked if they need to communicate in a language other than English (including sign language or Braille). Their needs will be accommodated as much as possible. If another family member or a friend can translate, this option will be utilized to the maximum degree possible. The Mexico Housing Authority will endeavor to have bilingual staff or access to people who speak languages other than English.

### **4.0 FAMILY OUTREACH**

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

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

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

The objective of this effort is to develop a waiting list that is representative of our low-income community. A particular emphasis will be placed on attracting eligible individuals and families least likely to apply for public housing.

## **5.0 RIGHT TO PRIVACY**

The Privacy Act requires that federal agencies maintain only such information about individuals that is relevant and necessary to accomplish its purpose. The Privacy Act also requires that the information be maintained in systems, or records, electronic and paper, that have the appropriate administrative, technical and physical safeguards to protect the information, however current. This responsibility extends to contractors and third party business partners, such as Public Housing Authorities, who are required to maintain such systems of records by HUD.

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

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

## **6.0 REQUIRED POSTINGS**

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

- Admission and Continued Occupancy Policy.
- Notice of the status of the waiting list (opened or closed).
- Office Hours (visible to public)
- Income Limits for Admission.
- Excess Utility Charges.
- Utility Allowance Schedule.
- Standardized Maintenance Charges.
- Dwelling Lease.
- Grievance Procedure.
- Fair Housing Poster.
- Equal Opportunity in Employment Poster.
- Drug Free Work place Policy
- Pet Policy
- Criminal Screening Policy
- Resident Council Information/Resident Employment Information
- Notice of Board Meeting
- PHAS (Public Housing Assessment System Scores
- Any current Mexico Housing Authority notices.

## **7.0 TAKING APPLICATIONS**

Families wishing to apply for the Public Housing Program will be required to complete an application for housing assistance. Completed applications will be accepted during regular business hours at:

828 Garfield Avenue, Mexico, MO 65265

The Mexico Housing Authority reserves the right to render an application inactive if information requested has not been provided or applicant has not responded within 10 calendar days of the request.

For purposes of eligibility, a new application must be rendered once the old one has been ruled inactive. Notice shall be given that the inactive file is no longer in process and this will not constitute a right of review for the applicant.

Applications are taken to compile a waiting list. Due to the demand for housing in the Mexico Housing Authority jurisdiction, the Mexico Housing Authority may take applications on an open enrollment basis, depending on the length of the waiting list.

Completed applications will be accepted for all applicants and the Mexico Housing Authority will verify the information.

Applications may be made in person Monday through Friday between the hours of 9:00 AM – 12:00 PM and 1:00 PM – 4:00PM. Applications will be mailed to interested families upon request.

The completed application will be dated and time stamped upon its return to the Mexico Housing Authority.

Persons with disabilities who require a reasonable accommodation in completing the application may call the Mexico Housing Authority to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available for the deaf. The TDD telephone number is (800) 735-2966.

The application process will involve two phases. The first phase is the initial acceptance and review of the application. This phase results in an apparent eligible family's placement on the waiting list.

Upon receipt of the family's application, the Mexico Housing Authority will make a preliminary determination of eligibility. If the Mexico Housing Authority determines the family to be ineligible, a notice will be mailed stating the reasons for ineligibility and will offer the family the opportunity of an informal review of the determination must be requested within 10 days from date of letter of ineligibility.

The applicant may at any time report changes in their applicant status including changes in family composition or income. The Mexico Housing Authority will annotate the applicant's file and will update their place on the waiting list.

The second phase is the final determination of eligibility. This occurs when the applicant's name approaches the top of the waiting list. The Mexico Housing Authority will ensure that verification of eligibility, suitability, and selection factors are current (less than 90 calendar days old) in order to determine the family's final eligibility for admission into the Public Housing Program.

## **8.0 ELIGIBILITY FOR ADMISSION**

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

### **8.1 ELIGIBILITY CRITERIA**

A. Family Status is defined by HUD as elderly, disabled, and displaced families. Family includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

1. A **family with or without children**. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship.

a. Children temporarily absent from the home due to placement in foster care are considered family members.

b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size, but are not considered family members for determining income limit.

2. An **elderly family** is used for purpose of preference and allowances/deduction. Nothing in the definition of elderly family excludes children:

a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;

b. Two or more persons who are at least 62 years of age living together; or

c. One or more persons who are at least 62 years of age living with one or more live-in aides.

3. A **near-elderly family** is defined as a family whose head, spouse, co-head, or sole member is:
  - a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
  - b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
  - c. One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.
4. A **disabled family**, which is:
  - a. A family whose head, spouse, or sole member is a person with disabilities;
  - b. Two or more persons with disabilities living together; or
  - c. One or more persons with disabilities living with one or more live-in aides.
  - d. For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.
5. A **displaced family**, which is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed by a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
6. A **remaining member of a tenant family**.
7. A **single person** who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

## B. Income Eligibility

To be eligible for admission to developments or scattered-site units, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area. If the property has Low Income Housing Tax Credits on it, a lower income cap will apply.

1. Income limits apply only at admission and are not applicable for continued occupancy.
2. A family may not be admitted to the Public Housing Program from another assisted housing program (e.g., tenant-based Section 8) or from a Public Housing Program operated by another housing authority without meeting the income requirements of the Mexico Housing Authority.

3. If the Mexico Housing Authority acquires a property for federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing residents.

4. Income limit restrictions do not apply to families transferring within our Public Housing Program.

5. The Mexico Housing Authority may allow police officers who would not otherwise be eligible for occupancy in public housing to reside in a public housing dwelling unit. Such occupancy must be needed to increase security for public housing residents. Their rent shall be at least equal to the cost of operating the public housing unit.

**For housing authorities with fewer than 250 public housing units.** If there are no eligible families on the waiting list and the Mexico Housing Authority has published a 30 calendar day notice of available units in at least one newspaper of general circulation, families above the applicable income limit may be housed. They must vacate the unit if an eligible family applies.

#### A. Citizenship/Eligibility Status

1. To be eligible for public housing each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)) or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However, people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam.

#### B. Family Eligibility for assistance.

1. A family shall not be eligible for assistance unless at least one member of the family residing in the unit is determined to have eligible status, with the exception noted below.

2. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance.

3. A family without any eligible members and receiving assistance on June 19, 1995, may be eligible for temporary deferral of termination of assistance.

#### C. Social Security Number Documentation

To be eligible, all family members must provide a Social Security number. Acceptable evidence of the Social Security number consists of:

a. An original Social Security card issued by SSA;

- b. An original SSA-issued document, which contains the name and Social Security number of the individual; or
- c. An original document issued by a federal, state, or local government agency, which contains the name and Social Security number of the individual.

#### D. Signing Consent Forms

In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.

1. The consent form must contain, at a minimum, the following:
2. A provision authorizing HUD or the Mexico Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
3. A provision authorizing HUD or the Mexico Housing Authority to verify with previous or current employers or other sources of income information pertinent to the family's eligibility for or level of assistance;
4. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits;
5. A statement allowing the Mexico Housing Authority permission to access the applicant's criminal record with any and all police and/or law enforcement agencies, and
6. A statement that the authorization to release the information requested by the consent for expires 15 months after the date the consent form is signed.

#### E. Determining and Verifying Eligibility of "Full-time" College Students of Non-parental/guardian Households (PIH 2005-16).

Listed below are eligibility and verification standards that must be met prior to admitting "full-time" college students to PH rental assistance programs. A full-time student is defined as a person who is attending school or vocational training on a full-time basis (24 CFR 5.603)

1. Determination: The student must be of legal age or an emancipated minor under the state law. Eligibility: Obtain proof of age such as a valid driver's license, identification card issued by a federal, state, or local agency, identification issued by a medical insurance company, birth certificate, or other form of identification as determined by the PHA.

2. Determination: The student must be income eligible for admission to the public housing program (24 CFR 960.201 and 982.201). Eligibility: Verify all sources of reported family income, in accordance with 24 CFR 960.259 and 982.516.

3. Determination: Each college student within a household must provide a written/signed certification that the student does or does not anticipate receiving financial support from the student's parent(s) or guardian(s) and the amount of support. Eligibility: Verify, via independent third-party verification all amounts anticipated to be received outside of the family during the 12-month period following admission and the effective date of the annual reexamination.

4. Determination: The college student must not be claimed as a Dependent by parent(s) or legal guardian(s) on their Internal Revenue Services (IRS) tax return. Eligibility: Request necessary documents of proof a copy of the college student's form 1040 EZ, 1040A, or 1040 tax returns for the prior year. Check the box that asks whether the student's parents (or someone else) can claim him/her on their tax return (See box "5" for Form 1040EZ and box "6a" for forms 1040A and 1040). If practicable, may also review the college student's parents' or guardians' tax return. The college student must supply any information that the PHA or HUD determines is necessary in administration of public housing, voucher, or certificate programs (24 CFR 960.259 and 982.551).

**NOTE:** In all instances, a household must be income eligible and meet any and all eligibility criteria required by HUD.

F. College Students Receiving Athletic Scholarship Assistance:

Mexico Housing Authority will deny housing assistance to persons receiving athletic scholarship assistance exceeding \$5,000 annually that is available for housing costs.

## **8.2 SUITABILITY**

A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in compliance with the public housing lease. The Mexico Housing Authority will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, Mexico Housing Authority employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.

B. The Mexico Housing Authority will consider objective and reasonable aspects of the family's background, including the following:

1. History, more than one time, of not meeting financial obligations, especially rent and any utility payments, in a 3 year period from date of application;

2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, or well being of other tenants or staff or cause damage to the property based on a 5 year history from date of conviction of arrest and application date.
4. History of disturbing neighbors or destruction of property;
5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there in a 5 year period from date of application;
6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

C. The Mexico Housing Authority will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The Mexico Housing Authority will verify the information provided. Such verification may include but may not be limited to the following **SCREENING**:

1. A credit check of the head, spouse, co-head, and any other adult family members;
2. Past Rental History – We require each applicant to give us a five (5) year past rental history. If they have had problems with delinquency, poor housekeeping, complaints, disturbances, or currently owe money; they are more than likely denied until they can make amends with their past landlord(s).
3. A criminal background check on all adult household members, including live-in aides at no cost to the applicant. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last five years. Where the individual has lived outside the local area, the Mexico Housing Authority may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC). This criminal background check will proceed after each adult household member has signed a consent form designed by the Mexico Housing Authority.

The information received as a result of the criminal background check shall be used solely for screening, lease enforcement and eviction purposes. The information derived from the criminal background check shall be shared only with employees of the Mexico Housing Authority who have a job-related need to have access to the information. The information shall be maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose(s) for which it was requested has been accomplished and the period for filing a challenge to the Mexico

Housing Authority's action has expired without a challenge or final disposition of any litigation has occurred;

4. A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity; and

5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No household with an individual registered under a state sex offender registration will be admitted to public housing. The Mexico Housing Authority will check with our state registry and if the applicant has resided in another state, with that state's list.

If an applicant is about to be denied housing based on either the criminal check or the sex offender registration program, the applicant will be informed of this fact and given an opportunity to dispute the accuracy of the information before the denial or eviction occurs.

### **8.3 GROUNDS FOR DENIAL**

The Mexico Housing Authority is not required or obligated to assist families where applicants or members of the applicant's household: 960.203 CFR 24

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information within 10 calendar days from the request or to declare their continued interest in the program;
- D. Have a history, more than one time, of not meeting financial obligations, especially rent and utility payments in a 3 year period from the date of application;
- E. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants;
- F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property based on 5 year history period from date of application;

~For the purpose of this policy, if any member of the applicant family has been convicted of an arrest at least one time within the prior five year

period, they will be determined to have engaged in criminal activity, drug related criminal activity or violent criminal activity.

- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to Mexico Housing Authority and/or any other Housing Authority;
- I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from, in a 5 year period from date of application;
- J. Were evicted from federally assisted housing within the past five years because of drug-related and/or criminal activity. The five-year limit is based on the date of such eviction, not the date the crime was committed.
  - a. However, the Mexico Housing Authority may admit the household if the PHA determines:
  - b. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Mexico Housing Authority; or
  - c. The circumstances leading to the eviction no longer exist (for example, the criminal household member is imprisoned or has died).
- K. Are currently engaging in the illegal use of a controlled substance. For purposes of this section, a member is “currently engaged in” the criminal activity if the person has engaged in this behavior recently enough to justify a reasonable belief that the behavior is current;
- L. The Mexico Housing Authority determines that it has reasonable cause to believe that a household member’s illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
- M. The Mexico Housing Authority determines that it has reasonable cause to believe that a household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;

**24 CFR 960.203©(3) STATES THAT WITH RESPECT TO CRIMINAL ACTIVITY DESCRIBED IN 960.204 (PARAGRAPHS J, K, L, AND M OF THIS SECTION), A HOUSING AUTHORITY MAY CONSIDER THE FOLLOWING STATEMENT:**

With respect to criminal activity described in paragraphs J, K, L, and M of this section, Mexico Housing Authority may require an applicant to exclude a household member in order to be

admitted to public housing where that household member has participated in or been culpable for actions described in paragraphs J, K, L, and M that warrants denial.

- A. Have engaged in or threatened abusive or violent behavior towards any Mexico Housing Authority staff member or resident in the last 5 years from date of application in discretion of the Executive Director;
- B. Fugitive felons, parole violators, and persons fleeing to avoid prosecution or custody or confinement after conviction for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;
- C. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development, in a Section 8 assisted property, or on the premises of other federally assisted housing;
- D. **Denied for Life:** Has a lifetime registration under a state sex offender registration program.
- E. If a family member of the family has been evicted from federally assisted housing in the last five years from application date.

**CFR 960.203(d)(2)(i) AND (ii)**

In determining whether to deny admission for illegal drug use by a household member who is no longer engaging in such abuse, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, the Mexico Housing Authority may consider whether such household member:

- a. Is participating in a supervised drug or alcohol rehabilitation program;
- b. Has successfully completed a supervised drug or alcohol rehabilitation program;  
or
- c. Has otherwise been successfully rehabilitated.

For this purpose, Mexico Housing Authority will require the applicant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

Before the Mexico Housing Authority denies admission to the Mexico Housing Authority's public housing program on the basis of a criminal record, the Mexico Housing Authority must notify the household of the proposed action and must provide the person with the criminal record (i.e., a child) and the applicant (head of household) with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record. The applicant will have ten (10) calendar days to dispute the accuracy and relevance of the record in writing. If the Mexico

Housing Authority does not receive the dispute within the allotted time, the applicant will be denied.

#### **8.4 INFORMAL REVIEW**

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

The informal review may be conducted by any person designated by the Mexico Housing Authority, other than a person who made or approved the decision under review or subordinate of this person. The applicant must be given the opportunity to present written or oral objections to the Mexico Housing Authority's decision. The Mexico Housing Authority must notify the applicant of the final decision within 10 calendar days after the informal review, including a brief statement of the reasons for the final decision.

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

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

#### **REVERSAL OF MHA REJECTION DECISION**

If, as a result of information presented by the Applicant at the Informal Review, the MHA reverses its decision to reject the applicant, no new application is required and the application will be returned to the appropriate spot on the waiting list.

#### **NO REVERSAL OF THE MHA REJECTION DECISION**

If the MHA's decision for rejection is not overturned, a new application for admission may be submitted by the Applicant at a time when the waiting list is open after a period of 18 months has elapsed to permit the Applicant time to correct the behavior or situation that resulted in the rejection. A shorter period, as determined by the MHA to be appropriate under the circumstances of the rejection, may be allowed upon discretion of the Executive Director.

#### **9.0 MANAGING THE WAITING LIST**

Except for special admissions, participants must be selected from the PHA waiting list. The PHA must select participants from the waiting list in accordance with admission policies in the PHA.

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

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

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

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

### **9.2 ORGANIZATION OF THE WAITING LIST**

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

The PHA will establish a preference for “working” families, where the head, spouse, co-head, or sole member is employed at least 20 hours per week with verification and history of 30 days of employment at the time they are pulled from the Waiting List. As required by HUD, families where the head and spouse, or sole member is a person age 62 or older, or is a person with disabilities, they will also be given the benefit of the working preference [24 CFR 960.206(b)(2)]

Preferences will be used to select families from the waiting list:

Residency Preference (living or working Audrain County, MO)	50 points
Working Preference/head or spouse elderly/disability	50 points

Maximum of 100 points per household

One list is maintained which is in the order of 100 point applicants, 50 points applicants and 0 point applicants. Applications received will be added to the list by preference claimed.

- A. The application will be a permanent file;
- B. All applications will be maintained in order of points, date and time of application.

- C. Any significant contact between the Mexico Housing Authority and the applicant will be documented in the applicant file.

All files (applicant or participant) shall be retained for three years from the date the file is closed.

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

When a family appears to be nearing the top of the waiting list, the verification process will begin. Once the application has been approved, it then goes to the Public Housing Manager for final approval.

### **9.4 PURGING THE WAITING LIST**

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

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

The Mexico Housing Authority will not remove an applicant's name from the waiting list unless:

- A. The applicant requests that the name be removed (this request must be in writing);
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program;
- C. The applicant does not meet either the eligibility or suitability criteria for the program; or
- D. The applicant is housed.

Applicants will be offered the right to an informal review before being removed from the waiting list.

### **9.6 MISSED APPOINTMENTS**

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

The Mexico Housing Authority will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing an

appointment, the Mexico Housing Authority will work closely with the family to find a more suitable time.

## **9.7 NOTIFICATION OF NEGATIVE ACTIONS**

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

## **9.8 FAMILIES OF FEDERALLY DECLARED DISASTERS**

The families of federally declared disasters who are public housing residents in another jurisdiction will receive preference over other waiting list placeholders. First priority for Mexico Housing Authority is to assist existing public housing victims and once their needs are met, Mexico Housing Authority will begin serving other disaster victims who are non-participants and then non-federally declared disaster applicants on the waiting list will continue to precede.

## **10.0 TENANT SELECTION AND ASSIGNMENT PLAN**

The PHA is responsible for determining whether applicants are eligible for admission and for selection of families. To be eligible for admission, an applicant must be an elderly or handicapped family as defined in § 891.505; meet any project occupancy requirements approved by HUD; meet the disclosure and verification requirement for Social Security Numbers and sign and submit consent forms for obtaining of wage and claim information from State Wage Information Collection Agencies, as provided by 24 CFR part 5, subpart B; and, if applying for an assisted unit, be eligible for admission under subpart F of 24 CFR part 5, which governs selection of tenants and occupancy requirements. For cases involving, or allegedly involving, domestic violence, dating violence, stalking, or criminal activity directly relating to such violence, the provisions of 24 CFR part 5, subpart L, apply.

Unit assignment. If the PHA determines that the family is eligible and is otherwise acceptable and units are available, the PHA will assign the family a unit. The PHA will assign the family a unit of the appropriate size in accordance with HUD's general occupancy guidelines. If no suitable unit is available, the PHA will place the family on a waiting list for the project and notify the family of when a suitable unit may become available. If the waiting list is so long that the applicant would not be likely to be admitted within the next 12 months, the PHA may advise the applicant that no additional applications for admission are being considered for that reason, except that the PHA may not refuse to place an applicant on the waiting list if the applicant is

otherwise eligible for assistance and claims that he or she qualifies for a Federal preference as provided in 24 CFR part 5, subpart D.

### 10.1 ASSIGNMENT OF BEDROOM SIZES

The following guidelines will determine each family's unit size without overcrowding or overhousing:

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

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Zero bedroom units will only be assigned to one-person families.

In determining bedroom size, the Mexico Housing Authority will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children currently under a 50% or more joint custody decree, children who are temporarily away at school, or children who are temporarily in foster care. (Women who claim pregnancy will be required to produce third party verification)

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

- A. Children of the same sex **will** share a bedroom up to the age of ten.
- B. Children of the opposite sex over the age of 6 shall be assigned separate bedrooms, except at the request of the family.
- C. Adults and children may not be required to share a bedroom.
- D. Foster adults and/or foster children will not be required to share a bedroom with family members.
- E. Live-in aides will get a separate bedroom.

Exceptions to normal bedroom size standards include the following:

1. Units smaller than assigned through the above guidelines. A family may request a smaller unit size than the guidelines allow. The Mexico Housing Authority will allow the smaller size unit so long as generally no more than two (2) people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for two years or until the family size changes, whichever may occur first.
2. Units larger than assigned through the above guidelines. A family may request a larger unit size than the guidelines allow. The Mexico Housing Authority will allow the larger size unit if the family provides a verified medical or disability related need that the family be housed in a larger unit.
3. If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the family's own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30 calendar day notice before being required to move.
4. The MHA reserves the right to waive occupancy standards in its conventional public housing programs in an effort to correct unacceptably high vacancy rates. An unacceptably high vacancy rate is defined at 7% vacancies or more in any single development or the MHA wide vacancy.

## **10.2 SELECTION FROM THE WAITING LIST**

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

If admissions of extremely low-income families to the Mexico Housing Authority's voucher program during a fiscal year exceed the 75% minimum targeting requirement for the Mexico Housing Authority's voucher program, such excess shall be credited (subject to the limitations in this paragraph) against the Mexico Housing Authority's basic targeting requirement for the same fiscal year.

The fiscal year credit for voucher program admissions that exceeds the minimum voucher program targeting requirement shall not exceed the lower of:

- a. 10% of public housing waiting list admissions during the Mexico Housing Authority fiscal year;

- b. 10% of waiting list admissions to the Mexico Housing Authority's Section 8 tenant-based assistance program during the PHA fiscal year; or
- c. The number of qualifying low-income families who commence occupancy during the fiscal year of Mexico Housing Authority public housing units located in census tracts with a poverty rate of 30% or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

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

### **10.3 DECONCENTRATION POLICY**

It is the Mexico Housing Authority's policy to provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments. Toward this end, we will skip families on the waiting list to reach other families with a lower or higher income. We will accomplish this in a uniform and non-discriminating manner.

The Mexico Housing Authority will affirmatively market our housing to all eligible income groups. Lower income residents will not be steered toward lower income developments and higher income people will not be steered toward higher income developments.

Prior to the beginning of each fiscal year, we will analyze the income levels of families residing in each of our developments and the income levels of the families on the waiting list. Based on this analysis, we will determine the level of marketing strategies and deconcentration incentives to implement.

### **OR**

The Mexico Housing Authority is not subject to the deconcentration requirements according to 24 CFR 903. Nevertheless, the Mexico Housing Authority will affirmatively market its housing to all eligible income groups.

### **10.4 DECONCENTRATION INCENTIVES**

The Mexico Housing Authority may offer one or more incentives to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular development.

Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and nondiscriminatory manner.

### **10.5 OFFER OF A UNIT**

When the Mexico Housing Authority discovers that a unit will become available, MHA will contact three eligible families for this type of unit or development and whose income category would help to meet the deconcentration goal and/or the income targeting goal. The first family to respond within the three business days will receive housing. All others will remain on the waitlist.

The Mexico Housing Authority will contact the family by any means of communications allowed to make the unit offer.

The family will be offered the opportunity to view the unit. The family will have 3 business days to view and accept or reject the unit. This offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, the Mexico Housing Authority will send the family a letter documenting the offer and the rejection.

## **10.6 REJECTION OF UNIT**

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

If the Mexico Housing Authority did not skip over other families on the waiting list to reach this family, did not offer any other deconcentration incentive, and the family rejects the unit without good cause, the family will be dropped from the waitlist.

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

## **10.7 ACCEPTANCE OF UNIT**

The family will be required to sign a lease that will become effective no later than five (5) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later. Length of time extended at the discretion of the MHA.

Prior to signing the lease, all families (head of household) and other adult family members will be required to attend the Lease and Occupancy Orientation when they are initially accepted for occupancy. The family will not be housed if they have not attended the orientation. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the orientation, without good cause, may result in the cancellation of the occupancy process. Applicants will not receive keys until the MHA has received verification that utilities have been turned on and/or that the accounts have been transferred to their names.

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

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

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

- A. \$100.00 for efficiency, one bedroom, and two bedroom units.**
- B. \$200.00 for three and four bedroom units.**

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

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

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

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

### **11.1 INCOME**

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

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

If it is not feasible to anticipate a level of income over a 12-month period (e.g. seasonal or cyclic income), or the Mexico Housing Authority believes that past income is the best available indicator of expected future income, the Mexico Housing Authority may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

Annual income includes, but is not limited to, the amounts specified in the federal regulations currently found in 24 CFR 5.609:

- a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
  - b. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.
  - c. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD. Income that could have been derived from assets worth more than \$1000 that were disposed of for less than fair market value within the past two years will be counted as income.
  - d. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
  - e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
  - f. Welfare assistance
1. Welfare assistance payments

- a. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
  - i. Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
  - ii. Are not otherwise excluded under paragraph Section 11.2 of this policy.
- b. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
  - i. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
  - ii. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.

## 2. Imputed Welfare Income

A family's annual income includes the amount of imputed welfare income (because of specified welfare benefits reductions resulting from either welfare fraud or the failure to comply with economic self-sufficiency requirements, as specified in notice to the Mexico Housing Authority by the welfare agency) plus the total amount of other annual income.

- a. At the request of the Mexico Housing Authority, the welfare agency will inform the Mexico Housing Authority in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the Mexico Housing Authority of any subsequent changes in the term or amount of such specified welfare benefit reduction. The Mexico Housing Authority will use this information to determine the amount of imputed welfare income for a family.
- b. A family's annual income includes imputed welfare income in family annual income, as determined at an interim or regular reexamination of family income and composition during the term of the welfare benefits reduction (as specified in information provided to the Mexico Housing Authority by the welfare agency).
- c. The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

- d. The Mexico Housing Authority will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.
- e. If a resident is not satisfied that the Mexico Housing Authority has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the Mexico Housing Authority denies the family's request to modify such amount, then the Mexico Housing Authority shall give the resident written notice of such denial, with a brief explanation of the basis for the Mexico Housing Authority's determination of the amount of imputed welfare income. The Mexico Housing Authority's notice shall also state that if the resident does not agree with the determination, the resident may grieve the decision in accordance with our grievance policy. The resident is not required to pay an escrow deposit for the portion of the resident's rent attribution to the imputed welfare income in order to obtain a grievance hearing.

### 3. Relations with Welfare Agencies

- a. The Mexico Housing Authority will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the Mexico Housing Authority written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.
- b. The Mexico Housing Authority is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency and specified in the notice by the welfare agency to the housing authority. However, the Mexico Housing Authority is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.
- c. Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The Mexico Housing Authority shall rely on the welfare agency notice to the Mexico Housing Authority of the welfare agency's determination of a specified welfare benefits reduction.
- d. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling unit.
- e. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

## 11.2 ANNUAL INCOME

Annual income does not include the following amounts specified in the federal regulations currently found in 24 CFR 5.609:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses;
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The full amount of student financial assistance paid directly to the student or to the educational institution;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. The amounts received from the following programs:
  - 1. Amounts received under training programs funded by HUD;
  - 2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain self-Sufficiency (PASS);
  - 3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and that are made solely to allow participation in a specific program;
  - 4. Amounts received under a resident service stipend. A resident service is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, lawn maintenance, resident initiatives coordination, and serving as a member of the Mexico Housing Authority governing board. No resident may receive more than one such stipend during the same period of time;

5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, nonrecurring or sporadic income (including gifts);
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. The incremental earnings due to employment during a cumulative 12-month period following date of the initial hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families:
  - a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
  - b. Families whose income increases during the participation of a family member in any economic self-sufficiency or other job training program.
  - c. Families who are or were, within 6 months, assisted under a State TANF or Welfare-to-Work program.

During the second cumulative 12-month period after the date of initial hire, 50% of the increased income shall be excluded from income.

The disallowance of increased income of an individual family member is limited to a lifetime 48-month period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

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

11. Deferred periodic amounts from Supplemental Security Income and Social security benefits that are received in a lump sum amount or in prospective monthly amounts;

12. 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;

13. Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

14. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:

a. The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));

b. Payments to volunteers under the Domestic Volunteer Services Act (43 U.S.C. 5044(g), 5058);

c. Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));

d. Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);

e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));

f. Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b) (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);

g. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04);

h. The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission of the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);

i. Amounts of scholarships funded under title IV of the Higher Education act of 1965, including awards under federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);

j. Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));

k. Payments received on or after January 1, 1989, from the agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent – product liability litigation, M.D.L. No. 381 (E.D.N.Y.);

l. Payments received under the Main Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);

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 U.S.C. 9858q);

n. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 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 Reservation (Pub. L. 95-433);

p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));

q. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spinal bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);

r. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and

s. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).

The Mexico Housing Authority will not provide exclusions from income in addition to those already provided by HUD.

### **11.3 DEDUCTIONS FROM ANNUAL INCOME**

The following deductions will be made from annual income:

- A. \$480 for each dependent;
- B. \$400 for any elderly family or disabled family;
- C. The sum of the following, to the extent the sum exceeds 3% of annual income:

1. Unreimbursed medical expenses of any elderly family or disabled family; and
2. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.

D. Reasonable childcare expenses for children 12 and younger necessary to enable a member of the family to be employed or to further his or her education. This deduction shall not exceed the amount of employment income that is included in annual income.

#### **11.4 RECEIPT OF A LETTER OR NOTICE FROM HUD CONCERNING INCOME**

A. If a public housing resident receives a letter or notice from HUD concerning the amount of verification of family income, the letter shall be brought to the person responsible for income verification within thirty (30) calendar days of receipt by the resident.

B. The Public Housing Manager shall reconcile any difference between the amount reported by the resident and the amount listed in the HUD communication. This shall be done as promptly as possible.

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

1. Immediately collect the back rent due to the agency;
2. Establish a repayment plan for the resident to pay the sum due to the agency;
3. Terminate the lease and evict for failure to report income; or
4. Terminate the lease, evict for failure to report income, and collect back rent due to the agency.

#### **11.5 COOPERATING WITH WELFARE AGENCIES**

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

- a. To target assistance, benefits and services to families receiving assistance in the public housing and Section 8 tenant-based assistance program to achieve self-sufficiency; and
- b. To provide written verification to the Mexico Housing Authority concerning welfare benefits for families applying for or receiving assistance in our housing assistance programs.

## **12.0 VERIFICATION**

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

### **12.1 ACCEPTABLE METHODS OF VERIFICATION**

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

Other information will be verified by the following verification methods acceptable to HUD, in order of preference indicated:

#### **1. Up-Front Income Verifications (UIV)**

UIV is the verification of income through an independent source that systematically maintains income information in computerized form for a large number of individuals.

Current UIV resources include the following:

- a. Tenant Assessment Subsystem (TASS) – HUD's online system for Social Security and Supplemental security Income (SSI) information.
- b. State Wage Information Collection agencies (SWICA's).
- c. State Systems for the Temporary Assistance for Needy Families (TANF) Program.
- d. Credit Bureau Information (CBA) credit reports.

- e. Internal Revenue Service (IRS) Letter 1722
- f. Private sector databases (e.g. The Work Number).

## 2. Third Party Written Verifications

This type of verification includes written documentation of employment through an applicant or resident's employer, the PHA may review (and copy) pay stubs. It is good practice to require at least three months' of pay stubs although more may be needed if income is very erratic or the reexamination is occurring at a slow time for the individual's seasonal employment. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the Mexico Housing Authority or automatically by another government agency, or provided by the family such as:

- a. Benefit checks or award letters, such as social security or disability award statements;
- b. IRS tax forms, including Form 1099, Form 1040, Form 4506 and Form 8821;
- c. W-2 forms;
- d. Paycheck stubs (at least three month's worth); and
- e. Child support payment canceled checks and/or award letters.

## 3. Third Party Oral Verifications

This type of verification includes direct contact with the source, in person or by telephone. When this method is used, staff members will be required to document in writing with whom they spoke, the date of the conversation and the facts obtained.

The MHA will allow two weeks for the return of third party oral verifications prior to continuing on to the next type of verification.

## 4. Self-Certification and Self Declaration

When third party verification cannot be obtained, the Mexico Housing Authority will accept documentation received from the applicant/tenant. Hand-carried documentation will be accepted if the Mexico Housing Authority has been unable to obtain third party verification in a 4-week period of time. Photocopies of the documents provided by the family will be maintained in the file.

When neither third party verification nor hand-carried verification can be obtained, the Mexico Housing Authority will accept a notarized statement signed by the head of household, spouse, or co-head of household. Such documents will be maintained in the file.

## 12.2 TYPES OF VERIFICATION

The following chart outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the Mexico Housing

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

<b>Verification Requirements for Individual Items</b>		
<b>Item to be Verified</b>	<b>3rd Party Verification</b>	<b>Hand-Carried Verification</b>
<b>General Eligibility Items</b>		
Social Security Number	Letter from Social Security, electronic reports.	Social Security card or a third party document stating the Social Security number.
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc
Eligible Immigration Status	INS SAVE confirmation #	INS Card
Disability	Letter from medical professional, SSI, etc.	Proof of SSI or Social Security disability payments
Full Time Student Status (if >18)	Letter from school	For high school and/or college students, any document evidencing enrollment.
Need for a Live-In Aide	Letter from doctor or other professional knowledgeable of condition.	N/A
Childcare Costs	Letter from care provider	Bills and receipts
Disability Assistance Expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical Expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed.	Bills, receipts, records of payment
<b>Value of and Income from Assets</b>		
Savings, Checking Accounts	Letter from institution	Passbook, most current statements
CD's, Bonds, etc.	Letter from institution	Tax return, information brochure from institution, the CD, the bond.

Verification Requirements for Individual Items		
Items to be Verified	3 <sup>rd</sup> Party Verification	Hand-Carried Verification
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real Property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal Property Held as an Investment	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth.
Case Value of Whole Life Insurance Policies	Letter from insurance company	Current statement
Assets Disposed of for Less Than Fair Market Value	N/A	Original receipt and receipt at disposition, other evidence of worth.
<b>Income</b>		
Earned Income	Letter from employer	Multiple pay stubs
Self-Employed	N/A	Tax return from prior year, books of accounts
Regular Gifts and Contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence
Alimony/Child Support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Periodic Payments (i.e., Social security, Welfare, Pensions, Workers Compensation, Unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training Program Participation	Letter from program provider indicating: <ul style="list-style-type: none"> <li>- Whether enrolled or completed</li> <li>- Whether training is funded by HUD</li> <li>- Whether Federal, State, local government, or local program</li> <li>- Whether it is employment</li> </ul>	Evidence of job start

	training - Whether it has clearly defined goals and objectives - Whether program has supportive services - Whether payments are for out-of-pocket expenses incurred in order to participate in a program - Date of first job after program	
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**12.3 VERIFICATION OF CITIZENSHIP OR ELIBIGLE NONCITIZEN STATUS**

The citizenship/eligible non-citizen status of each family member regardless of age must be determined.

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

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

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

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

Non-citizen students on student visas though in the country legally, are not eligible to be admitted to public housing. If they are members of families that include citizens, the rent must be pro-rated.

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

If no family member is determined to be eligible under this section, the family's eligibility will be denied.

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

If the Mexico Housing Authority determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

#### **12.4 VERIFICATION OF SOCIAL SECURITY NUMBERS**

Prior to admission, each family member who has a Social Security number must provide a verification of their Social Security number. Any new family members must provide this verification prior to being added to the lease.

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

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

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

#### **12.5 TIMING OF VERIFICATION**

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

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

#### **12.6 FREQUENCY OF OBTAINING VERIFICATION**

Household composition will be verified annually. The frequency that household income will be verified depends on the type of rent method chosen by the family.

For each family member, citizenship/eligible non-citizen status will be verified only once unless the family member is an eligible immigrant in a transitional stage of admission. In this situation, their status must be updated until they are admitted for permanent residency. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible non-citizen status will be verified.

For each family member, verification of Social Security number will be obtained only once. This verification will be accomplished prior to admission.

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

The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the regulations. MHA may use any streamlined and abbreviated systems as allowed by HUD. This Chapter defines the allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subpart F and further instructions set forth in HUD Notices, Memoranda and Addenda. However, the Quality Housing and Work Responsibility Act provide PHA's broader flexibility. MHA's policies in this Chapter address those areas that allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

#### **13.1 FAMILY CHOICE**

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

A. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would otherwise undergo. Their family composition must still be reviewed annually.

B. Families who opt for the flat rent may request to have a reexamination and return to the income based method at any time for any of the following reasons:

1. The family's income has decreased.
2. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.

3. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.

C. Families have only one choice per year except for financial hardship cases. In order for families to make informed choices about their rent options, the MHA will provide them with the following information whenever they have to make rent decisions:

1. The Mexico Housing Authority's policies on switching types of rent in case of a financial hardship; and
2. The dollar amount of tenant rent for the family under each option. If the family chose a flat rent for the previous year, the Mexico Housing Authority will provide the amount of income-based rent for the subsequent year only, and the year the Mexico Housing Authority conducts income reexamination or if the family specifically requests it and submits updated income information.

### **13.2 THE INCOME METHOD**

The total tenant payment is equal to the highest of:

- a. 10% of the family's monthly income;
- b. 30% of the family's adjusted monthly income; or
- c. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this provision is the amount resulting from one application of the percentage; or
- d. The minimum rent of **\$50.00**.

### **13.3 MINIMUM RENT**

The Mexico Housing Authority has set the minimum rent at **\$50.00**. If the family requests a hardship exemption, however, the Mexico Housing Authority will suspend the minimum rent beginning the month following the family's request until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- a. A hardship exists in the following circumstances:
  1. When the family has lost eligibility for or is waiting on eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is a non-citizen lawfully admitted for permanent residence under the

Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;

2. When the family would be evicted because it is unable to pay the minimum rent;
  3. When the income of the family has decreased because of changed circumstances, including loss of employment; and
  4. When a death has occurred in the family.
- b. No hardship. If the Mexico Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
  - c. Temporary hardship. If the Mexico Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 calendar days from the beginning of the suspension of the minimum rent. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of the suspension. The Mexico Housing Authority will offer a repayment agreement in accordance with Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period, the Mexico Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
  - d. Long-term hardship. If the Mexico Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
  - e. Appeals. The family may use the grievance procedure to appeal the Mexico Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

#### **13.4 THE FLAT RENT**

The Mexico Housing Authority has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its age, condition, amenities, services, and neighborhood. The Mexico Housing Authority determined the market value of the unit and set the rent at 80 percent of the Fair Market Rent as determined by HUD. The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change.

The Mexico Housing Authority will post the flat rents at the central office. Flat rents are incorporated in this policy upon approval by the Board of Commissioners.

There is no utility allowance for families paying a flat rent because the Mexico Housing Authority has already factored who pays for the utilities into the flat rent calculation.

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

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

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

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

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

### **13.6 UTILITY ALLOWANCE**

The Mexico Housing Authority shall establish a utility allowance for all check-metered utilities and for all tenant-paid utilities. The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. In setting the allowance, the Mexico Housing Authority will review the actual consumption of tenant families as well as changes made or anticipated due to modernization (weatherization efforts, installation of energy-efficient appliances, etc). Allowances will be evaluated at least annually as well as any time utility rate changes by 10% or more since the last revision to the allowances.

The utility allowance will be subtracted from the family's income-based rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the Mexico Housing Authority. The amount of the utility allowance is then still available to the

family to pay the cost of their utilities. A utility reimbursement check will be paid directly to the utility supplier. Any utility cost above the reimbursement is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belongs to the tenant.

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

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

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

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

### **13.7 PAYING RENT**

Rent and other charges are due and payable on the first day of the month in the form of a money order or cashier's check. All rents should be paid at 828 Garfield. Reasonable accommodations for this requirement will be made for persons with disabilities. As a safety measure, no cash shall be accepted as a rent payment.

If the rent is not paid by the close of business on the fifth day of the month, a Notice to Vacate will be issued to the tenant. If rent is paid by a personal check, and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur a charge of \$25.00 for bank charges and/or processing costs.

### **13.8 EXTENSION TO PAY RENT**

The following outlines the procedure for submitting an extension to pay rent.

- a. Extensions must be in writing and requested by the close of business on the fifth day of the month; extensions will not be granted after that time.

- b. Residents must speak with the Public Housing Manager in order for an extension to be approved.
- c. Approvals must be granted in person; failure to do this will result in denial of the request. If the Public Housing Manager is not available, the Executive Director will review the extension request.
- d. Approvals will only be made for extenuating circumstances or at the discretion of the designated MHA staff. Residents must provide proof of these circumstances.
- e. The time allotted for an extension will not exceed past the last day of the month the request is for.

## **14.0 COMMUNITY SERVICE**

Section 12(c) [42 U.S.C. Section 437j] of the United States Housing Act of 1937, as amended on October 12, 1998 by Section 512 (Pub, L, 105-276) of the Quality Housing and Work Responsibility Act of 1998, contained a CSSR that every adult resident of public housing contribute eight hours of community service per month, or participate in an economic self-sufficiency program for eight hours per month. Regulations for the CSSR requirement can be found at 24 CFR Subpart F, 960.600 through 960.609.

### **14.1 GENERAL**

Community service and economic self-sufficiency requirements mandate that each nonexempt adult household member (18 years or older) shall either contribute 8 hours per month of community service, or participate in an economic self-sufficiency program for 8 hours per month (see 24 CFR 960.603(a)). The requirements can also be met by performing a combination of 8 hours of community service and participate in an economic self-sufficiency program. The required community service or self-sufficiency activity may be completed at 8 hours each month or may be aggregated across a year. Any blocking of hours is acceptable as long as 96 hours is completed by each annual certification. In order to be eligible for continued occupancy, each adult family member must do one of the following:

- a. Contribute eight (8) hours per month of community service (96 hours per year) (not including political activities); or
- b. Participate in an economic self-sufficiency program; or
- c. Perform eight (8) hours per month of combined activities as previously described unless they are exempt from this requirement.

### **14.2 EXEMPTIONS**

The following adult family members of tenant families are exempt from the community service requirement:

- a. Family members who are 62 or older.
- b. Family members who are blind or disabled as defined under 216(I)(1) or 1614 of the Social Security Act (42 U.S.C. 416(I)(1)) and who certifies that because of this disability she or he is unable to comply with the community service requirements.
- c. Family members who are the primary care giver for someone who is blind or disabled as set forth in Paragraph B above.
- d. Family members engaged in work activity as defined in Section 407(d) of the Social Security Act, specified below. Family members must be engaged in 20 hours or more per week to qualify for the exemptions below:
  1. Unsubsidized employment;
  2. Subsidized private-sector employment;
  3. Subsidized public-sector employment;
  4. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
  5. On-the-job training;
  6. Job-search and job-readiness assistance;
  7. Community service programs;
  8. Vocational educational training (not to exceed 12 months with respect to any individual);
  9. Job-skills training directly related to employment;
  10. Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
  11. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and
- e. Family members who are or would be exempt from work activity under part A title IV of the Social Security Act or under any other state welfare program, including the welfare-to-work program.

- f. Family members receiving assistance, benefits or services under a state program funded under part A title IV of the Social Security Act or under any other state welfare program, including welfare-to-work and who are in compliance with that program.

### **14.3 NOTIFICATION OF THE REQUIREMENT**

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

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

When a nonexempt person becomes exempt, it is his or her responsibility to report this to the PHA and provide documentation. When an exempt person becomes nonexempt, it is his or her responsibility to report this to the PHA as soon as possible. Families will be advised that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

### **14.4 VOLUNTEER OPPORTUNITIES**

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

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

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

### **14.5 THE PROCESS**

During the application, lease up process, and each annual reexamination thereafter, the Mexico Housing Authority will do the following:

- a. Identify and notify residents which household members are exempt or required to do community service based on the verification provided from the resident during the lease up process and each annual recertification.

- b. Provide information of possible community service agencies.
- c. Provide a volunteer time sheet to the family member each month. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work.
- d. At least thirty (30) calendar days before the family's next lease anniversary date, Mexico Housing Authority will notify residents of their delinquent hours if an adult family member is not in compliance with the community service requirement.

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

The Mexico Housing Authority will notify any family found to be in noncompliance of the following:

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

#### **14.7 OPPORTUNITY FOR CURE**

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

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service, the Mexico Housing Authority shall take action to terminate the lease unless the noncompliant family no longer lives in the unit.

SEE ADMINISTERING THE COMMUNITY SERVICE & SELF SUFFICIENCY REQUIREMENT (PIH-2015-12(HA))

#### **14.8 COMMUNITY SERVICES**

MHA may form their own policy in regards to accepting community services at the profit motivated entities, acceptance of volunteer work performed at homes or offices of general private citizens, and court ordered or probation based work.

Pursuant to 24 CFR 960.609, no PHA may substitute community service activity performed by a resident for work ordinarily performed by a MHA employee. However, residents may do community service on the PHA property or with or through PHA programs to assist with or enhance work done by a PHA employee.

Eligible community service activities include, but not limited to, serving at:

A. Local public or nonprofit institutions, such as schools, Head Start Programs, before or after school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult daycare programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing);

B. Nonprofit organizations serving PHA residents or their children, such as Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs, Police Activities League, organized children's recreation, mentoring, or education programs, Big Brothers or Big Sisters, Garden Centers, community clean-up programs, beautification programs;

C. Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, meals on wheels;

D. Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts;

E. PHA housing to improve ground or provide gardens (so long as such work does not alter the PHA's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board, outreach and assistance with PHA run self-sufficiency activities including supporting computer learning centers;

F. Care for the children of other residents so parents may volunteer.

## **15.0 RECERTIFICATIONS**

At least annually, the Mexico Housing Authority will conduct a reexamination of family income and circumstances. The results of the reexamination determine the following:

- A. The rent the family will pay; and
- B. Whether the family is housed in the correct unit size.

## **15.1 GENERAL**

The Mexico Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or income method (if flat rent had not been chosen during the lease year), and scheduling an appointment if they are currently paying an income rent. If the family thinks they may want to switch from a flat rent to an income rent, they should request an appointment. At the appointment, the family can make their final decision regarding which rent method they will choose. The letter also includes, for those families paying the income method, forms for the

family to complete in preparation for the interview. The letter includes instructions permitting the family to reschedule the interview if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

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

## **15.2 MISSED APPOINTMENTS**

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

## **15.3 FLAT RENTS**

Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the income amount and if the flat rent had not been chosen during the lease year. During the year, as an interim reexamination, the family has the option of selecting a flat rent, if income based rent is higher than flat rent.

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

Once a family returns to the income-based method they cannot go back to a flat rent until their next reexamination (12 months from the effective date of the income based method).

- A. A certification for the family to sign accepting or declining the flat rent.

Each year prior to their anniversary date, Mexico Housing Authority will send a reexamination letter to the family offering the choice between a flat rent or an income rent, if the flat rent had not been chosen during the leased year. The opportunity to select the flat rent is available only at this time. At the appointment, the Mexico Housing Authority may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with the Mexico Housing Authority representative, they may make the selection on the form and return the form to the Mexico Housing Authority. In such case, the Mexico Housing Authority will cancel the appointment and solely verify the family size and whether it is in an appropriate size unit.

#### **15.4 THE INCOME METHOD**

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

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

The total tenant payment is equal to the highest of:

- A. 10% of the family's monthly income;
- B. 30% of the family's adjusted monthly income;
- C. The welfare rent; or
- D. The minimum rent

The family shall be informed of the results of the rent calculation under both the Income Method and the Flat Rent and given their choice of which rent to pay.

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

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

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

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

## 15.6 INTERIM REEXAMINATIONS

The Mexico Housing Authority will conduct interim reexaminations for families that qualify for the earned income disallowance (EID), and when the EID family's rent will change as a result of the increase. In all other cases, the MHA will conduct rent increases when MHA has become aware of an income increase and/or resident has notified MHA of changes that warrant an Interim re exam. The family must report any income changes, family composition changes within ten (10) calendar days of their occurrence:

- A. A member has already been added to the family through birth or adoption or court-awarded custody.
- B. A household member is leaving or has left the family unit.
- C. Increase or a decrease in income of family member.

In order to add a household member other than through birth, adoption, or court-awarded custody, the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. The Mexico Housing Authority will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the income method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with the 30 day notification of rent increase.

A resident requesting a live-in-aide will be required to provide verification of the need for a live-in aide. In addition, before approval of the live-in-aide, the individual (live-in-aide) must complete an application form for purposes of determining citizenship/eligible immigrant status and the live-in-aide will go through the screening process similar to the process for applicants. The Mexico Housing Authority will determine the eligibility of the live-in-aide before approval can be granted. If the individual is found to be ineligible or does not pass the screening criteria, the resident will be advised in writing and given the opportunity for an informal review. Under no circumstances will the live-in-aide be added to the lease or be considered the last remaining member of a tenant family.

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

### **15.7 SPECIAL REEXAMINATIONS**

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income (0 renters) or have a temporary decrease in income, the Mexico Housing Authority may schedule special reexaminations every ninety (90) calendar days until the home stabilizes and an annual income can be determined.

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

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

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

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

### **15.9 HOUSING AUTHORITY MISTAKES IN CALCULATING RENT**

If the Mexico Housing Authority makes a mistake in calculating a resident's rent contribution and overcharges the resident, the resident shall receive a refund for the amount of the mistake going back a maximum of 24 months. The refund shall be given to the resident as soon as practical or credited to the resident's account, whichever the resident desires unless the resident owes the Mexico Housing Authority money in which case the debt shall be offset to the degree possible before the resident chooses between the two refund methods.

### **16.0 UNIT TRANSFERS**

Every PHA encounters situations in which it is necessary to move residents from one unit to another. The PHA's Admissions and Continued Occupancy Policy should provide policy for the staff that makes clear:

- The types of transfers recognized by the PHA;
- The priority among types of transfers;
- When transfers take precedence over waiting list admissions;
- Which transfers are mandatory and which are optional;
- Whether the PHA makes "split family" transfers;
- Eligibility requirements for transfers;

- When the costs of transfers are borne by the PHA and when the resident pays transfer costs

## **16.1 OBJECTIVES OF THE TRANSFER POLICY**

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by ensuring that each family occupies the appropriate size unit.
- C. To facilitate a relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To provide an incentive for families to assist in meeting the Mexico Housing Authority's deconcentration goal, if appropriate.
- F. To eliminate vacancy loss and other expenses due to unnecessary transfers.

## **16.2 CATEGORIES OF TRANSFERS**

Two types of transfers will be allowed for residents wanting to move from one place to another. **All transfer requests must be in writing.**

- A. **Mandatory:** This type of transfer is non-discretionary.
  - 1. Over or under utilization of housing (Change in family composition)
    - a. Smaller unit in accordance with the Admissions and Continued Occupancy Policy: When family size decreases and family no longer qualifies for the bedroom size.
    - b. Larger unit in accordance with the Admissions and Continued Occupancy Policy:
  - 2. When family size increases due to birth, adoption, marriage, or court awarded custody;
  - 3. Request for Live-in-Aide; or
  - 4. Request for move-in of individual(s) not related by blood or marriage.
  - 5. Emergency (fire, flood, etc. Where the resident was not responsible.)
  - 6. Major modernization

## 7. Reasonable accommodation

B. **Voluntary:** Voluntary requests in other cases than those described above may be granted on a first come, first serve basis or on a priority basis depending on individual situations and as approved by the Executive Director. The Mexico Housing Authority reserves the right to reject any and all transfers based upon current housing needs. The Mexico Housing Authority also reserves the right to reject transfer requests if the tenant currently owes the Mexico Housing Authority monies or has been found to be in violation of the term(s) of the lease.

1. A transfer list will be established according to the resident's move-in date for transferring from one unit to another. Thereafter, residents will be added in priority according to the time they apply for transfer or situation. Note: Resident must have resided in the unit for one year prior to a transfer request being granted.

2. Offers will be made from the transfer waiting list on a twice-offer basis only. If the offer is rejected, the resident will be dropped from the waiting list. Resident may reapply at a later date.

3. Maintenance charges for painting and cleaning (make-ready) will be charged to the transferring resident for the unit being vacated, at a cost of \$350.00. Charges must be paid in full prior to the time of transfer.

Note: All transferring costs incurred such as telephone, cable TV, cost of movers and utilities shall be at the resident's own expense. A re-determination of rent will be necessary according to the utility allowance in developments where applicable. A new dwelling lease will be executed for the new dwelling unit. The existing lease will be terminated. Once a transfer is complete, the resident shall be required to pay for all damages discovered in a move-out inspection of his/her old unit.

## 16.3 DOCUMENTATION

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

## 16.4 INCENTIVE TRANSFERS

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

Families living in multifamily developments have the opportunity to transfer to scattered-site housing. Families approved for such transfers will meet the following eligibility criteria:

A. Have been a tenant residing in the unit for at least one year;

- B. Adult members who are required to perform community service have been current in these responsibilities since the inception of the requirement or for one year, whichever is less;
- C. The family is current in the payment of all charges owed to the Mexico Housing Authority and has not paid late rent for at least one year;
- D. The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year.
- E. The family has not materially violated the lease over the past two years by disturbing the peaceful enjoyment of their neighbors, by engaging in criminal or drug related activity, or by threatening the health or safety of tenants or Mexico Housing Authority staff.

## **16.5 PROCESSING TRANSFERS**

Transfers on the waiting list will be sorted by the above categories and within each category by date and time. Transfers in mandatory category will be housed ahead of transfers in category B.

A pre-move out inspection must be done prior to transfer for the purposes of identifying damages or other possible move-out charges. These charges must be paid in advance of signing the new lease.

Upon offer and acceptance of a unit, the family will execute all lease up documents and pay any rent and/or security deposit within two (2) weeks of being informed the unit is ready to rent. The family will be allowed five (5) calendar days to complete a transfer. The family will be responsible for paying rent and utilities of gas and electric at the old unit as well as at the new unit for any period of time they have possession of both. The prorated rent and other charges (key deposit and any additional security deposit owed) must be paid at the time of lease execution.

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

- A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.
- B. If the transfer is being made at the request of the Mexico Housing Authority and the family rejects two offers without good cause, the Mexico Housing Authority will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet the Mexico Housing Authority's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.

C. If the transfer is being made at the family's request and the rejected offer provides deconcentration incentives, the family will maintain their place on the transfer list and will not otherwise be penalized.

D. If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer that does not include deconcentration incentives. After turning down a second such offer without good cause, the family's name will be removed from the transfer list.

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

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

A. When the transfer is made at the request of the family or by others on behalf of the family (i.e., by the police);

B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;

C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (the family without disabilities signed a statement to this effect prior to accepting the accessible unit); or

D. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

The cost of the transfer will be borne by the Mexico Housing Authority in the following circumstances:

A. When the transfer is needed in order to carry out modernization, disposition or demolition activities; or

B. When action or inaction by the Mexico Housing Authority has caused the unit to be unsafe or inhabitable.

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

## **16.7 TENANTS IN GOOD STANDING**

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with the Mexico Housing Authority. This means the family must be in compliance with their lease, current in all payments to the Mexico Housing Authority, and must pass a housekeeping inspection.

## **16.8 TRANSFER REQUESTS**

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

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

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

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

## **16.9 RIGHT OF THE MEXICO HOUSING AUTHORITY IN TRANSFER POLICY**

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

## **17.0 INSPECTIONS**

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

### **17.1 MOVE-IN INSPECTIONS**

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

### **17.2 ANNUAL INSPECTIONS**

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

### **17.3 PREVENTATIVE MAINTENANCE INSPECTIONS**

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

#### **17.4 SPECIAL INSPECTIONS**

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

#### **17.5 HOUSEKEEPING INSPECTIONS**

Generally, at the time of preventative maintenance and/or annual reexamination, or at other times as necessary, the Mexico Housing Authority will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition. Three consecutive failed housekeeping's may result in termination of assistance.

#### **17.6 NOTICE OF INSPECTION**

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections, the Mexico Housing Authority will give the tenant two (2) calendar days (48 hours) written notice.

#### **17.7 EMERGENCY INSPECTIONS**

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

#### **17.8 PRE-MOVEOUT INSPECTIONS**

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

#### **17.9 MOVE-OUT INSPECTIONS**

The Mexico Housing Authority conducts the move-out inspection to determine the condition of the unit and any damages caused after the tenant vacates for any needed repairs. The tenant will be notified of the move out inspection in writing and is encouraged to be present. The move out

inspection is to determine any cost for which the tenant is to be charged for excess of normal wear and tear condition of unit. This inspection becomes the basis for any claims that may be assessed against the security deposit.

## **18.0 PET POLICY**

It is the intent of the Mexico Housing Authority to comply with the US Department of Housing and Urban Development (HUD) rules and regulations regarding pets in Public Housing. Therefore, the following rules have been established to govern the ownership and care of pets in and on properties owned and operated by the Housing Authority of the City of Mexico, MO.

Residents of the Mexico Housing Authority are permitted to have one (1) domesticated pet provided the following rules are observed. Mexico Housing Authority will allow only a common household and domesticated pet such as a dog, cat, bird, rodent (including a rabbit), fish in an aquarium, or a turtle in the housing unit. No visiting pet is allowed to reside in any unit for any given time.

### **18.1 EXCLUSIONS**

Common household pets do not include reptiles except turtles. If this definition conflicts with state or local law or regulation, the state, local law or regulation shall govern.

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals are allowed with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe and sanitary manner, to refrain from disturbing their neighbors, and to maintain the health and safety of their pet(s). Therefore, a person with a disability may keep a companion or service animal that is needed as a reasonable accommodation for his or her disability. A reasonable accommodation can be requested by completing and submitting a Request for Reasonable Accommodation form to the Housing Authority. The Housing Authority may verify the classification of service or companion animal in order to grant an exemption under this policy.

### **18.2 APPROVAL**

All domesticated pets must be registered with the Mexico Housing Authority. Residents must obtain prior approval of the Housing Authority by signing a copy of the Pet Policy before moving a pet into their unit.

### **18.3 PET DEPOSIT**

A refundable pet deposit of \$100.00 for the domesticated pet is required at the time of registering the pet with Mexico Housing Authority. The deposit or unused portion will be refunded to the tenant within a reasonable time frame after the pet or family vacate the unit, and associated pet damages have been assessed. Should the Housing Authority determine that the pet deposit does not cover excessive damage, further charges may apply.

#### **18.4 TYPES AND NUMBER OF PETS ALLOWED**

A maximum number of one (1) domesticated pet is allowed in any unit. Domesticated pets are defined as dogs, cats, guinea pigs, caged birds, and fish aquariums no larger than twenty (20) gallons. No animal may exceed twenty (20) pounds in weight. No exotic animal or reptile shall be allowed. No vicious or intimidating pet including but not limited to Rottweiler, Chow, Pit Bull, Doberman Pinscher, German Shepherd, or as determined by the Executive Director.

#### **18.5 INOCULATIONS**

All cats and dogs must be spayed and neutered with certification of the procedure provided to Mexico Housing Authority from a licensed veterinarian. All pets are to be licensed and meet the City of Mexico Code Chapter 3, Animals. Animal Care and Control, yearly with the City of Mexico (Clerk's Office) and residents must provide MHA with yearly proof of veterinary shots required for proper licensing.

#### **18.6 GENERAL CONDITIONS**

- a. All residents must provide proper and adequate water, food, and shelter for their pet. No pet may be kept in violation of state or local humane, or health laws. The Mexico Housing Authority reserves the right to enter the resident's unit to check the well-being and/or remove the pet if there is a good cause or reason to do so. Mexico Housing Authority also reserves the right to enter and remove the pet and transfer it to the proper authorities subject to the provisions of Missouri State law and/or local ordinances without prior notice.
- b. The pet shall remain inside the apartment unless on a leash and directly controlled by the owner or his representative. The pet must be with the owner when outdoors on a leash or chain. The chain must be removed from the lawn area after each use.
- c. Residents shall take adequate precautions to maintain the unit in a sanitary condition at all times and eliminate any pet odors within or around the unit. Pet owners are not allowed to let pet droppings and waste accumulate. Residents are responsible for proper disposing of all pet waste. Proper disposal means placing waste in garbage bags or other sealable containers and having the materials removed with the weekly trash pickup. The pet owner shall provide and properly maintain litter boxes for cat waste. Cat litter shall not be flushed down the sewer system. In the event that maintenance staff has to remove pet waste, the pet owner shall be charged \$40.00 without any prior notice.
- d. Residents shall not permit any disturbances by their pet, which would interfere with the peaceful enjoyment of other residents; whether by loud or continuous barking, howling, biting, scratching, chirping, or other activities of disturbance.
- e. Residents are responsible for all damages including the cost of fumigation caused by their pet.

- f. Residents are prohibited from feeding stray animals. Feeding of stray animals shall constitute having a pet without permission.
- g. Residents who violate these rules are subject to:
  - 1. The removal of the pet from the unit within 14 days of notice; and/or
  - 2. Eviction

Residents shall notify the Mexico Housing Authority of the address and telephone number of the custodian for the pet during extended absences from the unit.

The privilege of pet ownership may be revoked at any time subject to the Mexico Housing Authority's Grievance Procedure if the animal becomes destructive, a nuisance or safety hazard to other residents, or if the pet owner fails to comply with all of the requirements of the Pet Policy.

## **19.0 REPAYMENT AGREEMENTS**

When a resident owes the Mexico Housing Authority back charges and is unable to pay the balance by the due date, the resident may request that the Mexico Housing Authority allow them to enter into a Repayment Agreement. The Mexico Housing Authority has the sole discretion of whether to accept such an agreement. All Repayment agreements must assure that the full payment is made within a period not to exceed six (6) months. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the resident to eviction procedures.

**Note: If the Mexico Housing Authority has a minimum rent greater than \$0, they must allow for repayment agreements for those tenants who rental amount if the minimum rent and who have had their rent abated for a temporary period.**

## **20.0 TERMINATION**

The PHA's notice of lease termination must inform the tenant of the specific grounds for lease termination (citing the specific lease provision violated and the manner in which the tenant violated it). Further, the notice must inform the tenant of the tenant's right to make a reply to the lease termination notice, and to examine any documents directly relevant to the lease termination or eviction. Note: There may be additional requirements for a Lease Termination Notice or Notice to Vacate under the state's landlord-tenant law, in addition to these requirements. The lease termination notice must state if the tenant is entitled to a grievance hearing. The Notice to Vacate that may be required under state or local law may be combined with or run concurrently with the Notice of Lease termination. If the tenant is permitted to request a grievance hearing, the PHA may not terminate the lease until the time period to request such a hearing has expired, or, if the grievance hearing is requested in a timely manner, until the grievance process has been completed. If the tenant is not eligible for a grievance hearing (in a due process state where the PHA has elected to exclude from the grievance procedure,

grievances related to lease terminations for criminal activity or drug-related criminal activity), the notice of lease termination must state that the tenant is not entitled to a grievance hearing. The judicial eviction procedure the PHA will use, state that HUD has determined that this judicial procedure complies with the basic elements of due process, and state the grounds for lease termination under which the grievance process is denied. The PHA may evict the tenant by judicial action for criminal activity in accordance 24 CFR § 966.4 if the PHA determines that a covered person has engaged in the criminal activity.

### **20.1 TERMINATION BY TENANT**

If a family desires to move and terminate their tenancy with the Mexico Housing Authority, they must give at least thirty (30) calendar days advance written notice to the MHA of their intent to vacate. When a family must give less than thirty (30) days notice due to circumstances beyond their control, the Mexico Housing Authority at its discretion, may wave the thirty (30) day requirement.

In the event that a death occurs and there are no remaining adult members of the household able to carry out tenant obligations, the nearest relative or representative of the family will be notified and will be given fourteen (14) days to remove household items and vacate premises.

### **20.3 TERMINATION BY THE MEXICO HOUSING AUTHORITY**

Twelve months after the Mexico Housing Authority has implemented the mandated Community Service Requirement, it will not renew the lease of any non-exempt family that is not in compliance with the Community Service Requirement or approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

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

- A. Nonpayment of rent or other charges;
- B. A history of late rental payments;
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a safe and sanitary manner;
- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);

- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Any violent or drug-related criminal activity on or off the premises, not just on or near the premises. This includes any tenant, member of the tenant's household or guest, and any such activity engaged in or on the premises by any other person under the tenant's control. This includes but is not limited to the manufacture of methamphetamine on the premises of the Mexico Housing Authority or on the premises of any other federally assisted housing;
- K. Non-compliance with Non-Citizen Rule requirements;
- L. Permitting persons not on the lease to reside in the unit more than thirty (30) calendar days each year without the prior written approval of the Mexico Housing Authority;
- M. Any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the Mexico Housing Authority by the resident, household members, or guests of the resident, or threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy;
- N. Alcohol abuse that the Mexico Housing Authority determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- O. Failure to perform required community service or be exempted from;
- P. The Mexico Housing Authority will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a state sex offender registration program;
- Q. Determination that a household member is illegally using a drug or when the Mexico Housing Authority determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- R. Criminal activity as shown by a criminal record. In such cases the Mexico Housing Authority will notify the household of the proposed action to be based on the information and will provide the subject of the record and the tenant with a copy of the criminal record before the Mexico Housing Authority grievance hearing or court trial concerning the termination of tenancy or eviction. The tenant will be given an opportunity to dispute the accuracy and relevance of that record in the grievance hearing or court trial; and
- S. Other good cause.

If an individual or family's lease is terminated for criminal activity, the Mexico Housing Authority will notify the local post office serving the development that the individual no longer lives there.

**REGARDING TERMINATION OF TENANCY FOR CRIMINAL ACTIVITY OR ALCOHOL ABUSE, 24 CFR 966.4 (5) (vii) PROVIDES THE FOLLOWING OPTIONS:**

1. In deciding to terminate a tenancy for criminal activity or alcohol abuse, the Mexico Housing Authority will consider circumstances relevant to the particular case such as the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, the effects that the eviction would have on family members not involved in the offending activity, and the extent to which the leaseholder has shown personal responsibility and has taken all reasonable steps to prevent or mitigate the offending action; and/or
2. In deciding to terminate a tenancy for criminal activity or alcohol abuse, the Mexico Housing Authority will require a leaseholder to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for an action or failure to act that warrants the termination; and/or
3. In deciding to terminate a tenancy for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, the Mexico Housing Authority may consider whether such household member:
  - a. Is participating in a supervised drug or alcohol rehabilitation program;
  - b. Has successfully completed a supervised drug or alcohol rehabilitation program; or
  - c. Has otherwise been successfully rehabilitated.

For this purpose, Mexico Housing Authority may require the leaseholder to submit evidence of one of the above three statements.

**20.3 TERMINATIONS FOR CRIMINAL ACTIVITY**

A. The term "due process determination" means a determination by HUD that law covering the Mexico Housing Authority's jurisdiction requires that residents must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit.

B. HUD has issued a due process determination that the law of this state requires that residents be given the opportunity for a hearing in a court that provides the basic elements of due process before eviction from a dwelling unit. The Mexico Housing Authority has therefore

determines that this Grievance Procedure shall not be applicable to any termination of tenancy or eviction for:

1. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the Mexico Housing Authority's public housing premises by other residents or employees of the Mexico Housing Authority;
2. Any violent or drug-related criminal activity on or off such premises; or
3. Any activity resulting in a felony conviction.

#### **20.4 ABANDONMENT (RSMO 441.065)**

The Mexico Housing Authority will consider a unit to be abandoned when a resident has both fallen behind in rent **AND** has clearly indicated by words or actions an intention not to continue living in the unit.

The Mexico Housing Authority will post a written notice on the premises and mail to the last known address of the tenant by both first class mail and certified mail, return receipt requested, a notice of the Mexico Housing Authority's belief of abandonment. The notice shall include the following, where appropriate: "the rent on this property has been due and unpaid for thirty consecutive days and the Mexico Housing Authority believes that you have moved out and abandoned the property. The Mexico Housing Authority may declare this property abandoned and remove your possessions from this unit and dispose of them unless you write to the Mexico Housing Authority stating that you have not abandoned this unit within ten (10) days of the Mexico Housing Authority both having posted this notice on your door and mailing this notice to you. You should mail your statement by regular first class mail, and if you so choose, by certified mail, return receipt requested, to this address: 828 Garfield Avenue, PO Box 484, Mexico, MO 65265.

If the tenant fails to either pay rent or respond in writing to the Mexico Housing Authority's notice within ten (10) days after both the date of the posting and deposit of such notice by either first class mail or certified mail, return receipt requested, stating the tenant's intention not to abandon the premises.

After satisfaction of the above and the unit has been deemed abandoned, a Mexico Housing Authority representative may enter the unit and remove any abandoned property and dispose of said property without liability to the tenant for such removal or disposition.

#### **20.5 RETURN OF SECURITY DEPOSIT**

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

## 21.0 SUPPORT FOR OUR ARMED FORCES

A major and important component of our armed forces are the part-time military personnel that serve in various Reserve and National Guard units. The Mexico Housing Authority is very supportive of these men and women. An unfortunate fact of service in both the Reserves and National Guard is that from time to time their personnel are activated to full-time status and asked to serve our country in a variety of ways and circumstances. Whenever the Federal Government activates Reserve and/or National Guard personnel, the Mexico Housing Authority wants to support these brave warriors in the following manners;

A. If a family finds it necessary for another adult to temporarily move into a unit solely to serve as a temporary guardian for children residing in the unit, the income received by the temporary guardian will not be counted in determining family income.

B. Although typically a criminal background check is required before anyone can move into a public housing unit, this requirement will be waived for a temporary guardian. Instead, the background check will occur after the person moves in. If the results of the check dictate that the person is ineligible for public housing, the family shall be given a reasonable time to find a replacement temporary guardian.

C. Recognizing that activation in the Reserves or National guard can be very disruptive to a family's income, the Mexico Housing Authority will expeditiously re-evaluate a resident's rent if requested to do so and will exercise reasonable restraint if the activated resident has trouble paying their rent.

D. Typically a unit cannot be held by a family that is not residing in it as their primary residence. If all members of a military family are temporarily absent from the unit because a member of the family has been called to active duty, the family can retain control of the unit by paying the required rent and returning to the unit within thirty (30) calendar days of the conclusion of the active duty service.

## 22.0 ANTI-FRAUD POLICY

The Mexico Housing Authority is fully committed to combating fraud in its public housing program. It defines fraud as a single act or pattern of actions that include false statements, the omission of information, or the concealment of a substantive fact made with the intention of deceiving or misleading the Mexico Housing Authority. It results in the inappropriate expenditure of public housing funds and/or a violation of public housing requirements.

Although there are numerous different types of fraud that may be committed, the two most common are the **failure to fully report all sources of income and the failure to accurately report who is residing in the residence**. The Mexico Housing Authority shall aggressively attempt to prevent all cases of fraud.

When a fraudulent action is discovered, the Mexico Housing Authority shall take action. It shall do one or more of the following things, depending on circumstances and what it determines appropriate:

- A. Require the resident to immediately repay the amount in question;
- B. Require the resident to enter into a satisfactory repayment agreement as set forth in a previous section of this Policy;
- C. Terminate the resident's tenancy;
- D. Refer the case for criminal prosecution; or
- E. Take such other action as the Mexico Housing Authority deems appropriate.

### **23.0 GRIEVANCE PROCEDURE**

In the administration of programs managed and operated by the Mexico Housing Authority, disputes may arise over decisions made by staff that directly involve residents.

#### **1. STATEMENT OF PURPOSE (REFERENCE 24 CFR 966.50)**

The purpose of this procedure is to set forth the requirements, standards and criteria for a grievance procedure to assure that the Mexico Housing Authority resident is afforded an opportunity for a hearing if the resident disputes, within a reasonable period of time, any Mexico Housing Authority action or failure to act involving the resident's lease with the MHA or MHA regulations which adversely affect the individual resident's rights, duties, welfare or status. The policy supersedes and replaces all prior grievance procedures and policies in effect at the time of final adoption of the Mexico Housing Authority Board of Commissioners.

#### **2. APPLICABILITY**

##### **A. Scope**

This grievance procedure shall be referred to and be incorporated in, by reference, and become a part of the Dwelling Lease. Said grievance procedure shall be binding upon the Mexico Housing Authority and the resident. As such, the Mexico Housing Authority requests that the resident follow the grievance procedure prior to seeking third party intervention.

##### **B. Non-Applicability (Reference 24 CFR 966.51)**

Where a determination by HUD has been made that the laws of the jurisdiction provide the resident with an opportunity for a hearing in court that provides the basic elements of due process before eviction, the Mexico Housing Authority may exclude any grievance concerning termination of tenancy or eviction that involves:

1. Any criminal activity that threatens the health, safety, or right of peaceful enjoyment of the premises of other residents or employees of the Mexico Housing Authority.
2. Any drug-related criminal activity on or off said premises or property.
3. Disputes between residents not involving a decision by the Mexico Housing Authority.
4. Class grievances.
5. Any forums or proceedings intended for initiating or negotiating policy changes between a group(s) of residents and the Board of Commissioners of the Mexico Housing Authority.

### **3. APPLICANT'S GRIEVANCE RIGHTS (REQUIRED 24 CFR 960.207(a))**

#### **A. Right to an Informal Hearing**

1. Applicants will be rejected only for ineligibility or failure to meet the applicant selection criteria. Applicants only have the right to an informal hearing under this section 3.0 procedure. Subsequent sections of this grievance procedure do not apply.
2. If the rejection is a result of the Applicant's failure to complete the application process, the Applicant shall not have the right to an informal hearing. However, if the Applicant disputes the Mexico Housing Authority's decision that the application is incomplete based on a substantiated claim that information was already submitted or is not required by the Mexico Housing Authority to make a reasonable determination of eligibility, then the Applicant shall have the right to an informal hearing. The Mexico Housing Authority shall make the final determination whether or not the Applicant's grounds for requesting an informal hearing falls within the grounds herein set forth, and, as a result, whether or not the Applicant will be given an informal hearing.

#### **B. Scheduling of Hearing**

1. Upon receipt of the Applicant's written request, the Mexico Housing Authority shall schedule an informal hearing. The hearing shall occur within the 30-day period following the applicant's request for an informal hearing. A reasonable attempt shall be made to conduct the hearing at a mutually convenient time and accessible place for the Applicant and the Mexico Housing Authority. Written request for said consideration must be included in the Applicant's written request for an informal hearing.

#### **C. Contents of the Rejection Letter**

Applicants who are rejected by the Mexico Housing Authority will receive a letter that informs them of the rejection, explains why they were rejected, and notifies them that they may contest the rejection in an informal hearing within ten (10) days of the date on the letter of rejection.

1. The Notice of Rejection to the Applicant must include the above information plus a description of the informal hearing process. The Notice of Rejection will advise Applicants with disabilities of their rights to a request for reasonable accommodation.
2. The Notice of Rejection shall inform the Applicant that if he or she has a disability meeting the currently accepted definition of same, he or she is entitled, upon advance request, to an interview to discuss mitigating circumstances or to request reasonable accommodation.

#### D. Applicant Rights during the Hearing

During the hearing, the Applicant will be afforded an opportunity to present evidence rebutting the grounds for rejection. Applicants have the right to be represented by Counsel or other representative(s) at the hearing. The Applicant shall be responsible for informing the Mexico Housing Authority of any parties who will be acting as representatives in their behalf prior to the date of the informal hearing.

#### E. Due Process Requirements

The informal hearing will conform to the following due process requirements:

1. If the decision to deny admission is based on allegations by a third party, the Mexico Housing Authority will attempt to have the third party present.
2. The Mexico Housing Authority employee who made the decision must be present to provide available facts, and to be questioned.
3. The informal hearing must be conducted by an employee of the Mexico Housing Authority who did not participate in the decision.
4. The decision must be based solely on evidence presented at the hearing.
5. The applicant has a right to inspect the file prior to the hearing and at the hearing.

#### F. Reversal of Mexico Housing Authority Rejection Decision

If, as result of information presented by the Applicant at the informal hearing, the Mexico Housing Authority reverses its decision to reject the Applicant, no new application is required and the application will return to the appropriate spot on the waiting list.

#### G. No Reversal of the Mexico Housing Authority Rejection Decision

If the Mexico Housing Authority's decision for rejection is not overturned, a new application for admission may be submitted by the Applicant at a time when the waiting list is open after a period of 18 months has elapsed to permit the Applicant to correct the behavior or situation that

resulted in the rejection. A shorter period, as determined by the Mexico Housing Authority to be appropriate under the circumstances of the rejection, may be allowed.

#### **4. DEFINITIONS (REFERENCE 24 CFR 966.53)**

The following definitions are applicable:

**Complainant** shall mean any resident whose grievance is presented to the Mexico Housing Authority or at the project management office in accordance with this grievance procedure.

**Elements of Due Process** shall mean an eviction action or termination of tenancy in a state or local court in which the following procedural safeguards are required:

- Adequate notice to the resident of the grounds for terminating the tenancy or eviction;
- Right of the tenant to be represented by Counsel;
- Opportunity for the resident to refute the evidence presented by the Mexico Housing Authority including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have;
- A decision on the merits.

**Grievance** shall mean any dispute which a tenant may have with respect to the Mexico Housing Authority action or failure to act in accordance with the individual resident's lease or Mexico Housing Authority and/or HUD regulations which adversely affect the individual resident's rights, duties, welfare, or status.

**Hearing Officer** shall mean a person selected in accordance with 24 CFR 966.55 to hear grievances and render a decision with respect thereto.

**Hearing Panel** shall mean a panel selected in accordance with 24 CFR 966.55 to hear grievances and to render a decision with respect thereto.

**Resident** shall mean the adult person(s) (other than a live-in aide).

#### **5. INFORMAL HEARING – RESIDENT (REFERENCE 24 CFR 966.54)**

##### **A. Request for Informal Hearing**

Any grievance shall be personally presented, either orally or in writing, to the Mexico Housing Authority office so that the grievance may be discussed informally and settled without a hearing within a reasonable period of time but no later than ten (10) days after the basis for the grievance becomes apparent. For the purposes of this part, the person with whom the informal hearing should be conducted is with the person who initiated the action that forms the basis for the grievance. For an expedited grievance procedure, the Complainant shall submit such request at

such a time as is specified by the Mexico Housing Authority for a grievance under the expedited grievance procedure requirements.

#### B. Notice of Informal Hearing Decision

An Informal Hearing Summary of Discussion shall be prepared within a reasonable period of time but no later than ten calendar days of the date of the informal hearing. One copy of the summary shall be given to the resident and one retained in the Mexico Housing Authority's resident file. The summary shall specify the following:

- Names of the participants;
- Date(s) of the meeting; and
- Nature of the proposed disposition of the complaint and reasons thereof; and
- Specify the procedures to obtain a Formal Hearing.

### **6. FORMAL HEARING (REFERENCE 24 CFR 966.55)**

#### A. Request for a Formal Hearing

Should the Complainant continue to dispute the Mexico Housing Authority's decision following the Review Hearing, the Complainant shall submit a written request for a Formal Hearing to the Mexico Housing Authority Executive Director. The written request must be received at the Mexico Housing Authority administrative offices within ten (10) days of the receipt of the Informal Review Hearing Summary of Discussion.

#### B. Selection of a Hearing Officer

A grievance hearing shall be conducted by an impartial third person or persons appointed by the Mexico Housing Authority, other than a person who made or approved the Mexico Housing Authority action under review or a subordinate of such person. For the purposes of this part, the Mexico Housing Authority Board of Commissioners, upon recommendations by the Mexico Housing Authority attorney, shall solicit and select a Hearing Officer from within the jurisdiction of the Mexico Housing Authority. Said selection shall be periodically reviewed and approved in accordance with standard accepted practice for the Mexico Housing Authority jurisdiction.

The Mexico Housing Authority may consult with the resident council before the appointment of a Hearing Officer. Any comments or recommendations submitted by the residents shall be considered prior to appointment of the Hearing Officer.

#### C. Hearing Prerequisite

All grievance under this section shall be in writing and shall be personally presented either orally or in writing to the Executive Director at the Mexico Housing Authority administrative Offices located at 828 Garfield Avenue, Mexico, MO 65265, prior to a Formal Hearing being scheduled. Said written request must state:

- The reason for the grievance; and
- The action or relief sought.

#### D. Escrow Deposit

Before a Formal Hearing is scheduled in any grievance involving the amount of rent which the Mexico Housing Authority claims is due, the Complainant shall pay to the Mexico Housing Authority an amount equal of the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The Complainant shall thereafter deposit the same amount of the monthly rent in an escrow account designated by the Mexico Housing Authority until the complaint is resolved by decision of the Hearing Officer. Unless the requirements of this part have been waived in writing by the Mexico Housing Authority Executive Director, failure to make such payments shall result in termination of the grievance procedure. Failure to make payment shall not constitute a waiver of any right the Complainant may have to contest the Mexico Housing Authority's disposition of his grievance in any appropriate judicial proceeding.

#### E. Scheduling of Formal Hearings

Upon Complainant's compliance with the above paragraphs, a Formal Hearing shall be scheduled by the Hearing Officer promptly for a time and place reasonably convenient to both the Complainant and the Mexico Housing Authority. A written notification specifying the time, place and the procedures governing the Formal Hearing shall be delivered to the Complainant and the appropriate Mexico Housing Authority personnel.

#### F. Procedures Governing the Formal Hearing (Reference 24 CFR 966.58)

1. The Formal Hearing shall be held before a Hearing Officer;
2. The Complainant shall be afforded a fair hearing, which shall include:
  - a. The opportunity to examine, before the hearing, any Mexico Housing Authority documents, including record and regulations that are directly relevant to the hearing. The Complainant shall be allowed to copy any such document at the Complainant's expense. If the Mexico Housing Authority fails to make the document available for examination within a reasonable period of time of the request by the Complainant, the Mexico Housing Authority may not rely on such document for the Formal Hearing;

- b. The right to be represented by counsel or other person chosen as the Complainant's representative, and to have such person make statements on the Complainant's behalf;
  - c. The right to a private hearing unless the Complainant requests a public hearing;
  - d. The right to present evidence and arguments in support of the Complainant's complaint, to controvert evidence relied upon by the Mexico Housing Authority or project management, and to confront and cross-examine all witnesses upon whose testimony or information the Mexico Housing Authority or project management relies; and
  - e. A decision based solely and exclusively upon the facts presented at the hearing.
3. The Hearing Officer may render a decision without proceeding with the hearing if the Hearing Officer determines that the issue has been previously decided in another proceeding.
4. If the Complainant fails to appear at the scheduled Formal Hearing, the Hearing Officer may make a determination to postpone the hearing for not to exceed five (5) business days; or may make a determination that the party has waived their right to a hearing.
5. Both the Mexico Housing Authority and the Complainant shall be notified of the determination by the Hearing Officer. A determination that the Complainant has waived his right to a Formal Hearing shall not constitute a waiver of any right the Complainant may have to contest the Mexico Housing Authority's disposition of the grievance in an appropriate judicial proceeding.
6. At the hearing, the Complainant must first make a showing of an entitlement to the relief sought and thereafter, the Mexico Housing Authority must sustain the burden of justifying the Mexico Housing Authority action or failure to act against which the complaint is directed.
7. The hearing shall be conducted informally by the Hearing Officer and oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Hearing Officer shall require the Mexico Housing Authority, the Complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with directions of the Hearing Officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interest of the disorderly party, and granting or denial of the relief sought, as appropriate.
8. The Complainant or the Mexico Housing Authority may arrange, in advance and at the expense of the party making the arrangements, for a transcript of the hearing. Any

interested party may purchase a copy of such transcript at a cost reasonable to the actual cost of producing the transcript.

#### G. Failure to Request a Formal Hearing

If the Complainant does not request a Formal Hearing, then the Mexico Housing Authority's disposition of the grievance shall be come final. If the Complainant shows good cause as to why they failed to proceed with a Formal Hearing request to the Hearing Officer may allow request.

#### H. Decision of the Hearing Officer

The Hearing Officer shall prepare a written decision, together with the reasons therefore, with a reasonable time after the hearing. A copy of the decision shall be sent to the Complainant and the Mexico Housing Authority. The Mexico Housing Authority shall retain a copy of the decision in the resident's file. A copy of the decision, with all names and identifying references deleted, shall also be maintained by the Mexico Housing Authority and made available for inspection by a prospective Complainant, their representative, or the Hearing Officer. The decision of the Hearing Officer shall be binding on the Mexico Housing Authority. The Mexico Housing Authority shall take all actions, or refrain from any actions, necessary to carry out the decision unless the Mexico Housing Authority Board of Commissioners determines within a reasonable time, and promptly notifies the Complainant of its determination that:

1. The grievance does not concern Mexico Housing Authority action or failure to act in accordance with or involving the Complainant's lease or public housing regulations, which adversely affect the Complainant's rights, duties, welfare or status; or
2. The decision of the Hearing Officer is contrary to applicable Federal, State, or local law, HUD regulations, or requirements of an annual contributions contract between HUD and Mexico Housing Authority.
3. A decision by the Hearing Officer or Mexico Housing Authority Board of Commissioners in favor of the Mexico Housing Authority or which denies the relief requested by the Complainant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the Complainant may have to a trial de novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

### **7. HOUSING AUTHORITY EVICTION ACTIONS**

If a resident has requested a Formal Hearing on a complaint involving the Mexico Housing Authority Eviction Notice and the Hearing Officer upholds the Mexico Housing Authority's action to terminate tenancy, the Mexico Housing Authority shall not commence an eviction action in a state or local court until it has served a notice to vacate to the resident. In no event, shall the Eviction Notice be issued prior to the decision of the Hearing Officer having been mailed or delivered to the Complainant. Procedures governing issuance of the Eviction Notice shall comply with state and local laws applicable to termination of tenancy.

## **8. REASONABLE ACCOMMODATION FOR HANDICAPPED AND DISABLED PERSONS**

It is the policy of the Mexico Housing Authority to provide reasonable accommodations to handicapped and disabled persons in the administration of this grievance procedure. Such reasonable accommodations may include, but are not limited to, conducting hearings in accessible locations, providing and/or allowing oral requests for sight impaired persons, and assisting in providing a sign language interpreter. A request for reasonable accommodation should be made to the Mexico Housing Authority Administrative Offices at the time of requesting the hearing. Forms are available for this purpose. Mexico Housing Authority personnel shall assist in completion of the forms.

## **24. SMOKE FREE POLICY**

The U.S. Surgeon General has warned that breathing secondhand smoke for even a short time is dangerous. Children, the elderly and disabled, and low-income and other disadvantaged individuals and families are the most likely to suffer from breathing secondhand smoke. Secondhand smoke causes heart attacks and lung cancer and it makes asthma worse. Smoke-free housing is especially important for kids. Secondhand smoke can hurt their growing lungs, and kids and teens with asthma have difficulty breathing. Secondhand smoke is also associated with Sudden Infant Death Syndrome (SIDS). Research has demonstrated that smoke does not stay contained within individual apartments and as a result can harm residents in non-smoking apartments.

In an effort to protect nonsmokers, especially children, from the harmful effects of secondhand smoke the Mexico Housing Authority (MHA) will implement a smoke free policy at all of its owned and managed properties beginning April 1, 2017.

This policy bans smoking inside all buildings and structures owned or managed by the Mexico Housing Authority (MHA). The smoke free policy will be in full effect April 1, 2017 and this applies to all residents and their guests.

**1. Purpose of Smoke-Free Policy.** The purpose of the Smoke-Free policy is to protect everyone's right to choose whether or not to smoke and to protect the interiors of buildings from damage caused by smoking. Smoking is not allowed inside any MHA-owned property, within a certain distance from public exterior entrances. This policy will take effect agency-wide April 1, 2017. Failure of any resident to follow the smoke-free policy will be considered a lease violation. Definition of Smoking. The term "smoking" means inhaling, exhaling, breathing or carrying any lighted cigar, cigarette, hookah, e-cigarette or other tobacco product, incense or similar lighted product in any manner in any form.

The MHA promotes Smoke-Free Policy. "No Smoking" signs will be posted at all entrances to the buildings. "No Smoking" signs will be posted at the common areas. Smoke Free Building signs will be affixed to family site units.

**2. Smoking Areas.** Smoking outside the buildings is limited to at least 25 feet away from public entrances. At family sites, residents are asked to be considerate of open windows and doors when choosing where to smoke outside. Signage will be posted prohibiting smoking within 25 feet of units.

**3. Resident to Promote Smoke-Free Policy and to Alert Management of Violations.** Resident shall inform Resident's guests of the Smoke-Free policy. If residents smell smoke in any place in the smoke-free areas, they are encouraged to report this to the Site Manager as soon as possible and identify the location. Management will seek the specific source of the smoke and take appropriate action.

**4. The MHA Not a Guarantor of Smoke-Free Environment.** The MHA's adoption of a smoke-free living environment and the efforts to designate MHA property as smoke-free, do not make the MHA or any of its managing agents the guarantor of the resident's health or of the smoke-free condition of the resident's unit and the common areas. However, the MHA will take reasonable steps to enforce the smoke-free terms of its leases. The MHA is not required to take steps in response to smoking unless the MHA knows of said smoking or has been given written notice of said smoking.

**5. Other Residents are Third-Party Beneficiaries of Resident's Agreement.** The Resident agrees that the other residents in MHA-owned properties are the third-party beneficiaries of the Resident's smoke-free addendum agreements with the MHA. (In layman's terms, this means that the Resident's commitments in a lease addendum are made to the other residents as well as to the MHA.) A resident may sue another resident for an injunction to prohibit smoking or for damages, but does not have the right to evict another resident. Any suit between residents herein shall not create a presumption that the MHA breached any lease addendum.

**6. Effect of Breach and Right to Terminate Lease.** A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights in the lease. A material breach of this addendum shall be a material breach of the lease and grounds for immediate termination of the lease by the MHA.

**7. Violation of Smoke-Free Policy.** A resident household will be determined to be in violation of the policies if:

- Staff witnesses a tenant, tenant's guest, family member, service provider or other person smoking or using incense inside a MHA-owned property.
- Staff witnesses a lighted smoking product in an ashtray or other receptacle inside a MHA-owned property.
- Damages to the interior of MHA-owned property that are the result of burns, nicotine stains and/or ashes caused by smoking products.
- Repeated reports to staff of violations of this policy by third parties.
- Clogged plumbing caused by a smoking product or products.

**8. Notification of Violation of Lease.** Violation notices will be issued in accordance with the HUD-approved lease as follows:

- First Offense: Staff will send the resident a gentle reminder of the smoking ban, including a copy of the lease addendum, and inform the resident of the smoking cessation resources the agency has available.
- Second Offense: Staff will send the resident a notice of a mandatory conference to discuss the policy and repeated violations. Property management staff will be present to assist the resident in developing strategies to help them comply with the policy in order to safeguard their housing. If the resident fails to attend the conference, he/she will receive a lease violation notice per MHA policy.
- Third Offense: Staff will send a 30-day notice of termination of housing – with option to remedy, information on the grievance policy and information on smoking cessation materials
- If resident does not comply, MHA will proceed with eviction. MHA will work closely with Audrain County Health Department throughout the enforcement process, referring those residents who would like extra assistance in finding services to organizations as applicable.

**Disclaimer by the MHA.** The resident acknowledges that the MHA's adoption of a smoke-free living environment and the efforts to designate the specific locations as smoke-free do not in any way change the standard of care that the MHA or managing agent would have to a resident household to render buildings and premises designated as smoke-free any safer, more habitable, or improved in air quality standards than any other rental premises. The MHA specifically disclaims any implied or express warranties that the building, common areas or resident's premises will have any higher or improved air quality standards than any other rental property. The MHA cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Resident acknowledges that the MHA's ability to police, monitor, or enforce the agreements of this addendum is dependent in significant part on voluntary compliance by Resident and Resident's guests. Residents with respiratory ailments, allergies or any other physical or mental condition relating to smoke are put on notice that the MHA does not assume any higher duty of care to enforce this addendum than any other landlord obligation under the lease.

New residents will be given a copy of the smoking policy. After review, the resident will sign the form and signed copy will be maintained in the resident's file.

Upon adoption of this policy, all current residents of properties covered by this policy will be given a copy of the policy. After review, the resident will sign the form and return it to the Manager's office, where it will be filed into the tenant's file. Any current damages to your unit caused by smoking, including cigarette burns in the vinyl, vanity, tile, counters and other locations MUST be reported and documented before April 1, 2017

### **Notification of Rights under Violence Against Women Act for Section 8 and Public Housing**

Note: The following appendices will not appear in the Code of Federal Regulations.  
Appendix A

Mexico Housing Authority  
Notice of Occupancy Rights under the Violence Against Women Act  
To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, and stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that the Mexico Housing Authority is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

**Protections for Applicants**

If you otherwise qualify for assistance under Mexico Housing Authority, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

**Protections for Tenants**

If you are receiving assistance under the Mexico Housing Authority, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under the Mexico Housing Authority solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

**Removing the Abuser or Perpetrator from the Household**

The Mexico Housing Authority may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If the Mexico Housing Authority chooses to remove the abuser or perpetrator, the Mexico Housing Authority may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, the Mexico Housing Authority must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, the Mexico Housing Authority must follow Federal, State, and local eviction procedures. In order to divide a lease, the Mexico Housing Authority may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault or stalking.

### **Moving to Another Unit**

Upon your request, the Mexico Housing Authority may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, the Mexico Housing Authority may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking. If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.

(2) You expressly request the emergency transfer. Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

The Mexico Housing Authority will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

The Mexico Housing Authority's emergency transfer plan provides further information on emergency transfers, and the Mexico Housing Authority must make a copy of its emergency transfer plan available to you if you ask to see it.

### **Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

The Mexico Housing Authority can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault,

or stalking. Such request from the Mexico Housing Authority must be in writing, and the Mexico Housing Authority must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. The Mexico Housing Authority may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to the Mexico Housing Authority as documentation. It is your choice which of the following to submit if the Mexico Housing Authority asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by the Mexico Housing Authority with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of the employee, agent, or volunteer of a victim service provider, and attorney, a medical professional or mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that the Mexico Housing Authority has agreed to accept. If you fail or refuse to provide one of these documents within the 14 business days, the Mexico Housing Authority does not have to provide you with the protections contained in the notice. If the Mexico Housing Authority receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), the Mexico Housing Authority has the right to request that you provide third-party documentation within thirty (30) calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, the Mexico Housing Authority does not have to provide you with the protections contained in this notice.

### **Confidentiality**

The Mexico Housing Authority must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

The Mexico Housing Authority must not allow any individual administering assistance or other services on behalf of the Mexico Housing Authority (for example, employees, and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

The Mexico Housing Authority must not enter your information into any shared database or disclose your information to any other entity or individual. the Mexico Housing Authority, however, may disclose the information provided if:

- You give written permission to the Mexico Housing Authority to release the information on a time limited basis.
- the Mexico Housing Authority needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires the Mexico Housing Authority or your landlord to release the information. VAWA does not limit the Mexico Housing Authority's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

#### Reasons a Tenant Eligible for Occupancy Rights under VAWA May be Evicted or Assistance May be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, the Mexico Housing Authority cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if the Mexico Housing Authority can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property

If the Mexico Housing Authority can demonstrate the above, the Mexico Housing Authority should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

#### **Other Laws**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

#### Non-Compliance with the Requirements of This Notice

Revised 01/2017

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the St. Louis HUD field office at 1222 Spruce Street, Suite 3.203, St. Louis, MO 63103-2836. Phone number (314) 418-5400, Fax (314) 539-6384

(office covers eastern portion of MO; for western portion of MO, see Kansas City, KS).

For Additional Information

You may view a copy of HUD's final VAWA rule at <https://www.gpo.gov/fdsys/pkg/FR-2016-11-29/pdf/2016-28437.pdf>.

Additionally, the Mexico Housing Authority must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact HUD's Public Housing program, contact Monica Shepherd, Director Public Housing Management and Occupancy Division, Office of Public and Indian Housing, Room 4204, telephone number 202-402-5687; HUD's Housing Choice Voucher program and Project-Based Voucher, contact Becky Primeaux, Director, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Room 4216, telephone number 202-402-6050 or go to <https://www.hudexchange.info/program-support/my-question/>.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact the Audrain County Crisis Intervention (A.C.C.I.S) Hotline 573-581-2280 or 573-581-3835 for the shelter.

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact The National Sexual Assault Hotline at 1-800-656-4673.

Victims of stalking seeking help may contact 855-4-VICTIM (855-484-2846).

If a victim moves to a new location to escape domestic violence, sexual abuse, or stalking, the Address Confidentiality Program (ACP) can help the victim in their attempt to keep their address confidential. When a victim becomes an ACP participant, their first class, certified and registered mail is sent to a secure substitute address and then forwarded to their new home. For help with confidentiality contact Missouri

Safe At Home

P.O. Box 1409

Jefferson City, MO 65102-1409

(866) 509-1409 (Toll-free)

safeathome@sos.mo.gov

## **GLOSSARY**

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

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

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

**Adult:** A household member who is 18 years or older or who is the head of the household, or spouse, or co-head. An emancipated minor is also considered an adult. In the anti-drug portions of this policy, it also refers to a minor who has been convicted of a crime as an adult under any Federal, State, or tribal law.

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

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

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

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

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

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

**As-Paid States:** States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the four as-paid states are New Hampshire, New York, Oregon, and Vermont.

**Assets:** The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see “net family assets”.)

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

**Assistance Applicant:** A family or individual that seeks admission to the public housing program.

**Business Days:** Days the housing authority is open for business.

**Ceiling Rent:** Maximum rent allowed for some units in public housing developments under the income method of calculating rent.

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

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

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

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

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

**Consent Form:** Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs

return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participant to determine eligibility or level of benefits. (24 CFR 5.214)

**Covered Families:** Families who receive welfare assistance or other public assistance benefits (“welfare benefits”) from a state or other public agency (“welfare agency”) under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

**Covered Person:** For purposes of the anti-drug provisions of this policy, a covered person is a tenant, any member of the tenant’s household, a guest or another person under the tenant’s control.

**Currently Engaging In:** With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity, currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual’s behavior is current.

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

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

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

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

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

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

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

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

**Displaced Person:** A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster Relief Laws. (1937 Act)

**Drug:** Means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

**Drug-Related Criminal Activity:** The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

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

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

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

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

**Extremely Low-Income Families:** Those families whose incomes do not exceed 30% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

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

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

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
- (2) A group of persons residing together, and such group includes, but is not limited to:

- (a) 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);
- (b) An elderly family;
- (c) A near-elderly family;
- (d) A disabled family;
- (e) A displaced family; and
- (f) The remaining member of a tenant family.

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

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

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

**Full-Time Student:** A person who is attending school or vocational training on a full-time basis as defined by the institution.

**Gender identity:** actual or perceived gender-related characteristics.

**Guest:** Means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has expressed or implied authority to so consent on behalf of the tenant.

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

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

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

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

**Imputed Welfare Income:** The amount of annual income not actually received by a family, as a result of a welfare benefit reduction for welfare fraud or the failure to comply with economic self-sufficiency requirements that is nonetheless included in the family's annual income for purposes of determining rent.

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

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

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

**Law Enforcement Agency:** The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records.

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

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

A live-in aide is not a party to the lease.

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

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

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

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

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

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

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

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

**Net Family Assets:**

A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

B. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.

C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

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

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

**Other Person Under the Tenant's Control:** For the purposes of the definition of covered person it means the person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

**Participant:** A family or individual that is assisted by the public housing program.

**Permanently Absent:** A person or persons not actually residing in the unit who once lived there and does not intend to return. One becomes permanently absent when one vacates the unit.

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

- A. Has a disability as defined in 42 U.S.C. 423
- B. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - 1. Is expected to be of long-continued and indefinite duration;
  - 2. Substantially impedes his or her ability to live independently; and
  - 3. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.
- C. Has developmental disability as defined in 42 U.S.C. 6001.

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

For purposes of qualifying for low-income housing, it does not include a person whose disability is based solely on any drug or alcohol dependence.

**Premises:** For purposes of the anti-drug provisions of this policy it means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

**Previously Unemployed:** This includes a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

**Processing Entity:** The person or entity that is responsible for making eligibility and related determinations and an income reexamination. In the Section 8 and public housing programs, the processing entity is the responsibility entity.

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

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

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

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

**Remaining Member of a Tenant Family:** A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV02, 3-5b)

**Responsible Entity:**

A. For the public housing program, the Section 8 tenant-based assistance program (24 CFR 982), and the Section 8 project-based certificate or voucher program (24 CFR 983), and the Section 8 moderate rehabilitation program (24 CFR 882), responsible entity means the Public Housing Authority administering the program under an ACC with HUD;

B. For all other Section 8 programs, responsible entity means the Section 8 project owner.

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

**Sexual orientation:** homosexuality, heterosexuality, or bisexuality.

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

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

**Specified Welfare Benefit Reduction:**

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

B. "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

1. At the expiration of a lifetime or other time limit on the payment of welfare benefits;
2. Because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency work activities or requirements; or
3. Because a family member has not complied with other welfare agency requirements.

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

**Temporarily Absent:** A person or persons not actually residing in a unit for a period of time while still maintaining control of the unit. If the absence exceeds 90 calendar days, the Housing Authority must agree to the absence.

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

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

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

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

**Total Tenant Payment (TTP):**

A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:

1. Total tenant payment is the amount calculated under Section 3 (a) (1) of the 1937 Act which the higher is of:

a. 30% of the family's monthly adjusted income;

b. 10% of the family's monthly income; or

c. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) shall be the amount resulting from one application of the percentage.

2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.

B. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

**Utility Allowance:** If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made by a housing authority of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, healthful living environment. (24 CFR 5.603)

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

**Very Low-Income Families:** Families whose incomes do not exceed 50% of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50% of the median for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

**Violent Criminal Activity:** Means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

**Welfare Assistance:** Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, state or local governments (including assistance provided under the Temporary Assistance for Needy Families (TANF) program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 CFR 260.31).

45 CFR 260.31 defines the term “assistance” to include cash, payments, vouchers, and other forms of benefits designed to meet a family’s ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

It includes such benefits even when they are:

- A. Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and
- B. Conditioned on participation in work experience or community service (or any other work activity under 45 CFR 261.30).

Except where excluded later in this definition, it also includes supportive services such as transportation and childcare provided to families who are not employed.

The term “assistance” excludes:

- A. Nonrecurring, short-term benefits that:
  - 1. Are designed to deal with a specific crisis situation or episode of need;
  - 2. Are not intended to meet recurrent or ongoing needs; and
  - 3. Will not extend beyond four months.
- B. Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
- C. Supportive services such as child care provided to families who are employed;
- D. Refundable earned income tax credits;
- E. Contributions to, and distributions from, Individual Development Accounts;

F. Services such as counseling, case management, peer support, childcare information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and

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

**Written Notification:** All written notifications required in this policy shall be hand delivered with a signed receipt or mailed via first class mail unless specified otherwise.

## ACRONYMS

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