

ADMISSIONS & CONTINUED OCCUPANCY POLICY

**Approved by Board of Commissioners
January 16, 2014**

WOONSOCKET HOUSING AUTHORITY

679 Social Street
Woonsocket, RI 02895
(401) 767-8000

TABLE OF CONTENTS

<i>I. WOONSOCKET HOUSING AUTHORITY</i>	1
A. Mission	1
B. Programs	1
C. Location/Office Hours	2
D. Applicant/Participant Case Files	2
<i>II. CIVIL RIGHTS</i>	3
A. Compliance with Civil Rights Laws	3
B. Communications	6
C. Privacy	7
D. Affirmative Marketing and Outreach	7
<i>III. QUALIFYING FOR ADMISSION</i>	9
A. Eligibility	9
B. Applicant Screening	10
C. Determination of Qualification for Admission	17
D. Occupancy by Police Officers	17
<i>IV. APPLICATION PROCESS</i>	19
A. Processing Applications	19
<i>V. VERIFICATION PROCESS</i>	21
A. Purpose of Verification	21
B. Acceptable Methods of Verification	22
C. Verification of Social Security Numbers	24
D. Verification of Age and Relationship	25
E. Verification of Citizenship or Immigrant Status	25
F. Verification of Income	26
G. Verification of Mandatory Deductions	31
<i>VI. WAITING LIST MANAGEMENT</i>	36
A. Establishing and Maintaining the Waiting List	36
B. Organizing the Waiting List	37
C. Admission Preference System	38
D. Other Selection Factors	41
E. Removing Applicants from the Waiting List	43

TABLE OF CONTENTS

VII. TENANT SELECTION AND ASSIGNMENT PLAN 45

- A. Occupancy Standards and Guidelines45
- B. Unit Offers.....46
- C. Good Cause for Applicant Refusal of Unit Offer47
- D. Leasing Accessible Units48
- E. Administering the Applicant and Transfer Waiting Lists49

VIII. LEASING POLICIES 50

- A. General Leasing Policy.....50
- B. Inspections.....50
- C. Additions to the Household and Visitors.....51
- D. Pet Policy54
- E. Wading Pool Policy.....71
- F. Smoke free Policy.....71

IX. TRANSFER POLICY..... 72

- A. General Transfer Policy.....72
- B. Types of Transfers72
- C. Processing Transfers73
- D. Good-record Requirement for Transfers.....74
- E. Modernization Transfers75
- F. Paying for Transfers.....76

X. CONTINUED OCCUPANCY & ANNUAL REEXAMINATIONS 77

- A. Eligibility for Continued Occupancy77
- B. Community Service Policy77
- C. Remaining Family Members and Prior Debt.....78
- D. Reexaminations.....79

XI. INTERIM RENT ADJUSTMENTS 82

- A. Adjusting Rent between Regular Reexaminations82
- B. Effective Dates.....84

XII. LEASE TERMINATIONS..... 85

- A. General Policy.....85
- B. Notice Requirements86
- C. Recordkeeping Requirements86
- D. Return of Security Deposit86

XIII. UTILITIES 87

TABLE OF CONTENTS

A. Resident-Paid Utilities.....	Error! Bookmark not defined.
B. Excess Utility Charges.....	87
XIV. RENT and CHARGES.....	88
A. Flat Rents	88
B. Minimum Rent.....	89
C. Rent under the Noncitizen Rule.....	89
D. Repayment Agreements.....	91
XV. DETERMINING INCOME AND RENT.....	92
A. Annual Income.....	92
B. Adjusted Income.....	96
C. Computing Rent	97
XVI. GRIEVANCE PROCEDURE.....	99
1. Establishment of Informal Hearing with Housing Authority Management.....	99
2. Establishment of Grievance Panel Hearing.....	99
3 Proceedings Prior to a Grievance Panel Hearing.....	100
4 Conduct of Hearings	103
5 Decisions of the Grievance Panel	104
EXHIBIT 4 – DECISION on GRIEVANCE	105
EXHIBIT 5 – INFORMAL HEARING DECISION.....	106
EXHIBIT 6 – NOTICE of INFORMAL HEARING.....	107
EXHIBIT 7 – NOTICE OF GRIEVANCE PANEL HEARING.....	108
EXHIBIT 8 – GRIEVANCE PANEL REQUEST FORM.....	109
XVII. FAMILY SELF-SUFFICIENCY PROGRAM.....	111
A. Establishment of Program	111
B. Scope of Program and Services	112
C. Participant Selection	114
D. Contract of Participation.....	116
E. Other Program Information.....	119
XVIII. GLOSSARY.....	120

This Admissions and Continued Occupancy Policy defines the Woonsocket Housing Authority's policies for the operation of the public housing program, incorporating Federal, State, and local law.

Conventional public housing, or low-rent housing, was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.

If there is a conflict between this policy and applicable laws or regulations, the laws and regulations will prevail.

I. WOONSOCKET HOUSING AUTHORITY

A. Mission

The Woonsocket Housing Authority is dedicated to excellence in providing quality, affordable, and safe housing to eligible persons consistent with community needs. We foster effective and creative partnerships to maximize opportunities that improve the economic and personal well-being of the people that we serve. Our agency conducts its business in an efficient, professional, and ethical manner without discrimination.

B. Programs

The Woonsocket Housing Authority (WHA) is a public housing agency providing affordable housing opportunities for low-income families, the elderly, and persons with disabilities in the City of Woonsocket. The WHA was incorporated in 1941 by the State of Rhode Island and currently serves close to 2,000 families. The WHA operates six (6) public housing developments and administers more than 650 rental assistance vouchers (HCV).

1. Public Housing

Elderly/Disabled: The WHA operates the following low-rent high-rise buildings:

- Crepeau Court, 100 Front Street, Woonsocket, RI 02895
- Kennedy Manor, 547 Clinton Street, Woonsocket, RI 02895
- Parkview Manor, 218 Pond Street, Woonsocket, RI 02895
- St. Germain Manor, 429 East School Street, Woonsocket, RI 02895

Eighty-five percent (85%) of these units are set aside for the elderly. Persons with disabilities are also eligible for housing in one of the WHA high-rises. The apartments range in size from one (1) to two (2) bedroom.

Family: The WHA operates the following family developments:

- Morin Heights, Morin Heights Boulevard, Woonsocket, RI 02895
- Veterans Memorial, Bourdon Boulevard, Woonsocket, RI 02895

These units are open to all eligible families and individuals. Housing is townhouse-style, and unit sizes range from one (1) to five (5) bedrooms.

Policies and Procedures: This document describes the policies and procedures used to administer the public housing program.

2. Housing Choice Voucher Program

The Housing Choice Voucher Program, also known as Section 8, provides tenant-based rental assistance. The WHA administers subsidies to eligible families who rent private apartments within the community. Eligible Housing Choice Voucher recipients may apply their monthly subsidy towards a mortgage payment.

Policies and procedures regarding the Housing Choice Voucher Program can be found in a separate document titled the WHA Housing Choice Voucher Program Administrative Plan.

C. Location/Office Hours

Applications and intake interviews are processed centrally at the WHA Service Center. The Woonsocket Service Center is located at 679 Social Street, Woonsocket, RI 02895, and is open to the public Monday through Friday, from 8:30 AM to 3:45 PM. There are separate management offices at each public housing development.

The WHA central telephone switchboard is (401) 767-8000.

D. Applicant/Participant Case Files

The WHA maintains case files for each applicant/participant family.

1. Format

The case file may be maintained in paper and/or electronic format.

2. What is Included in the Case File

The case file may include but is not limited to the following information or documents:

- Housing application and supporting documents
- Lease
- Lease supplements/addendum
- Unit inspection reports
- Verifications
- Notices and letters
- Income and rent determination documents
- Summary of WHA interactions with the applicant/tenant

3. Privacy

The WHA maintains case files in a secure and private location.

The file is subject to audit or review by HUD, an IPA, or a HUD designee.

II. CIVIL RIGHTS

A. Compliance with Civil Rights Laws

1. Civil Rights Laws

Civil rights laws protect the rights of applicants and residents to equal treatment by the Housing Authority in the way it carries out its programs. It is the policy of the Woonsocket Housing Authority (WHA) to comply with all Civil Rights laws, including but not limited to:

- Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex;
- Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination;
- Executive Order 11063;
- Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities;
- The Age Discrimination Act of 1975, which establishes certain rights of the elderly;
- Title II of the Americans with Disabilities Act of 1990 (ADA) requires that the WHA provide individuals with disabilities with access to its programs, services and activities including, common areas and public spaces. However, Title II does not require that individual housing units be accessible to individuals with disabilities; rather, Section 504 and the Fair Housing Act govern access for individuals with disabilities to the WHA housing units;
- Any applicable State laws or local ordinances; and
- Any legislation protecting the individual rights of tenants, applicants or staff that may subsequently be enacted

2. Nondiscrimination and Fair Housing

The WHA shall not discriminate because of race, color, national or ethnic origin, sex, religion, familial status, sexual orientation, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities, including land, that is part of a development under WHA jurisdiction covered by a public housing Annual Contributions Contract with HUD.

The WHA shall not, on account of race, color, national origin, sex, religion, familial status, sexual orientation, or disability:

- Deny anyone the opportunity to apply for housing (when the waiting list is open), nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
- Provide anyone housing that is different (of lower quality) from that provided others¹;

¹ The WHA is not only permitted but is required to provide persons with disabilities with housing that is appropriate for their needs. This accessible or adaptable housing, although different from that provided to others, is permitted because it permits persons with disabilities to participate in the public housing program.

- Subject anyone to segregation or disparate treatment;
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program;
- Treat anyone differently in determining eligibility or other requirements for admission;
- Deny anyone access to the same level of services²; or
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

The WHA shall not automatically deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed. Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her attributes and behavior.

Fair housing information and complaint forms will be made available at the WHA main office. Clients who believe they may be victims of discrimination will be referred to the Rhode Island Commission for Human Rights and nearest HUD Office of Fair Housing and Equal Opportunity.

3. Reasonable Accommodations

The WHA must ensure that every applicant and tenant has an equal opportunity to use and occupy the property. To do this, the WHA must provide reasonable accommodations to applicants and tenants with disabilities in every aspect of occupancy.

Further, tenants may, at any time during their tenancy, request a reasonable accommodation for a household member with a disability, including a reasonable accommodation to enable the tenant or household member to comply with the lease.

The regulatory requirements for reasonable accommodation can be found in several sources. These include:

- The Fair Housing amendments Act of 1988, which applies to all multifamily housing;
- Section 504 of the Rehabilitation Act of 1973, which covers all programs that receive federal funding; and
- Title ii of the Americans with Disabilities Act (ADA) of 1990, which covers all programs administered by government entities.

The exact nature of the reasonable accommodation varies from case to case. The implementation of an "accommodation" is at the discretion of the Executive Director based on information volunteered by the individual with a disability.

- (a) In certain cases, the reasonable accommodation required is in the form of a physical modification to a unit or program space. The WHA must make reasonable accommodations in its procedures or practices unless such modifications would result in an undue financial

² This requirement applies to services provided by the WHA and services provided by others with the WHA's permission on public housing property.

and administrative burden on the Authority or would result in a fundamental alteration in the nature of the program or would be physically infeasible.

If the WHA makes a determination that a physical modification is a financial and administrative burden, this does not preclude the requester from identifying other sources which can be substituted or combined with Authority resources in order to make the modification.

However, the final determination of the feasibility of any physical modification resides with the WHA.

- (b) Reasonable accommodation requests must be made in writing or in some permanent format (such as audio or video tape).

The request should include both the condition that manifests the disability as well as the accommodation requested. For instance "limited manual dexterity" is the condition that manifests the disability and "changing of cabinet and door hardware" is the accommodation requested.

- (c) The WHA can request documentation from licensed clinicians and/or therapists to determine that there is a sufficient causal relationship between an individual's disability and the need to provide an accommodation. This documentation requires no specific description of the causes of a disability. It only seeks to verify that the specific reasonable accommodation is related to and overcomes the functional limitation of a documented disability.

The WHA is only concerned with the limitations of the disability as it pertains to the nature and requirements of the housing programs and the ability to meet the requirements of tenancy or program participation. In all cases, requests for information about the cause (diagnosis) of a disability are not permitted.

- (d) Even if causal relationship is documented, the WHA reserves the right to accept or reject any reasonable accommodation on the basis of "financial or administrative burden", "change in the fundamental nature of the program" or "undue hardship."

In addition, the Authority will never agree to a reasonable accommodation if the behavioral history of an applicant indicates a high likelihood of being a threat to the safety and health of others or the applicant. The WHA may request opinions from experts as to the nature of the behavior, but the final determination as to the import of any concerns about a resident's behavior resides with the Authority.

- (e) The WHA may elect an equal alternative that is less costly than the resident's request or the Authority may determine that the modification is not feasible.

If the lack of feasibility is specific to a unit or program space, the WHA may propose to transfer the resident to a unit in which the modifications are feasible.

In the case of a program or administrative space that requires a physical modification, an alternative program or administrative space that meets the physical accessibility standards may be substituted.

- (f) The denial of a reasonable accommodation request is subject to the WHA Grievance Procedure. Further, this policy does not prevent an applicant or tenant from filing a complaint of discrimination with the appropriate agency. Complaints related to program administration for participants should be filed with HUD's Office of Fair Housing.

4. Making Programs and Facilities Accessible to Persons with Disabilities

Facilities and programs used by residents will be accessible to a person in a wheelchair. Application and management offices, hearing rooms, community centers, day care centers, laundry facilities, craft and game rooms, etc. (to the extent that the WHA has such facilities) will be usable by residents with a full range of disabilities. To the extent that the WHA offers such facilities, if none is already accessible, some³ will be made so, subject to the undue financial and administrative burden test.

5. No Personal or Political Favors

The WHA will not permit these policies to be subverted to do personal or political favors. The WHA will not offer units in an order different from that prescribed by this policy, since doing so violates the policy, federal law, and the civil rights of the other families on the waiting list.

B. Communications

1. Plain Language Accessible Documents

At a minimum, the WHA will prepare information to be used by applicants and residents in plain-language accessible formats. All documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. Documents used by applicants and residents will be accessible for those with vision or hearing impairments. Unless prohibited by local law, documents may be translated into languages other than English⁴.

2. Understandable Explanations

The WHA will present examples to help applicants and residents understand eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance. In writing materials for applicants and residents, WHA staff will be prepared to explain rules and benefits verbally, as often as may be needed, because some disabilities may affect an applicant's ability to read or understand.

3. Alternate Forms of Communication

When the WHA has initial contact with the applicant, WHA staff will ask whether the applicant requires an alternate form of communication. Examples of alternative forms of communication

³ It is not required that all public and common areas be made accessible so long as persons with disabilities have full access to all the types of facilities and activities available to persons without disabilities. Thus, not all laundry facilities need to be accessible so long as there are sufficient accessible laundry facilities for use by persons with disabilities at each development that provides laundry facilities.

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

might include, but are not limited to: a qualified sign language interpreter provided for and paid for by the WHA; having written materials explained orally by staff either in person or by telephone; provision of written materials in large/bold font; and permitting applicants to file applications by mail. In addition, the WHA obligation to provide alternative forms of communication to persons with disabilities does not preclude an individual's right to have a friend, relative or advocate accompany him/her for purposes of conducting business with the WHA.

4. Bilingual Assistance

Some applicants will not be able to read (or to read English), so Intake Staff must be prepared to read and explain anything that they would normally hand to an applicant to be read or filled out. Applicants who read or understand little English may furnish their own interpreter. The WHA is not required to pay the costs associated with having a foreign language interpreter (as they are for a sign language interpreters for the hearing impaired). The WHA will endeavor to have bilingual staff to assist non-English speaking families.

5. TDD/TTY Relay Service

The WHA uses Standard TTY/TDD Communication Service for people who are deaf, hard of hearing or speech disabled. To make a TTY/TDD Communication Service call, dial 1-800-745-6575.

C. Privacy

1. Standards and Procedures

All Woonsocket Housing Authority employees, Commissioners, volunteers, independent contractors, consultants, onsite service providers, and officially recognized resident representatives are bound by the standards and procedures set forth in the WHA Confidentiality Policy, in accordance with the Federal Privacy Act of 1974 (5 U.S.C 552a), as regulated in 24 CFR 16.

2. Informed Consent

Clients will be informed at the time of application or intake to any program that the Woonsocket Housing Authority maintains records on its clients and such records shall remain confidential except as described in the Confidentiality Policy. Adult members of applicant and tenant households will also be required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice.

D. Affirmative Marketing and Outreach

1. Marketing Plan

The WHA will conduct affirmative marketing as needed so the waiting list includes a mix of applicants with races, ethnic backgrounds, ages and disabilities proportionate to the mix of those groups in the eligible population of the area. The marketing plan will take into consideration the number and distribution of vacant units, units that can be expected to become vacant because of move-outs, and characteristics of families on the waiting list.

The WHA will review these factors regularly to determine the need for and scope of marketing efforts. All marketing efforts will include outreach to those least likely to apply.

The WHA will publicize the availability and nature of its public housing program in a newspaper of general circulation, minority media, and by other suitable means. When possible, the WHA will utilize radio and television public service announcements.

The WHA will also communicate the status of housing availability to service providers in the community and provide them with the information needed to make proper referrals. The WHA shall, in particular, contact agencies that serve potentially qualified applicants least likely to apply (e.g. the disabled) to ensure that accessible/adaptable units are offered to applicants who need their features.

2. Marketing Materials

Marketing and informational materials will:

- Comply with Fair Housing Act requirements on wording, logo, size of type, etc.;
- Describe the housing units, application process, waiting list and preference structure accurately;
- Use clear and easy to understand terms and more than strictly English-language print media;
- Make clear who is eligible: low income individuals and families; working and nonworking people; and people with both physical and mental disabilities; and
- Be clear about the WHA responsibility to provide reasonable accommodations to people with disabilities.

3. Availability of Materials

The following information will be made available at the WHA Service Center at 679 Social Street, Woonsocket, RI 02895:

- Statement of Policies and Procedures governing Admissions and Continued Occupancy, including income limits, dwelling lease, and grievance procedure
- Notice of the status (open or closed) of the waiting list
- Detailed listing of WHA developments, including the development name, address, office hours, telephone numbers, number of units, and units designed with special accommodations
- Any current WHA notices to the public or residents
- Income limits for admission
- Dwelling Lease
- Grievance procedure
- Fair Housing poster
- Equal Opportunity in Employment poster

- Public Housing Waiting List

III. QUALIFYING FOR ADMISSION

A. Eligibility

It is the WHA policy to admit only qualified applicants, meaning those who are eligible and able to meet the applicant selection standards. An applicant is qualified if he or she meets all of the following criteria:

- Family definition;
- HUD requirements on citizenship / eligible immigrant criteria;
- Income eligibility that does not exceed low-income limits;
- Documentation of Social Security numbers; and
- The applicant selection and screening criteria.

1. Family Definition

A family is a person or group of people related by blood, marriage, adoption, affinity, or operation of law that live together in a family relationship. It includes but is not limited to:

- **A family with or without children** (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and size)
- **An elderly family:** a family whose head, spouse, or sole member is a person at least 62 years of age. It may include two (2) or more persons who are at least 62 years of age living together, or one (1) or more persons who are at least 62 years of age living with one (1) or more live-in aides.
- **A near-elderly family:** a family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two (2) or more persons, who are at least 50 years of age but below the age of 62, living together; or one (1) or more persons who are at least 50 years of age but below the age of 62 living with one (1) or more live-in aides.
- **A disabled family:** a family whose head, spouse, or sole member is a person with disabilities. It may include two (2) or more persons with disabilities living together, or one (1) or more persons with disabilities living with one (1) or more live-in aides.
- **A displaced family:** a family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
- **The remaining member** of a tenant family
- **A single person** who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family
- **Foster children** may be considered part of a family unit for admission to or continued occupancy of public housing, provided that upon application for admission to public housing or upon application by a resident for a larger unit, the foster parent(s) seeking housing has been granted a license by the Department of Children,

Youth, and Families permitting that person to act as a childcare provider/foster parent, pursuant to RIGL 42-72.1-4.

2. Citizenship / Eligible Immigrant Status

Per 24 CFR § 5.500, a family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the following exceptions:

- A mixed family with one (1) or more ineligible family members may be eligible for one of three types of assistance: continued assistance, temporary deferral of termination of assistance, or prorated assistance (See Chapter XIV Section D of this policy).
- A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for a temporary deferral of termination of assistance.
- Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to public housing.

3. Income Eligibility

Annual Income at the time of admission cannot exceed the low-income limits established by HUD for the WHA jurisdiction. Low income is defined as 80 percent of the Area Median Income.

Annual Income is the anticipated total income from all sources, including net income derived from assets received by the family head, spouse (even if temporarily absent), co-head of household (even if temporarily absent), and each additional family member. It includes all net income from assets and excludes income that is temporary, non-recurring, sporadic, or specifically excluded from income by other federal statute.

Income limits apply only at admission and are not applicable for continued occupancy. Income limits do not apply to families transferring within the WHA public housing program. However, a family may not be admitted to the WHA public housing program from another assisted housing program (e.g. Housing Choice Voucher Program) or from another public housing authority's public housing program without meeting the WHA income requirements.

4. Social Security Numbers

Documentation of Social Security numbers (SSN) is required for all persons residing in the household irrespective of age or familial status, including live in aides. An individual may self-certify that he/she does not have a Social Security number. If a member of the household does not have a social security number WHA will apply to HUD for an Alternate ID number which will be used in lieu of the SSN until an SSN can be obtained.

B. Applicant Screening

All applicants shall be screened in accordance with HUD regulations and sound management practices. Recent behavior of applicants will be evaluated to determine whether such behavior could reasonably be

expected to result in noncompliance with the WHA lease. The WHA examination of relevant information regarding past and current habits or practices will include, but is not limited to, an assessment of:

- Ability and willingness to comply with the terms of the WHA lease.
- Past performance in meeting financial obligations, especially rent and utility bills (e.g. credit check).
- Record of disturbance of neighbors, destruction of property, or living or housekeeping habits that may adversely affect the health, safety, or welfare of other tenants or neighbors (e.g. rental history check).
- History of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property or other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or development.
- Record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).
- Fraud in connection with any Federal housing assistance program, including intentional misrepresentation of information relating to the application for housing or benefits derived there from.
- It may also include a home visit(s).

Any costs incurred to complete the application process and screening will be paid by the WHA.

1. Ability and Willingness to Comply with Lease

During screening, the WHA will require applicants to demonstrate their ability to comply with the essential provisions of the lease:

- To pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
- To care for and avoid damaging the unit and common areas;
- To use facilities and equipment in a reasonable way;
- To create no health, or safety hazards, and to report maintenance needs;
- Not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
- Not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and
- To comply with necessary and reasonable rules and program requirements of HUD and the WHA.

Applicants must be able to demonstrate their ability and willingness to comply with the terms of the WHA lease, either alone or with any assistance they can demonstrate they will have at the time of admission. Availability of assistance is subject to verification by the WHA.

Applicants whose landlord, financial, criminal, and other references demonstrate that they are willing and able to comply with lease terms in their existing housing will be considered to have met this criteria

Applicants whose housing situations make it difficult for the WHA to determine whether or not they are able and willing to comply with lease terms (e.g. because they are homeless, live with friends or relatives, or have other non-traditional housing circumstances) will have to demonstrate their ability and willingness to comply with lease terms.

2. Credit Check and Rental History Check

The WHA will complete a credit check and a rental history check on all applicants through national credit reporting agencies such as Transunion or Choicepoint.

Applicant screening shall assess the conduct of the applicant and other family members listed on the application, in present and prior housing up to five (5) years from the date of application. The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:

- Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;
- Adversely affect the physical environment or financial stability of the project;
- Violate the terms and conditions of the lease; or
- Require services from WHA staff that would alter the fundamental nature of the WHA program.

3. Criminal Background Check

The WHA will complete a criminal background check on all adult applicants or any member for whom criminal records are available. The applicant family must not have a pattern of controlled substance abuse, or of alcohol abuse which interferes with the health, safety, or right to peaceful enjoyment of the premises by the other residents. These activities shall be verified by local, state, or national criminal records and include incident reports, arrests and convictions.

An entire family may be denied admission if an adult member of the family has been convicted of a crime fitting the criteria for disqualification.

To be determined eligible, *all (every)* family member(s) must not engage in drug-related criminal activity or in violent criminal activity. There cannot be a pattern of controlled substance abuse.

- Drug-related activity is defined as the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled substance.
- Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or the threatened use of physical force against the person or property of another.

The applicant is permanently denied housing if any applicant household member has been convicted of manufacturing or producing methamphetamine on the premises (defined as the building or complex, including common areas).

The applicant family must not engage in the abuse of alcohol.

In determining whether to deny admission or continued occupancy based upon a criminal record, the WHA ultimate goal is to determine if the applicant will be a threat to the health, safety, or right to peaceful enjoyment of the premises of other residents and employees. Consideration of

eligibility based upon criminal activity will involve consideration of the nature of the offense, date of the offense, and evidence of rehabilitation.

If the WHA rejects an applicant on the basis of criminal history, the WHA will notify the household of the rejection and, upon request, provide the household member whose criminal history is at issue with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

4. Prior Eviction from Federally-subsidized Housing

Persons evicted from Public Housing, Indian Housing, Section 23, or any Section 8 program because of drug-related criminal activity are not eligible for admission to Public Housing for a period of three (3) years from the date of the eviction.

5. Home Visits

The WHA may complete a home visit on all applicants that have passed criminal history screening and have incomplete or questionable landlord references to determine if the applicant's housekeeping would create health or sanitation problems. Staff completing the home visit will consider whether the conditions they observe are the result of the applicant's treatment of the unit or are caused by the unit's overall substandard condition.

Housekeeping criteria to be checked shall include, but is not limited to:

- Conditions in living room, kitchen (food preparation and clean-up), bathroom, bedrooms, entrance-ways, halls, and yard (if applicable);
- Cleanliness in each room; and
- General care of appliances, fixtures, windows, doors and cabinets.

Other lease compliance criteria will also be checked, such as:

- Evidence of destruction of property;
- Unauthorized occupants;
- Evidence of criminal activity; and
- Conditions inconsistent with application information.

6. Cause for Rejection of Application

The WHA is neither required nor obligated to assist applicant households who do not meet any one or more of the eligibility criteria or who do not supply required information or documentation during the application process.

The WHA uses the following policies in considering an application for admission:

(a) The WHA is required to reject the application of a household if the WHA determines that:

- Any household member is currently engaging in illegal use of a drug⁵; or

⁵ For purposes of this section, a household member is "currently engaged in" the criminal activity if the person has engaged in the behavior recently enough to justify a belief that the behavior is current.

- The WHA 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, the owner, or WHA employees; or
 - Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents⁶.
- (b) The WHA is required to deny for life the application of a household if the WHA determines that:
- Any member of the household is subject to a lifetime registration requirement under a State sex offender registration program; or
 - Any member of the household has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property.
- (c) The WHA shall reject the application of any applicant for three (3) years from the date of eviction if any household member has been evicted from any federally assisted housing for drug-related criminal activity. However, the WHA may admit the household if the WHA determines that:
- The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the WHA, or
 - The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
- (d) Payment of funds owed to the WHA or any other housing authority is part of the screening evaluation. The WHA will reject an applicant for unpaid balances owed to any housing authority or federally subsidized housing programs (public housing, Section 8, or any other subsidized housing programs).
- (e) An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition or rent will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant are not considered misrepresentations.
- (f) Landlord reports, housekeeping practices, nuisance or disturbance occurrences, and suitability for independent living are part of the screening evaluation.
- (g) The WHA will reject an application for households who:
- Fail to supply information or documentation required by the application process, or
 - Fail to respond to a written request for information for information, or

⁶ The WHA must be able to show a relationship between the applicant household member's abuse of alcohol and behavior that threatens the health, safety, or right to peaceful enjoyment of other residents.

- Fail to respond to a written request to declare their continued interest in the program, or
- Have a history of not meeting financial obligations, especially rent, or
- 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, or
- Have a history of disturbing neighbors, or
- Have a history of destruction of property, or
- 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, or
- Have threatened the health, safety, or welfare of other residents, the owner, or WHA employees.

7. Mitigating Circumstances

When negative information is received about an applicant household during the screening process, the WHA will consider the time, nature, and extent of the applicant's conduct and mitigating factors that might indicate a reasonable probability of favorable future conduct.

(a) Mitigating circumstances are facts relating to the applicant's negative rental history or behavior, that, when verified, indicate:

- the reason for the unsuitable rental history and/or behavior;
- that the reason for the unsuitable rental history and behavior is no longer in effect or is under control; and
- the applicant's prospect for lease compliance is acceptable, justifying admission.

To be considered, mitigating circumstances must be verifiable.

Examples of mitigating circumstances might include evidence of successful rehabilitation (for example, successful completion of program and evidence of remaining drug free for nine (9) months), the applicant family's participation in social service or other appropriate counseling service, or successful and sustained modification of previous disqualifying behavior.

(b) Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. The WHA will consider such circumstances in light of:

- the applicant's ability to verify the mitigating circumstances and prospects for improved future behavior;
- the applicant's overall performance with respect to all the screening requirements; and
- the nature and seriousness of any criminal activity, especially drug related criminal activity that appears in the applicant's record.

(c) Applicants known to have a disability that meet the eligibility requirements but fail to meet the Selection Criteria will be offered an opportunity for a second meeting to determine whether mitigating circumstances or reasonable accommodations will make it possible for the applicant to be housed in accordance with the screening procedures.

If the applicant asserts that mitigating circumstances relate to a change in disability, medical condition, or treatment, the WHA shall refer such information to persons qualified to evaluate

the evidence and verify the mitigating circumstance. The WHA shall also have the right to request further information to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

- (d) In determining whether to deny admission to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, the WHA will consider whether such household member:
- Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable)
 - Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable)
 - Is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable)
- (e) In determining whether to deny admission or continued occupancy based upon a criminal record, the ultimate goal is to determine if the applicant will be a threat to the health, safety, or right to peaceful enjoyment of the premises of other residents and employees.
- (f) Consideration of eligibility based upon criminal activity will necessarily involve the exercise of discretion.

The following factors will be considered when exercising that discretion:

(i) Nature and seriousness of the offense

All crimes involving illegal drugs, violence, the threat of violence, property damage, disturbing the peace, spousal abuse, rape, child molesting, or financial crimes (including welfare fraud and grand theft) are deemed serious. Single convictions for petty theft or driving under the influence of alcohol are not deemed serious. All other shall be considered on a case-by-case basis.

Consideration shall be given to whether there is a long-term pattern of criminal activity versus a single offense or cluster of offenses, and whether the offenses are coincident with drug or alcohol abuse if the offender has been rehabilitated from such abuse.

(ii) Date of the offense

Crimes committed more than ten years past, and where there has been no criminal activity for ten (10) years after release from incarceration, shall not be considered sufficient, standing alone, to disqualify a person from admission. Crimes committed within the past three (3) years may be considered as sufficient grounds to disqualify a person from admission. Crimes more than three (3) years and less than ten (10) years ago shall be considered on a case-by-case basis.

(iii) *Evidence of rehabilitation*

The WHA will consider whether there is any indication of rehabilitation of the offender.

C. Determination of Qualification for Admission

1. Analysis of Information

All information will be verified and analyzed, and the WHA will make a determination with respect to:

- Eligibility of the applicant as a family;
- Eligibility of the applicant with respect to income limits for admission;
- Eligibility of the applicant with respect to citizenship or eligible immigration status;
- Qualification of the applicant with respect to the Selection Criteria;
- Unit size required for and selected by the family; and
- Preference category (if any) to which the family is entitled.

2. Levels of Verification

HUD introduced a new verification hierarchy in Notice PIH 2010-19 (May 17, 2010). The new hierarchy has six levels, in order from most preferable to least preferable.

- Highest
 - *Mandatory*: Up-front income verification (UIV) using HUD's Enterprise Income Verification (EIV) system
 - *Optional*: UIV using non-HUD systems
- High
 - Written third-party verification
May be provided by family
- Medium-low
 - Written third-party employer form
- Low
 - Oral third-party verification
- Low
 - Tenant declaration

3. Notification

Qualified families will be notified by the WHA of the approximate length of time on the waiting list insofar as that date can be determined. However, this is only an estimate; the WHA cannot guarantee the applicant will be housed by that date.

Unqualified applicants will receive a Letter of Denial from the WHA, stating the basis for such determination. The notice will advise the applicant of his/her right to a review of the determination in accordance with the WHA File Review and include instructions for requesting such a review.

D. Occupancy by Police Officers

As authorized by 24 CFR 960.505 and notwithstanding any other provision of law, the WHA will allow police officers otherwise ineligible for public housing to occupy a maximum of one percent (1%) of the units at each of its conventional family developments. Such occupancy is permitted only when necessary to increase the security of residents.

1. Definition of Police Officer

For the purposes of this policy, "police officer" shall mean a person determined by the Woonsocket Housing Authority to be employed on a full-time basis as a duly licensed professional police officer by a Federal, State, or local government or by any agency of these governments.

2. Terms and Conditions

The officer's tenancy is subject to the following terms and conditions:

- (a) During the time of admission and residence, the officer must remain employed on a full-time basis as a duly licensed professional police officer by a Federal, State, or local government or by any agency of these governments.
- (b) The officer shall pay rent equal to the per unit monthly (PUM) cost of operating the unit. By mutual consent, payment may be given by in-kind services.
- (c) The officer shall attend all regularly scheduled resident meetings. If the officer is unable to attend, he or she shall obtain from the Security Administrator a written statement exempting the officer's absence.
- (d) On a weekly basis, the officer shall discuss security-related issues with the property manager and/or security administrator in person or by telephone.

Failure to comply with any of these terms shall be grounds for termination of the lease.

IV. APPLICATION PROCESS

A. Processing Applications

The WHA will accept and process applications in accordance with applicable HUD regulations.

Applications are accepted during regular business hours at the Service Center at 679 Social St., Woonsocket, RI 02895. Application may either be made in person or forms will be mailed to interested parties upon request. Persons with disabilities who require a reasonable accommodation in completing the application may call the WHA to make special arrangements.

The application process may involve two phases: a preliminary application and full application.

1. Preliminary Application

The preliminary application results in the family's placement on the waiting list. During this first phase, the family provides basic household information and claims any admission preferences to which it may be entitled.

The WHA will stamp the preliminary application with the date and time it was received. WHA will make a preliminary determination of eligibility (background checks, prior residency history, credit and criminal record checks). The WHA will assume that all other facts certified to by the applicant are correct. All such information will be verified further in the application process.

Applicants must report any changes in their status to the Service Center, including family composition, income, or admission preferences. The WHA will annotate the applicant's file. The changes will be confirmed with the family in writing.

Depending upon the length of the waiting list, the WHA may bypass the initial preliminary application and proceed directly to the full application.

2. Full Application

The full application takes place when the applicant nears the top of a waiting list. The family will be asked to come to the WHA for a finalization interview to complete its applicant file. When the completed application is received by the WHA, it will be dated and time stamped. This date will only indicate when the application was received.

The WHA will ensure that verifications of all preferences, eligibility, and selection factors are current in order to determine the family's final eligibility for admission into the public housing program. After all verifications are received and the applicant is deemed eligible, the applicant name is placed on the waiting list.

The following items will be verified to determine qualification for admission to WHA housing:

- Family composition and type (elderly, disabled, near-elderly, non-elderly);
- Annual income;
- Assets and asset income;
- Deductions from income;
- Admission preferences;
- Social Security numbers of all family members;
- Applicant screening information; and
- Citizenship or eligible immigration status.

Applicants who fail to attend their scheduled interview or who cannot be contacted to schedule an interview will have their applications automatically withdrawn, subject to reasonable accommodations for people with disabilities. Generally, no more than one (1) opportunity will be given to reschedule without good cause.

If the family is determined eligible after verification of information and screening factors, the date and time of eligibility determination will be noted in the applicant's file.

3. Family Cooperation

The head of household, spouse, and all adult family members will be required to sign one (1) or more consent forms throughout the pre-application and full application processes. The purpose of these forms is to authorize HUD or the WHA to obtain information from various sources to complete and/or verify the family's application. If the head of household, spouse or any adult family member does not sign a required consent form for any reason, the family's application for admission will be denied.

Failure by any family member to comply with reasonable requests for documentation, consent, or information will result in the denial of the family's application.

V. VERIFICATION PROCESS

A. Purpose of Verification

The WHA is required to verify factors that affect applicants' and residents' determination of eligibility and level of assistance. Prior to admission, the WHA will verify the accuracy and completeness of information related to admission preferences, eligibility, screening, and level of benefits. Items related to eligibility for continued occupancy and rent determination shall also be periodically reviewed and verified. Verification ensures that all information used during admission and occupancy is correct.

1. Information to be Verified

Information to be verified includes but is not limited to:

- Income (included and excluded)
- Assets
- Deductions
- Admission preferences
- Disability status
- Need for a live-in aide or reasonable accommodation
- Employment or student status
- Social Security numbers
- Citizenship/eligible non-citizen status

2. Family Obligations

Applicants must cooperate fully in obtaining or providing the necessary verifications.

Each member of the family of an assistance applicant or participant, who is at least 18 years of age, and each family head and spouse, regardless of age, shall sign one (1) or more consent forms. Consent forms used by the WHA include, but are not limited to:

(a) HUD Form 9886

HUD Form 9886 authorizes HUD and the WHA to obtain third party verification of the following:

- Any income information or materials from State Wage Information Collection Agencies (SWICA)
- Income information obtained from previous or current employers

The HUD Form 9886 authorizes HUD only to obtain third party verification of the following:

- Income information from the Social Security Administration (SSA)
- Income return information from the Internal Revenue Service (IRS)

The HUD Form 9886 may not be used to obtain any other information.

(b) OTHER CONSENT FORMS will be created by the WHA as needed to provide for third party verification of income and assets or conditions.

B. Acceptable Methods of Verification

1. Definition of Verification Methods

(a) Upfront income verification

Upfront income verification (UIV) is the verification of income, before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals.

To prevent fraud and abuse in HUD programs, the United States Code (USC) and Code of Federal Regulations (CFR) allow HUD and public housing agencies to obtain information about applicants and participants to determine their eligibility or level of benefits. Most importantly, the USC authorizes computer-matching agreements of income information.

Types of income that may be verified using upfront income verification are:

- Gross wages and salaries (including overtime pay, commission, fees, tips, bonuses, and other compensation for personal services);
- Unemployment compensation;
- Welfare benefits;
- Social Security benefits (including Federal and State benefits, Black Lung benefits, dual benefits): Social Security and Supplemental Security Income; and
- Other income types (i.e., child support, pensions, etc.) should be verified using UIV techniques if the resources are available.

The WHA may obtain UIV through the following methods:

- Computer matching agreements with a federal, state, or local government agency, or private agency;
- Use of HUD's Tenant Assessment Subsystem (TASS) or Enterprise Income Verification (EIV) System; or
- Submit direct requests for income verifications to a federal, state, or local government agencies or a private agency

(b) Third party verification

Third party verification is used to supplement or complement upfront income verification. It is also used to confirm other (non-income related) applicant/tenant claims.

(i) Written third party verification

Written third party verification is the most acceptable form of documentation to substantiate applicant or resident claims. The verification documents are supplied directly to the independent source by the WHA and must be returned directly to the WHA from the independent source.

Third party written verification may include reports or other documents generated automatically or upon request from the WHA by government agencies, employers, former landlords, caseworkers, references, etc.

(ii) Third party oral verification

If attempts to obtain third party written verification are unsuccessful, the WHA may use third party oral verifications by contacting the independent source(s) via telephone or in-person visit. The WHA will document in the applicant/tenant's file the date and time of the conversation, the name and telephone number of the person contacted, and the confirmed verified information.

This verification method is used in the event that the independent source does not respond to the WHA faxed, mailed, or emailed request for information in a reasonable time frame.

(iii) Document review

When the WHA is unable to obtain upfront income verification or third party written or oral verification, the WHA will review original documents provided by the applicant/tenant in support of his/her claim. This verification method can only be used as the sole source of income verification when third party verification cannot be obtained within a period of four (4) weeks.

When the WHA uses applicant/tenant-provided documents as verification, the WHA will document in the case file why third party verification was not available.

In support of the applicant/tenant's declaration, the WHA may review original (authentic) documents provided by the applicant/tenant. All documents should be dated within the last 60 days of the interview. The WHA will make a photocopy of the original document(s) and maintain the copy in the participant case file. The WHA will also document in the case file the receipt, copy, and review of the original document.

The following are acceptable participant-provided documentation:

- Consecutive and original pay stubs
- Social Security Administration award letter
- Bank statements
- Pension benefit statements
- Temporary Assistance to Needy Families (TANF) award letter
- Other official and authentic documents from a Federal, State, or local agency

(c) Self-Certification

If no other form of verification is available, self-certification may be used as a last resort to verify information. The applicant/tenant must submit an affidavit or notarized statement.

When the WHA utilizes applicant/tenant certification, the WHA will document in the case file why third party verification was not available.

2. Documentation of Verification

Verification will be properly documented in the tenant's file, which may include third party written verification, notes from telephone conversations with third parties, photocopies of documents provided by the family, and applicant self-certifications.

Verification information must be dated within 90 days of certification or reexamination.

3. Frequency of Obtaining Verification

For each family member, citizenship/eligibility non-citizen status will be verified. 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 recertification. Prior to a new member joining the family, their citizenship/eligible non-citizen status will be verified.

For each family member age, verification of Social Security number will be obtained. This verification will be accomplished prior to admission. When a family member who did not have a Social Security number at admission receives a Social Security number, that number will be verified at the next regular recertification.

Each member of the household regardless of age or familial status must have either a valid Social Security Number or an Alternate ID as generated by the HUD PIC system. Each SSN will be verified through the SSA and a report on all invalid SSN's and Duplicate SSN's will be generated monthly by the WHA. This report will be used to contact tenants who appear and will be used to verify the status of the SSN's reported by the members of the household, any tenant failing this data match with the SSA will have to prove that their information is true and correct and submit such proof back to WHA no later than 30 days following notification of invalid or duplicate status.

All other information will be verified annually at the resident's annual reexamination.

When an interim reexamination is conducted, the WHA will verify and update all information related to family circumstances and level of assistance.

C. Verification of Social Security Numbers

Documentation provided directly by the family is generally acceptable for the verification of Social Security numbers.

The standard verification for a Social Security number is an original Social Security card issued by the Social Security Administration (SSA). If a Social Security card is not available, the WHA will accept a letter from the SSA or documentation from other governmental agencies that establishes and states the individual's Social Security number.

An individual who states he/she does not have a Social Security number will be required to sign a statement to this effect.

If a member of an applicant family indicates he/she has a Social Security number but cannot readily verify it, the family member will be issued an alternate ID number until verification is provided, once the verification of the SSN is provided the alternate ID will be replaced in the PIC⁷ system with the valid social security number.

If the individual fails to provide the verification within the time allowed, the lease will be terminated or the application for admission will be rejected.

⁷ PIC is the HUD Public and Indian Housing Information Center

D. Verification of Age and Relationship

Documentation provided directly by the family is generally acceptable for the verification of age and relationship. Acceptable forms of verification include:

- Birth certificates
- State-issued identification cards
- Drivers licenses

E. Verification of Citizenship or Immigrant Status

1. Citizenship

Citizens are permitted to certify to their status by signing a declaration under penalty of perjury of their status as a citizen of the United States.

2. Immigrant Status

Verification of eligible immigration status is carried out pursuant to 24 CFR § 5.5.

- All citizens and nationals are required to sign a declaration of their status under penalty of perjury. They are required to show proof of their status by such means as a Social Security card, birth certificate, military ID, or military DD 214 Form.
- All eligible non-citizens 62 years of age or older are required to sign a declaration under penalty of perjury. They are also required to show proof of age.
- All eligible non-citizens must sign a declaration of their status and verification consent form and provide their original Immigration and Naturalization Service (INS) documentation. A copy of the individual's INS documentation will be placed in the family's file. The WHA will also verify their status through the INS Systematic Alien Verification for Entitlements (SAVE) system. If the INS SAVE system cannot confirm eligibility, the WHA will mail a request to the INS to obtain manual verification.

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

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

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

If the WHA determines a family member has knowingly permitted an ineligible non-citizen (other than an ineligible non-citizen listed on the lease) to permanently reside in his/her public housing unit, the lease will be terminated. Such family will not be eligible to be admitted to public housing for a period of 24 months from the date of lease termination.

3. Aliens not lawfully present in the United States

Per Section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the WHA is required to notify the INS of any alien the WHA "knows" is not lawfully present in the United States.

(a) *Definition:* The WHA will know that an alien is not lawfully present in the United States only when:

- The unlawful presence is a "finding of fact" that is made by the WHA as part of a formal determination that is subject to administrative review on an alien's claim for assistance; and
- There is receipt by the WHA of a determination from the INS, such as a Final Order of Deportation, supporting the WHA finding of fact on the alien's unlawful presence

If an alien admits to unlawful presence or there is other evidence to that effect, upon which the WHA makes a finding that the alien is unlawfully present, and that finding is a basis of the WHA denial of assistance, either at the time of application or recertification, then the WHA has made a "finding of fact."

However, such a finding of fact is not a sufficient basis for the WHA to report such alien to the INS unless there is supporting documentation from the INS or the Executive Office of Immigration Review that the alien is unlawfully present. A SAVE response showing no INS record on an alien, or an immigration status making the alien ineligible for assistance, is not a finding of fact that the individual is not lawfully present.

(b) *Reporting:* The WHA shall only report "known" not "suspected" unlawfully present aliens to the INS. Within 45 days of the close of the calendar year quarter, the WHA will report the name, address, and any other identifying factors in the WHA possession regarding the alien unlawfully present in the United States. This report will be sent to: Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW, Room 4024, Washington, DC 20536, Attn: INS No. 2070-00.

F. Verification of Income

The WHA will attempt to ensure that all available resources, including upfront income verification techniques, are used to obtain verification of applicant/tenant income.

Upfront income verification is the preferred method of income verification. When the WHA is unable to obtain upfront income verification after a period of ten (10) business days, third party verification will be acceptable. If third party verification is not available, the WHA will document in the case file the reason why it was not available.

The following guidelines are used by the WHA to verify various types of income:

1. Wages/Salaries

Upfront income verification:

- Use of computer matching agreements with a State Wage Information Collection Agency (SWICA) to obtain wage information electronically, by mail or fax, or in person
- Agreements with private vendor agencies to obtain wage and salary information

Written third party verification:

- The WHA mails, faxes, or emails a verification form directly to the independent sources to obtain wage information

Oral third party verification:

- In the event the independent source does not respond to the WHA written request for information, the WHA may contact the independent source by telephone or make an in-person visit to obtain the requested information.

Document review:

- When neither form of third party verification can be obtained, the WHA may accept original documents such as consecutive pay stubs, W-2 forms, etc.

Tenant declaration:

- The WHA may accept a notarized statement or affidavit from the applicant/tenant that declares the family's total annual income from earnings.
- The WHA will obtain the following information about the applicant/tenant's employment whenever possible: start date, termination date, pay frequency, pay rate, anticipated pay increases in the next 12 months, year-to-date earnings, bonuses, overtime, company name, address, and telephone number, and the name and position of the person completing the verification.

2. Self-Employment Income

Upfront income verification:

- Not available

Written third party verification:

- The WHA mails or faxes a verification form directly to the sources identified by the family to obtain income information.

Oral third party verification:

- The WHA may call the source to verify the information.

Document review:

- The WHA may accept any documents (i.e. tax returns, invoices, and letters from customers) provided by the applicant/tenant to verify self-employment income.

Tenant declaration:

- The WHA may accept a notarized statement or affidavit from the applicant/tenant that declares the family's total annual income from self-employment. The declaration includes a perjury statement.

3. Social Security Benefits

Upfront income verification:

- Per Notice PIH 2004-18, for current residents and household members, all public housing authorities are required to use HUD's Tenant Assessment Subsystem (TASS) or Enterprise Income Verification (EIV) System to verify Social Security/Social Security Income benefits of current participants and household members.
- Upfront income verification is unavailable for applicants.

Written third party verification:

- Not available: The SSA will no longer furnish verification via telephone, mail, or fax.

Oral third party verification:

- Not available: The SSA will no longer furnish verification via telephone, mail, or fax.

Document review:

- For applicants, and for current participants for whom current benefit information is unavailable through TASS or EIV System, the WHA requests an original SSA verification letter for each household member that receives Social Security benefits. The letter must be dated within the last 90 days. The applicant/resident may request a SSA benefit verification letter by calling the SSA at 1-800-772-1213 or visiting the website at www.ssa.gov. The WHA will make a photocopy of the letter for the file and return the original to the applicant/resident.
- In the event that third party verification is not available, the WHA will document in the applicant/resident file why third party verification was not available. Below are some examples of acceptable file documentation:
 - New admission, information not available in TASS
 - New tenant, information not available in TASS
 - Current tenant, information not available in TASS due to change in re-examination date
 - Current tenant, information not available in TASS due to discrepancy with name, date of birth, or social security number in SSA file
 - Current tenant, information not available in TASS, reason unknown

Tenant declaration:

- Not available.

4. Welfare Benefits

Written third party verification:

- The WHA mails, faxes, or emails a verification form directly to the Department of Human Services to obtain welfare benefit information

Oral third party verification:

- The WHA may call the Department of Human Services to obtain current benefit amount.

Document review:

- The WHA may review an original award notice or printout from the Department of Human Services.

Tenant declaration:

- The WHA may accept a notarized statement or affidavit from the applicant/tenant that declares monthly welfare benefits.

5. Child Support

Upfront income verification:

- Use of agreement with the local Child Support Enforcement Agency to obtain current child support amount and payment status electronically, by mail or fax, or in person. Applicant/Resident must supply PIN number and claim number.

Oral third party verification:

- The WHA may call the local Child Support Enforcement Agency or child support payer to obtain current child support amount and payment status.

Document review:

- The WHA may review an original court order, notice, or printout from the local Child Support Enforcement Agency provided by the applicant/tenant to verify current child support amount and payment status.

Tenant declaration:

- The WHA may accept a notarized statement or affidavit from the applicant/tenant that declares current child support amount and payment status.

6. Unemployment Benefits

Upfront income verification:

- Use of HUD systems such as EIV, when available

Written third party verification:

- The WHA mails, faxes, or emails a verification form directly to the State Wage Information Collection Agency (SWICA) to obtain unemployment compensation

Oral third party verification:

- The WHA may call the State Wage Information Collection Agency (SWICA) to obtain current benefit amount

Document review:

- The WHA may review an original benefit notice or unemployment check stub, or printout from the State Wage Information Collection Agency (SWICA) provided by the applicant/tenant.

Tenant declaration:

- The WHA may accept a notarized statement or affidavit from the applicant/tenant that declares unemployment benefits.

7. Pensions

Upfront income verification:

- Use of computer matching agreements with a Federal, State, or local government agency to obtain pension information electronically, by mail or fax, or in person

Written third party verification:

- The WHA mails, faxes, or emails a verification form directly to the pension provider to obtain pension information

Oral third party verification:

- The WHA may call the pension provider to obtain current benefit amount

Document review:

- The WHA may review an original benefit notice from the pension provider provided by the applicant/tenant.

Tenant declaration:

- The WHA may accept a notarized statement or affidavit from the applicant/tenant that declares monthly pension amounts

8. Assets

Upfront income verification:

- Use of cooperative agreements with sources to obtain asset and asset income information electronically, by mail or fax, or in person

Written third party verification:

- The WHA mails, faxes, or emails a verification form directly to the source to obtain asset and asset income verification

Oral third party verification:

- The WHA may call the source to obtain asset and asset income information

Document review:

- The WHA may review original documents provided by the applicant/tenant

Tenant declaration:

- The WHA may accept a notarized statement or affidavit from the applicant/tenant that declares assets and asset income

9. Verification of zero income

Applicants reporting zero (0) income will be asked to complete a family expense form to document how much they spend on food, transportation, health care, child care, debts, household items, etc. and what the source of income is for these expenses.

G. Verification of Mandatory Deductions

In determining adjusted income, in accordance with 24 CFR §5.611(a), the WHA is required to deduct the following amounts from annual income:

- \$480 for each dependent;
- \$400 for any elderly or disabled family;
- Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education
- The sum of the following, to the extent that the sum exceeds 3% of annual income:
 - Unreimbursed medical expenses of any elderly family or disabled family; and
 - Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. (This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus.)

1. Dependent deduction

A dependent is defined as 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. A full-time student is a person attending school or vocational training on a full-time basis. The school or vocational training center defines full-time status.

To verify a family member's eligibility for the dependent deduction, the WHA will obtain a copy of each family member's birth certificate, social security card, and/or appropriate documentation to verify the name, sex, social security number, date of birth, disability, and relationship to the head of household. Each family member who is under 18, or who has a disability, or is over the age of 18 and a full-time student, is entitled to the \$480 dependent deduction.

The WHA uses third party verification (upon consent by the family member) to verify full-time student status. Documentation may include a current enrollment status letter, which includes the school's name and address, dates of enrollment and total number of classes or credits attempted in a given quarter/semester, current school transcript, most recent grade report, etc. The WHA mails verification requests directly to the school and receives the completed verification directly from the school.

2. Disabled family deduction

A disabled family is defined as a family whose head, spouse, or sole member is a person with disabilities. It may include two (2) or more persons with disabilities living together, or one (1) or more persons with disabilities living with one (1) or more live-in aides.

A person with disabilities is defined as a person who

- has a disability, as defined in 42 USC 423;
- is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that
 - is expected to be of a long-continued and indefinite duration;
 - substantially impedes his or her ability to live independently; and
 - is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- has a developmental disability as defined in 42 USC 6001.

If the head, spouse, or sole member is receiving disability benefits from the SSA, the family member is disabled. The WHA will verify payment of SSA disability benefits to the family member as described in Chapter IV Section F(3) above.

For those individuals with disabilities that do not receive disability payments from the SSA, the WHA will use a disability verification form to document that the applicant/tenant meets the HUD eligibility definition of a person with a disability. The WHA will send the form directly to a qualified professional having knowledge of the person's disability, who can verify the person's status. The WHA will also accept doctor statements, but such statements must meet the disability definition requirements as outlined in USC Title 42, Chapter 7, Subchapter II, Section 423.

If the household is classified as a disabled family and an elderly family, the household is entitled to only one \$400 deduction.

3. Elderly family deduction

An elderly family is defined as a family whose head, spouse, or sole member is a person who is at least 62 years of age.

The WHA maintains a copy of each family member's birth certificate and social security card to verify the name, sex, SSN, date of birth, and relationship to the head. If the head, spouse, or sole member is at least 62 years of age, then the family is eligible for the elderly family deduction. If the household is classified as an elderly family and a disabled family, the household is entitled to only one \$400 deduction.

4. Childcare expense deduction

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

Determining a family's eligible for the childcare expense deduction is a two-step process:

- First the WHA must verify that the incurred childcare expense enables a family member to actively seek employment, to be gainfully employed, or to further his/her education.
 - For family members that are gainfully employed, the WHA will use the employment verification to confirm the family's eligibility for the childcare expense deduction.
 - Typically, adequate verification of a family member actively seeking work may consist of written or oral third party verification from a local or state government agency that governs work-related activities. In the event that third party verification is not available, the WHA may rely on applicant/tenant provided documents along with a notarized statement that indicates their efforts to seek employment.
- Second, the WHA must verify that the incurred childcare expense is for a child (or children) under the age of thirteen.

The WHA will inquire about childcare expenses that may be incurred for before-school care and for after-school care and during the summer months. The WHA may not choose the type of childcare to be provided for the head of household's children. The WHA may not refuse to give a family the childcare expense deduction because there is an adult family member in the household that may be available to provide childcare.

Childcare expenses for a disabled family member who is 13 years of age or older are not deductible childcare expenses. However, the childcare expenses may be an allowable disability expense deduction.

5. Medical expense deduction

Disabled or elderly families are entitled to a deduction for unreimbursed medical expenses. The allowable medical expense is that portion that exceeds three percent (3%) of annual income.

The medical expense deduction is permitted only for households in which the head or spouse is at least 62 years of age or disabled. A disabled family is defined as a family whose head, spouse, or sole member is a person with disabilities. It may include two (2) or more persons with disabilities living together, or one (1) or more persons with disabilities living with one (1) or more live-in aides. An elderly family is defined as a family whose head, spouse, or sole member is a person who is at least 62 years of age.

Medical expenses are defined as the costs of diagnosis, cure, mitigation, treatment, or prevention of disease, and the costs for treatments affecting any part or function of the body. The medical care expenses must be primarily to alleviate or prevent a physical or mental defect or illness.

Medical expenses include dental expenses. Medical expenses do not include expenses that are merely beneficial to general health, such as vitamins or a vacation.

Medical expenses include the premiums you pay for insurance that covers the expenses of medical care, and the amounts you pay for transportation to get medical care. Medical expenses also include amounts paid for qualified long-term care services and limited amounts paid for any qualified long-term care insurance contract.

Examples of allowable medical expenses include, but are not limited to:

Acupuncture	Laboratory fees
Artificial limbs	Long term care
Braille books and magazines	Monthly payment on medical bills
Chiropractor	Prescription medicines
Crutches	Nursing home
Dental treatment	Optometrist
Hearing aids	Oxygen
Health insurance premiums	Surgery
Home care	Therapy
Hospital services	Transportation

The WHA will use a verification form to obtain third party verification of unreimbursed medical expenses. In the event the health care provider does not respond to the WHA verification request, the WHA may review tenant-provided documents.

The WHA will review all medical expense documents provided by the family very closely to ensure that the WHA is accurately anticipating regular, ongoing, and anticipated expenses during the coming year. The WHA will be careful not to include medical bills from previous years that were recently paid in full during the current year.

If the household is eligible for the medical expense deduction, the medical expenses of all family members may be counted. If a family has medical expenses and no disability assistance expenses, the allowable medical expense is that portion of total medical expenses that exceeds three percent (3%) of annual income.

The WHA will not include expenses that are reimbursed by insurance or another third party.

When a participant's social security benefit is reduced for Medicare Insurance premiums, the WHA will always use the full gross benefit amount in determining annual income.

6. Disability assistance expense deduction

Families are entitled to a deduction for unreimbursed medical expenses to cover care attendants 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. This deduction may not exceed the earned income received by family members who are 18 years of age or older, and who are able to work because of such attendant care or auxiliary apparatus. The allowable disability assistance expense is that portion that exceeds three percent (3%) of annual income.

Examples of auxiliary apparatus items include, but are not limited to:

- Wheelchairs
- Ramps
- Adaptations to vehicles
- Special equipment to enable a blind person to read or type

These items must be directly related to permitting the disabled person or other family member to work.

7. When a family is eligible for medical and disability assistance expense deductions

If an elderly family or disabled family has both medical expenses and disability assistance expenses, the WHA will ensure that the family's portion that exceeds three percent (3%) of annual income is only applied one time. Since the allowable disability assistance expense is limited by the amount earned by the person that is enabled to work, the allowable disability expense must be calculated before the allowable medical expenses are calculated.

When disability assistance expenses exceed the amount earned by the person who was enabled to work, the allowance for the disability assistance expense is capped at the amount earned by that family member. When the family is also eligible for the medical expense deduction, the 3% is typically exhausted in the first calculation and will not be applied when calculating the allowable medical expense deduction.

When a family's disability assistance expenses are less than the three percent (3%) of annual income, the family will receive no deduction for the disability assistance expense. However, the medical expense deduction will be equal to the amount by which the sum of both disability and medical expenses exceed three percent (3%) of annual income.

8. Privacy in Verification of Medical/Health-Related Issues

Patient privacy protections part of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) require patients sign a specific authorization before a covered entity could release their medical information to a third party for purposes not related to the patients' health care. Many verification requests will therefore not be completed and returned directly to the WHA. The WHA will then have to rely on applicant/tenant-provided documentation and document in the case file why third party verification was not available.

Note: The WHA is not permitted to inquire about the nature or extent of a person's disability. The WHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the WHA receives a verification document that provides such information, the WHA will not place this information in the tenant file. The WHA will destroy the document. Under no circumstances will the WHA request a participant's medical record(s).

VI. WAITING LIST MANAGEMENT

A. Establishing and Maintaining the Waiting List

1. Definition

The public housing waiting list is comprised of six (6) sub-lists: four (4) separate site-based waiting sub-lists for the high-rise buildings (Crepeau Court, Kennedy Manor, Parkview Manor, and St. Germain Manor), one (1) community-wide sub-list for the family developments (Morin Heights and Veterans Memorial) and one (1) transfer waiting sub-list.

All eligible families can be placed on the community-wide family housing sub-list. Only elderly, near elderly or disabled families may be placed on the site-based high-rise sub-lists.

2. Administration

It is the policy of the WHA to administer its waiting list as required by HUD's regulations and in accordance with the following guidelines:

- (a) Each family's application will be a permanent file in hard copy and/or electronic format. Any contacts between the WHA and the applicant will be documented in the applicant file.
- (b) The waiting list will group applicants according to bedroom size and rank them in order of:
 - preference, *then by*
 - date and time of eligibility determination, and *then by*
 - date and time of application receipt.
- (c) The entire waiting list or portions thereof may be declared closed or open to new applicants by vote of the Board of Commissioners.

In making such a decision, the WHA Board of Commissioners will consider the number of applications on the waiting list for each site, size and type of unit, the number of applicants who qualify for a preference, and the ability of the WHA to house applicants in 12 to 24 months.

For any development/site, unit size, or unit type, if the WHA waiting list or a sub-list has sufficient applications to fill anticipated vacancies for the coming 30 months, the WHA may elect to:

- close the waiting list or any sub-list completely;
- close the waiting list or any sub-list during certain times of the year; or
- restrict intake by preference, type of development / site, or size and type of dwelling.

When the waiting list or a sub-list is closed, the WHA will *not* maintain a list of individuals who wish to be notified when the list is re-opened.

- (d) The WHA will provide 30 calendar days public notice of all decisions to close waiting lists or sub-lists, restrict intake, or re-open waiting lists or sub-lists.

The public notice to open or re-open waiting lists or sub-lists will be published in a local newspaper of general circulation and also by any available minority media in accordance with the WHA Equal Opportunity Housing Plan. The public notice will state where, when, and how to apply as well as any limitations as to who may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program and that such applicants will not lose their place on other waiting lists when they apply for public housing.

This notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

The public notice to close waiting lists or sub-lists will state the date the list(s) will be closed and for what bedroom sizes.

3. Updating the Waiting List

At least annually, the WHA will update each waiting list sub-list by contacting all applicants in writing via first class mail⁸. The correspondence will instruct applicants to respond in the manner prescribed to update their information and/or indicate continued interest in the program.

If the WHA does not receive a response after two (2) written requests, the applicant's name will be removed from the waiting list. At the time of initial intake, the WHA will advise families that they must notify the WHA when their circumstances, mailing address, or phone numbers change. An applicant's name will not be removed from the waiting list except in accordance with Section E below.

4. Change in Admission Preference(s)

A family's situation may change while it is waiting to be housed. An applicant who believes his/her preference qualifications have changed must contact the WHA. The WHA will recertify the applicant's status and adjust his/her place on the waiting list.

If there is a change to the admission preference status while the applicant is on the waiting list, the applicant retains the original date and time of application.

B. Organizing the Waiting List

The WHA waiting list is comprised of six (6) sub-lists: one (1) community-wide list for conventional family housing, four (4) site-based lists for the elderly/disabled buildings, and one (1) transfer waiting list. Applicants may choose to be placed on as many sub-lists as they are eligible for.

⁸ Or, for applicants with disabilities, by the method decided upon at the initial application.

1. Community-wide Sub-List

It is the WHA policy that each applicant for conventional family housing (Morin Heights, Veterans Memorial) shall be assigned an appropriate rank on a single community-wide waiting sub-list in sequence based on:

- type and size of unit needed and selected by the family (e.g. general occupancy building, accessible or non-accessible unit, number of bedrooms); *then by*
- admission preference(s), if any; *then by*
- date and time of eligibility determination; and *then by*
- date and time of application receipt.

2. Site-based Sub-Lists

Applicants for elderly/disabled high-rise buildings may be placed on all four (4) of the site-based waiting lists (Crepeau Court, Kennedy Manor, Parkview Manor, and St. German Manor). Each of these lists is ranked according to:

- type and size of unit needed and selected by the family (e.g. accessible or non-accessible unit, number of bedrooms); *then by*
- admission preference(s), if any; *then by*
- date and time of eligibility determination; and *then by*
- date and time of application receipt.

Although applicants have an opportunity to select the sites for which they wish to receive offers, the waiting list, sub-lists, and unit offers are administered centrally by the WHA Service Center at 679 Social Street.

C. Admission Preference System

Admission preferences are one of the factors that establish the order of placement on the waiting list. Possessing an admission preference does not guarantee admission. Every applicant must still meet the WHA eligibility and screening criteria before being offered a unit.

1. Definition of Admission Preference Categories

The WHA has established six (6) local admission preferences, defined as follows:

(a) *Self-Sufficiency*: To qualify for the self-sufficiency preference:

- The head of household, co-head, or spouse must be currently enrolled in or a recent (less than twelve (12) months) graduate of a job readiness, job training, or educational program. The program must meet the accreditation standards outlined in PIH Administrative Notice 98-2. In general, programs funded by the US Department of Labor or Job Training Partnership Act are acceptable. A verification form must be signed by the program's administrator; or
- The head of household, co-head, or spouse can document employment of at least twenty (20) hours per week for a period of at least one (1) month; or
- An adult household member is participating in an AmeriCorps or other national service program. Proof of participation must be provided; or

- Heads of household over 62 years of age or with a disability will be automatically granted the self-sufficiency preference.

(b) *Military Service:* To qualify for the military service preference:

- The head of household, co-head, or spouse must be a current United States serviceperson, defined as an active member of a branch of the United States military, including the reserves or National Guard, and has served for at least 180 days; or
- The head of household, co-head, or spouse must be a veteran who has been honorably discharged from a branch of the United States military, including the reserves or National Guard. A Department of Defense Form 214 (DD-214) is required; or
- Surviving spouses of an honorably discharged veteran are also eligible for the military service admission preference. A Department of Defense Form 214 (DD-214) is required for verification.

(c) *Displacement:* To qualify for the displacement admission preference:

- The family has been displaced or is at risk of displacement due to the non-accessibility of a unit. Verification of mobility impairment and a confirmatory site visit is required.
Site visits will not be conducted outside of a seventy-five (75) mile radius of the WHA main office.
- The family has been displaced or is at risk of displacement due to a severe medical emergency for which lack of suitable housing is a contributing factor. Medical documentation from a primary care physician is required. The WHA reserves the right to obtain a second medical opinion (at the WHA expense) if necessary.
- The family has been displaced or is at risk of displacement by a natural or man-made disaster (*such as, but not limited to, fire, flood, hurricane, or tornado*) or *Federal, State, or local* government action.
- The family has been displaced or is at risk of displacement due to domestic violence. A restraining order or evidence of a shelter stay must be provided.
- The family has been displaced or is at risk of displacement due to having been a victim of a hate crime or having provided information on criminal activities to a law enforcement agency. A recommendation from a law enforcement agency to re-house the family to reduce the risk of violence against the family is necessary.
- The family has been displaced or is at risk of displacement due to an action by a housing owner which is beyond the applicant's ability to control (other than a rent increase). An applicant is eligible for this preference if s/he has to vacate his/her housing unit due to the conversion of the unit into non-rental housing, the closure of the unit for rehabilitation, the sale of the unit under an agreement that it be vacant when possession is transferred, or the notice that the unit must be vacated because the owner wants it for personal/family use.

(d) *Residency*

Households who live, work, or have been hired to work in the City of Woonsocket qualify. For those individuals and families who have been displaced by any of the conditions described above, residence shall be defined as the most recent permanent residence.

(e) *Law Enforcement* (conventional family housing only)

To qualify, the head of household, co-head, or spouse must presently be a full-time, duly licensed Police Officer who has been employed in said capacity for a period of at least six (6) months.

(f) *High Rent: Applicants paying more than 50% of income for rent*

The head or co-head of the household is the leaseholder of an apartment and has been living in the apartment for longer than six (6) months and is paying more than 50% of the family's current income for rent. Verification of this preference is rent receipts or information obtained from the landlord in the landlord report and verification of income.

(g) *Disabled Veterans* (conventional elderly/disabled housing only)

In accordance with section 45-25-18.10 of Rhode Island General Law, individuals who were disabled while serving in the military or naval service of the United States during any conflict or war, whether declared or undeclared, and who were honorably discharged will be given preference in housing designed for the elderly.

2. Applying Admission Preferences

Preferences are granted to applicants who are otherwise qualified and who, at the time of the unit offer prior to execution of a lease, meet the definitions of the admission preferences described above. Families that qualify for none of these admission preferences are given zero (0) points and categorized as No-Preference families.

Applicants will be given one (1) point per admission preference category when qualifying for the following preferences:

- Self-Sufficiency
- Military Service
- Displacement
- Residency
- Law Enforcement (conventional family housing only)

(For example, a family with an employed head of household and co-head enrolled in job training obtains one point. A family with an employed head of household who is also an honorably discharged veteran obtains two points.)

Applicants will be given one (2) points per admission preference category when qualifying for the following preferences:

- High Rent

Applicants will be given four (4) points for qualifying when qualifying for the following admission preference:

- Disabled Veterans (conventional elderly/disabled housing only)

Therefore, the maximum number of points a household can possess in the conventional *family* housing is seven (7). The maximum number of preference points a household can possess in the conventional elderly/disabled (High rise) is ten (10).

For applicants with equal admission preference points, the date and time of eligibility determination, followed by date and time of application receipt (if necessary), is utilized to determine sequence on the waiting list.

The WHA will neither hold units vacant for applicants with preferences nor relax eligibility or screening criteria to admit otherwise unqualified applicants with admission preferences.

3. Administration of Preferences

Preferences will be verified at the time of pre-application (in order to accurately rank applicants on the waiting list) and full application (which results in admission to the program). Verifying admission preferences is one of the earliest steps in processing applicants for admission. Admission preference verifications shall be no more than 120 days old at the time of certification for admission.

If the WHA cannot verify an applicant's current preference status at the time of certification for admission, he/she will be returned to the appropriate spot on the waiting list.

The WHA will notify the family in writing of this determination and give the family the opportunity for an informal review.

4. Notice and Opportunity for a Review

If the WHA rejects an applicant's claim to an admission preference, the applicant can utilize the WHA Grievance Procedure described in Chapter XVI.

The applicant will receive a written notice from the WHA containing a brief statement of the reasons for the determination and the applicant's right to a review. If the applicant fails to respond in the prescribed manner and timeframe, he/she will have forfeited his/her right to a review of the determination.

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

D. Other Selection Factors

There are factors other than admission preferences that affect the selection of applicants from the waiting list.

When a unit becomes available, the WHA matches the characteristics of the unit to the applicants on the waiting list. The unit size, accessibility features, or type of project may limit the admission of families to households whose characteristics "match" the available unit. By matching unit and family characteristics, families lower on the waiting list may receive an offer of housing before families with an earlier date and time of application or families with a higher admission preference.

1. Accessibility Priority

When selecting a family for a unit with accessible features, the WHA will give priority to families that include persons with disabilities who can benefit from the unit's features. First priority is given to existing tenants seeking a transfer and second priority is given to applicant families.

If no family needing accessible features can be found for a unit with such features, the WHA will house a family not needing the unit features. However, a non-disabled family in an accessible unit will be required to move for a family in need of the unit's features.

2. Designated Housing Plan

The WHA has designed 85 percent of the non-wheelchair units at Crepeau Court, Kennedy Manor, Parkview Manor, and St. German Manor for elderly families. No specific units have been set aside; rather, the WHA will maintain the 85 percent target through unit turnover and tenant selection.

According to the WHA Designated Housing Plan, when it is necessary to maintain the 85 percent, available units will be offered first to elders (62 and older), then near-elders (50 and older), and then non-elders. This may mean an elderly or near-elderly family receives a unit offer before non-elderly, disabled families eligible for housing at those properties.

3. Income Targeting

The WHA shall follow the statutory requirement that at least 40 percent of newly admitted families in any fiscal year be families whose annual income is at or below 30 percent of the area median income. Quarterly, the WHA monitors the incomes of newly admitted families and the incomes of the families on the waiting list.

The WHA will perform income targeting as needed to meet that requirement. If it appears that the requirement to house extremely low-income families will not be met, the WHA will skip higher income families on the waiting list to meet the requirement for extremely low-income families.

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

4. Tenant Transfers

The WHA will also offer units to existing residents on the transfer list. Some types of transfers are processed before new admissions and some types of transfers are processed with new admissions (see Chapter IX of this policy).

E. Removing Applicants from the Waiting List

To ensure vacant units are filled in a timely manner, the WHA needs a waiting list that is accurate.

1. Family Responsibility

Each applicant family is responsible for keeping the WHA apprised of changes in its address, phone number, income or other circumstances. The applicant's file will be updated accordingly. All changes will be verified with the applicant in writing.

2. Reasons for Removal

No applicant shall be removed from the waiting list except for one of the following reasons:

- The applicant receives and accepts an offer of housing; *or*
- The applicant requests that his/her name be withdrawn from the waiting list; *or*
- The applicant is rejected, either because he/she is ineligible for public housing at the time of certification, or because he/she fails to meet the applicant selection criteria⁹; *or*
- The WHA attempted to contact the applicant and was unable to do so.

3. Removal Procedure

In attempting to contact an applicant, the following methods are undertaken before an application is withdrawn:

- The applicant is sent a letter by first class mail¹⁰ to the applicant's last known address, asking the applicant to contact the WHA either by return mail or in person, bringing in proof of identity;
- When ten (10) working days have elapsed from the date when the WHA mails the letter, if there is no response from the applicant, the applicant is removed;
- If an applicant contacts the WHA as required within any of the deadlines stated above, he/she remains on the waiting list;
- When the WHA is unable to contact an applicant by first class mail to schedule a meeting or interview or to make a unit offer, the WHA shall suspend processing of that application until the applicant is either withdrawn (no contact by the applicant) or reinstated (contact by the applicant within the stated deadlines). While an application is suspended, applications next in sequence will be processed.

⁹ All rejected applicants are entitled to a complete explanation of the reason for their rejection and an informal hearing at which they may present reasons why they should not be rejected. See the Procedure on Informal Hearings for Rejected Applicants.

¹⁰ Except that PHA shall contact persons with disabilities according to the methods such individuals have previously designated. Such methods of contact could include verbal or in-person contact or contacting relatives, friends or advocates rather than the person with disabilities.

4. Notification of Removal

An applicant whose name is being removed will receive written notice. The notice will include the reason(s) for the removal and state the applicant's right to present mitigating circumstances or request an informal review, in accordance with the WHA Grievance Procedure. If the applicant fails to respond within the timeframe specified on the letter, his/her name will be removed from the waiting list.

The WHA system of removing applicant's from the waiting list will not violate the rights of persons with disabilities. If an applicant claims his/her failure to respond to a request for information was caused by a disability, the WHA will verify the presence of a disability and the relevance of the disability to the applicant's failure to respond and provide a reasonable accommodation if appropriate.

Families whose applications are withdrawn or rejected must reapply for housing when the waiting list is open. Families whose applications were rejected may not reapply for 12 months from the date of the rejection.

VII. TENANT SELECTION AND ASSIGNMENT PLAN

A. Occupancy Standards and Guidelines

1. Occupancy Standards

Units shall be occupied by families of the appropriate size. This policy maintains the usefulness of the units, while preserving them from excessive wear and tear or under-utilization.

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

Number of Bedrooms	Min Persons/Unit	Max Persons/Unit
0BR	1	1
1BR	1	2
2BR	2	4
3BR	3	6
4BR	4	8
5BR	5	10

2. Guidelines

The following principles govern the size of unit for which a family will qualify.

- (a) Generally, two (2) people are expected to share each bedroom, except that units will be so assigned that:
- It will not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom, although they may do so at the request of the family.
 - Exceptions to the largest permissible unit size may be made in case of reasonable accommodations for a person with disabilities. The family must provide evidence of a "verified medical need" to be housed in a larger unit.
 - Two children of the opposite sex will not be required to share a bedroom, although they may do so at the request of the family.
 - In determining unit size, the WHA will consider the presence of children to be born to a pregnant woman, who are in the process of being adopted, whose custody is being obtained, who are temporarily away at school, or who are temporarily in foster care.
 - A single head of household parent shall not be required to share a bedroom with his/her child, although they may do so at the request of the family.
 - A live-in attendant may be assigned a bedroom. Single elderly or disabled residents with live-in attendants will be assigned one (1) or two (2) bedroom units.
 - Efficiency apartments will be occupied by persons who prefer efficiencies to one (1) bedroom units.
- (b) Generally, the Local Housing Code of two (2) persons per bedroom will be the standard for the smallest unit a family may be offered. Alternative occupancy standards may be established for individual housing units with very small or very large bedrooms or other specific situations that inhibit or encourage lower or higher levels of occupancy. These occupancy levels will not discriminate on the basis of familial status.

- (c) The largest unit size that a family may be offered would provide no more than one (1) bedroom per family member, taking into account family size and composition.
- (d) When a family applies for housing and when the waiting list is updated, some families will qualify for more than one unit size. These applicants will be placed on the unit size waiting sub-list of their choosing.
- (e) When a family is actually offered a unit, if it no longer qualifies for the unit size where it was categorized, it will be moved to the appropriate unit size category, retaining preferences and date and time of eligibility, and date of time of application. This may mean that the family may have to wait longer for a unit offer.
- (f) The WHA shall change the family's unit size at any time at the family's request.
- (g) If a family opts for a smaller unit size than would normally be assigned under the occupancy standards (for example, the list is moving faster), the family will be required to sign a statement agreeing to occupy the unit assigned at its request until family size or circumstances change.
- (h) A family may be housed in a larger unit than it qualifies for if there are no families on the waiting list for the larger size unit. The family must sign a statement that it will transfer (at the family's own expense) to the appropriate size unit when an eligible applicant family qualifies for the larger unit. The transferring family will be given a 30-day notice before being required to move.
- (i) Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

B. Unit Offers

In offering housing units to applicants, the WHA will assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, national origin, disability or familial status.

1. Priority

When a unit becomes available, the WHA will first match the unit to the highest ranking applicant for a unit of that size, type, and special features (if any), taking into account any designated housing or income-targeting obligations (if applicable).

- For a unit with accessible features, the WHA will give preference to families that include a person with disabilities who can benefit from the unit's features.
- Preferences will be a factor in most admissions by determining the order of applicant selection from the waiting list. There may be instances (e.g. a unit with accessible features is ready and no applicant in the targeted preference group needs the features) when the WHA will make an offer to an applicant who does not qualify for a preference.

If two (2) applicants need the same type and size of unit and have the same preference status, the applicant with the earlier date and time of eligibility determination will receive the earliest offer.

2. Notification

The WHA will attempt to contact the family by telephone¹¹ to offer the unit.

If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given two (2) business days from the date the notice was mailed to respond. If the family does not respond within the timeframe, it will be removed from the waiting sub-list.

The family will be offered the opportunity to view the unit. After viewing the unit, the family will have one (1) business day to accept or reject the unit. If the offer of a unit is preliminarily accepted by the applicant, the Authority will contact the applicant to set up a date to show the unit.

If the family accepts the unit offer, the family must pay a security deposit, equal to the greater of the total tenant payment or \$50.00, and the pro rata rent (the daily rent due through the end of the month) by certified check or money order within one (1) business day of viewing the unit. The WHA and family will execute a lease. The lease will become effective no later than three (3) business days after the date of acceptance or three (3) business days after the day the unit becomes available, whichever is later. No lease will have an effective date before the unit is ready for occupancy.

The offer and the family's decision will be documented in the tenant file. If the family rejects the offer of the unit, the WHA will send the family a letter documenting the offer and rejection. A copy of this letter will be placed in the family's file.

3. Order in which Units are Offered

If more than one (1) unit of the appropriate size and type is available, the first unit to be offered will be the unit that is or will be ready for move-in first. "Ready for move-in" means the unit has no Housing Quality Standard deficiencies and is broom clean. If two units are ready for move-in on the same day, the first unit to be offered will be the unit that became vacant first.

4. Number of offers

Family housing sub-list: Applicants on the community-wide, conventional family housing waiting list will be given two (2) unit offers each of which will come from a different development. If an applicant rejects both offers without good cause, as defined in Section C of this chapter, his/her file will be closed.

High-rise sub-list: Applicants on each site-based, elderly/disabled high-rise waiting list will be given one (1) offer per sub-list to which they have applied. If an applicant rejects a unit offer for a without good cause, as defined in Section C of this chapter, his/her file will be closed for that sub-list. The applicant will not lose his/her position on the remaining sub-lists.

C. Good Cause for Applicant Refusal of Unit Offer

The WHA will maintain a record of units offered, including location, date, and circumstances of each offer, and each acceptance or refusal, including the reason for the refusal.

If an applicant is willing to accept the unit offered but is unable to move at the time of the offer and presents clear evidence ("good cause") that acceptance of the offer will result in undue hardship not related to considerations of race, color, sex, religion or national origin, the applicant will not lose his/her

¹¹ Or, for an applicant with a disability, the method of communication designated at the time of application.

position on the waiting list or be otherwise affected. If good cause is verified, the refusal of the offer shall not affect the family's position on the waiting list.

If the family rejects a unit offer (for the second time in the case of conventional family housing) without good cause, the family will be removed from the waiting sub-list.

1. Examples of Good Cause

Examples of "good cause" for refusal of an offer of housing are:

- The unit is not ready for move-in at the time of the offer of housing. "Ready for move-in" means the unit has no Housing Quality Standard deficiencies and is broom clean. If an applicant refuses a unit because it is not ready for move-in, the applicant will be offered the next unit that is ready for move-in;
- Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities¹², so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities;
- The family demonstrates that accepting the offer will place a family member's life, health or safety in jeopardy. The family must provide specific and compelling documentation such as restraining orders, other court orders, or risk assessments from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption;
- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member;
- The unit has lead paint and the family has children under the age of seven; or
- The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

D. Leasing Accessible Units

Before offering a vacant accessible unit to a non-disabled applicant, the WHA will offer such units:

- First, to a current public housing resident having a disability that requires the special features of the vacant unit.
- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible/adaptable unit to a non-disabled applicant, the WHA will require the applicant to sign a statement agreeing to move to an available non-accessible unit within 30 days when a current resident or an applicant with a disability needs the unit. This requirement is also reflected in the lease signed with the applicant.

¹² If the applicant has a child participating in such a program.

E. Administering the Applicant and Transfer Waiting Lists

Applications for admission and transfer will be processed centrally. Initial intake, waiting list management, screening, and assigning of housing (including transfers) will be made from the WHA Service Center. Offers may be made in person, in writing, or by telephone. Any tenant requesting a transfer must request it in writing through the management office of the building/development where he/she lives. The request is then reviewed by the Housing Manager and, if approved, forwarded to the main office.

The WHA has five possible types of transfers: Emergency, Administrative - Category 1, Category 2 and Category 3, and Modernization transfers. The definition and priority of each transfer (in relation to admissions) is found in Chapter IX of this policy.

Tenants on the transfer list may refuse transfer offers for the "good cause" reasons cited in Section C above without losing their position on the transfer list.

Tenants who refuse a transfer offer without good cause may be removed from the transfer list. Tenants whose transfers are mandatory and refuse are subject to lease termination.

Tenants may use the WHA Grievance Procedure if they are adversely affected by the WHA refusal to transfer or if the WHA is requiring them to transfer and they do not want to do so.

VIII. LEASING POLICIES

A. General Leasing Policy

All units must be occupied pursuant to a lease that complies with HUD's regulations.

The lease shall be signed by the head of household, spouse, and all members of the household 18 or over, and the Executive Director (or other authorized representative of the WHA) prior to actual admission. The original signed lease will be placed in the tenant's file. The head of household will receive a copy of the lease, the Grievance Procedure, and a request for reasonable accommodation form. The tenant will certify that he/she received these documents and reviewed them with a WHA representative. The certification will be placed in the tenant's file.

1. Change in Resident Status

If at any time during the term of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:

- A new lease agreement will be executed;
- A notice of rent adjustment will be executed; or
- An appropriate rider will be prepared and made a part of the existing lease.

All copies of such riders or insertions are to be dated and signed by the resident and Executive Director or other authorized representative of the WHA.

2. Transfers

Transfers will be made without regard to race, color, national origin, sex, religion, or familial status. Residents can be transferred to accommodate a disability. Residents will not be transferred to a dwelling unit of equal size except to alleviate hardship of the resident or other undesirable conditions as determined by the Executive Director or designee. Whenever feasible, transfers will be made within a resident's area. Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfers or the removal of the household from the transfer list for voluntary transfers.

3. Absences

Residents must advise the WHA if they will be absent from the unit for more than seven (7) days. Residents shall notify the manager, secure the unit, and provide information as to how the WHA may contact the resident in an emergency. Failure to advise the WHA of an extended absence is grounds for termination of the lease.

B. Inspections

There are six (6) types of inspections that may be done on a WHA unit:

1. Move-in inspections

An authorized representative of the WHA and the head of household will inspect the premises prior to signing the lease.

2. Annual and preventative maintenance inspections

To ensure every public housing unit meets the WHA housing standards, each unit is inspected annually. A preventative maintenance inspection is also done annually to keep the unit in good repair.

A WHA representative will check on the condition of the unit's smoke detectors, CO2 detectors, water heaters, furnaces, weatherization, automatic thermostats, and water temperatures. The WHA will provide minor servicing as necessary during the preventative maintenance inspection to maximize the life of the unit and its equipment. Work orders will be submitted and completed to correct any identified deficiencies.

3. Housekeeping inspections

To ensure the resident family is maintaining the unit in a safe and sanitary condition, the WHA will conduct a housekeeping inspection at the time of the annual reexamination or as necessary.

4. Move-out inspections

The WHA inspects each unit after a vacancy to assess the unit's condition and determine responsibility for any needed repairs. This inspection becomes the basis for any claims assessed against the security deposit.

Whenever possible, after a tenant provides notice of intent to move, the WHA will offer to schedule a pre-move-out inspection. This allows the WHA and family to identify problems that, if left uncorrected, could lead to charges. Pre-move-out inspections help reduce tenants' costs and enable the WHA to more quickly ready units for future occupants.

5. Emergency inspections

If any employee and/or agent of the WHA has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice.

6. Special inspections

A special inspection may be scheduled to enable HUD or others to inspect a sample of the living units maintained by the WHA.

For annual, housekeeping, and special inspections, the WHA will give the tenant at least two (2) days written notice. Emergency inspections can be conducted without advance notice. The WHA representative(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.

C. Additions to the Household and Visitors

All persons listed on the most recent certification form and the lease must use the dwelling unit as their sole residence.

Only those persons listed on the most recent certification form and lease shall be permitted to occupy a dwelling unit. Any family seeking to add a new member must request approval in writing before the new member moves in, except for natural births to or adoptions by family members, and court-awarded custody.

1. Pre-admission Screening

The WHA will conduct pre-admission screening of any proposed new adult member to determine whether to grant approval.

Children under the age below which juvenile justice records are made available or added through a formal custody award or kinship care arrangement are exempt from the pre-admission screening process. (The resident still needs prior permission from the WHA to add children other than those born to, adopted by, or awarded by the court to the family.)

Examples of situations where the addition of a family or household member is subject to screening are:

Resident plans to be married and requests to add the new spouse to the lease;

- Resident desires to add a new family member to the lease, add a live-in aide, or take in a foster child(ren) over the age for which juvenile justice records are available;
- A unit is occupied by a remaining family member(s) under age 18 (who is not an emancipated minor) and an adult, not a part of the original household, requests permission to take over as the head of the household.

Residents who fail to notify the WHA of additions to the household within ten (10) calendar days or who permit persons to join the household without undergoing screening are violating the lease. Persons added without WHA approval will be considered unauthorized occupants, and the entire household will be subject to lease termination.

2. Visitors

Visitors may be permitted in a dwelling unit so long as they have no previous history of behavior on WHA premises that would constitute a lease violation.

- Visits of less than three (3) days need not be reported to or approved by the Housing Manager.
- Visits of more than three (3) and less than fourteen (14) days are permitted, provided they are reported to and authorized by the Housing Manager within 72 hours.
- Visits of more than fourteen (14) calendar days shall be authorized only by the Housing Manager with advance documentation of extenuating circumstances.
- Visitors remaining beyond fourteen (14) days without prior approval shall be considered unauthorized occupants and the head of the household shall be guilty of a breach of the lease.

Roomers and lodgers shall not be permitted to move in with any family. Violation of this provision is ground for termination of the lease.

Residents will not be given permission to allow a former resident of the WHA who has been evicted to occupy the unit for any period of time. Violation of this requirement is grounds for termination of the lease.

3. Family Members 18 and Over and Emancipated Minors

Family members over age 18 and over or emancipated minors who move from the dwelling unit to establish new households shall be removed from the lease. The household shall report the move-out within ten (10) calendar days of its occurrence.

To be re-admitted to the unit, these individuals must apply as a lease addition and be processed in the same manner as a new applicant.

Medical hardship or other extenuating circumstances shall be considered by the WHA in making determinations under this paragraph.

D. Pet Policy

"LEASH" BOARD

LEASE ENFORCEMENT of ANIMAL SAFETY in HOUSING

A board of six (6) individuals will be established to review and render appeals regarding denial of pet ownership to residents.

This board, formally called 'LEASH' (LEASE ENFORCEMENT of ANIMAL SAFETY in HOUSING) will be comprised of one (1) Commissioner, two (2) representatives of the Authority recommended by the Executive Director and two (2) representatives recommended by the Resident Advisory Board (RAB) and one (1) other individual who has an affiliation with the proper care and maintenance of animals (e.g. veterinarian, vet technician, etc.) will also be requested to become a member of the Pet Advisory Board.

LEASH will conduct a review of and render decisions on appeals regarding denial of pet ownership to residents, and lease compliance issues regarding pets. Decisions of the Leash Board are appealable to the Board of Tenant Affairs.

LEASH will also meet on an as-needed basis to make findings on written complaints submitted to it by other residents or by Authority personnel concerning ownership, safety, animal neglect or cruelty, maintenance of pets, and violations of any portion of the pet policy by household members. It will also meet to discuss any changes in this Housing Pet Policy.

1. Applicability of Pet Policy

This pet policy shall apply to all residents of the Authority wishing to own and/or maintain a pet in their unit as of September 13, 2012 the effective date of this policy.

Any resident who owns or maintains a pet in any unit must submit an application to the Authority requesting written approval for the pet.

Failure to submit an application or to obtain the Authority's written approval may be grounds for removal of the pet or termination of a resident's tenancy or both.

2. General Guidelines

1. Any resident who wishes to obtain and/or keep a common house-hold pet must first submit a written request for approval with his/her public housing manager and must receive such approval from the Authority.

The Authority reserves the right to check references, such as prior landlords and neighbors, regarding:

- a) the resident's previous pet ownership history, and
- b) the pet's behavioral history.

If the Authority concludes that maintenance of the pet by the resident in an Authority housing unit would, in the Authority's opinion, be inappropriate or ill advised, the Authority will inform the tenant in writing, stating the specific reasons for the denial and information on appealing the denial decision.

Permission to own and keep a specific pet will not be unreasonably withheld.

Residents will have the right to further review of the denial by appealing to the LEASH Board (the "Board").

The Board will conduct a review of and render decisions on appeals regarding denial of pet ownership to residents.

The Board will also meet on an as-needed basis to make findings on written complaints submitted to it by other tenants or by the Authority concerning ownership and/or maintenance of pets by families and to discuss any changes in this Pet Policy.

2. Only common household pets will be approved by the Authority for ownership and maintenance. Common household pets are defined for purposes of the Authority's Pet Policy as follows:

DOGS, CATS, FISH, BIRDS, GERBILS, IGUANAS, HAMSTERS, GUINEA PIGS, RABBITS.

Notwithstanding this list, birds of prey (e.g. eagles, hawks and falcons), pigeons, ferrets, snakes, and spiders of all kinds shall not qualify as common household pets under this policy. The fully mature adult size of dogs is limited to a weight not to exceed 20 pounds. This limitation may be waived at the Authority's option based upon the dog's individual merit.

Regardless of size, dogs of a vicious or aggressive disposition such as pit bulls, Rottweilers, Doberman pinschers, Akitas, Chows, German shepherds, Huskies, Malamutes, or any cross breed of dog (mongrel) that has indications containing the parentage of the aforementioned dogs (e.g. color, markings, shape of eyes, muzzle, etc.) will not be permitted.

Due to the behavioral activities of puppies and kittens, applications for ownership of such young animals shall be more closely reviewed prior to approval.

3. a. No resident, or apartment unit, shall have more than the following at the high-rises:

- one (1) dog or
- two (2) cats or
- two (2) birds or
- one (1) iguana or
- one (1) hamster or
- one (1) gerbil or

- one (1) guinea pig or
- one (1) rabbit or
- two (2) aquariums**

** Aquariums: one, not to exceed twenty (20) gallons in capacity and the other not to exceed ten (10) gallons

b. No resident, or apartment unit, shall have more than the following at the family developments and scattered sites:

- one (1) dog and/or
- one (1) other choice of animal
- two (2) cats*** or
- two (2) birds or
- one (1) iguana or
- one (1) hamster or
- one (1) gerbil or
- one (1) guinea pig or
- one (1) rabbit or
- two (2) aquariums**

** Aquariums: one, not to exceed twenty (20) gallons in capacity and the other not to exceed ten (10) gallons

***Any household at the family developments leased prior to 1/1/2001 may have up to three (3) cats provided they are were registered with the manager by 3/01/2001 and that at the death or removal of any cat in that household, the new rules would then be applicable.

DOG and CAT OWNERS THE FOLLOWING REGULATIONS SHALL APPLY TO ALL DOG and CAT OWNERS

INTERIOR

To prevent placing Authority personnel at risk, dogs must be kept secure in a metal cage whenever no members of the household or family member(s) are home--even for brief periods of time. Dogs must also be caged whenever Authority personnel (e.g. maintenance, management, resident services, etc.) or sub-contractors are working in the unit.

In the case of residents residing in high-rise dwellings, residents are prohibited from allowing their dogs to run freely in any common areas (including hallways) in the building. Dogs and cats must be carried to and from the elevator in a pet carrier. Resident pet owners in high-rise buildings must use only the elevator designated for pets. Service animals (e.g. Seeing Eye Dog) are exempt from this rule.

Residents are prohibited from allowing dogs to disturb neighbors by barking or cats from making loud noises. Residents will be required to muzzle their dogs if complaints are received that the dog is causing a disturbance.

Resident pet owners will not alter their units to create an enclosure for their pet.

EXTERIOR

At no time are residents permitted to tether (tie) a dog outside of households either at front or rear doors or anywhere on property.

Dogs and cats are not allowed to run freely on any Authority property. They must be restrained on a leash at all times. Dogs can be walked only in designated areas (if there is one) or off of Authority property.

It is the responsibility of the pet owner to clean animal waste immediately.

Residents are prohibited from placing dog coops, cages, hutches or pens at either the front or rear yard areas of their units.

The Authority reserves the right to impose fines on residents who disregard the rules and regulations set forth.

All female dogs six months of age or over must be spayed, with proof brought to management office.

All male dogs eight months of age and older must be neutered with proof brought to management office.

All female cats six months of age and older must be spayed with proof brought to management office.

All male cats eight months of age and over must be neutered with proof brought to management office.

All pets shall be inoculated in accordance with state and local laws with proof brought to management office.

All dogs must be licensed, with proof brought to management office.

3. Application for Pet Approval

1. Any resident interested in owning and/or maintaining a common household pet in his/her unit will be required to obtain written approval from the Authority **prior** to housing a pet on the Authority's property.

To obtain approval, a resident must first submit an "APPLICATION FOR PET PERMIT" at the local management office, which will include, among other things, information concerning the size and type of pet intended for ownership by the resident. A copy of the Authority's Pet policy will be provided to the resident. Upon reviewing the rules and regulations the resident will be requested to sign the application, thereby certifying that he/she has received a copy of the Authority's Pet Policy, understands all of his/her rights and responsibilities thereunder, and agrees to abide by all of the rules listed in this Policy and those city ordinances applicable to the ownership and care of a pet.

2. As part of the process for reviewing applications for approval to keep a pet currently being housed, the property manager of the Authority may visit the unit where the pet is located to observe the pet, the quarters in which it is kept, and the condition of the unit. (The manager may make a decision to approve based upon prior inspections.)

3. If the manager concludes that based upon the history of the resident, including but not limited to previous inspections, complaints from other residents, neglect of unit, etc.) granting permission is not warranted, the Authority will give written notice to deny request, the reason for denial, and information on obtaining a hearing with the LEASH Board.

If the Authority concludes that approval of the "Application for Pet Permit" is warranted, the Authority will issue the resident a written conditional approval, authorizing the housing of a specific pet, conditional on the Authority's receipt of the following documentation within sixty (60) days of the issuance of the written approval:

- a. COLOR PHOTO OF PET WITH WRITTEN DESCRIPTION AND NAME
- b. VETERINARIAN'S NAME, ADDRESS, AND TELEPHONE NUMBER
- c. CERTIFICATES OF SPAYING/NEUTERING; DOCUMENTATION OF INOCULATIONS FROM VETERINARIAN.
- d. DOG LICENSING CERTIFICATES IN ACCORDANCE WITH STATE AND LOCAL LAWS.
- e. NAME, ADDRESS AND PHONE NUMBER OF A PRIMARY CARETAKER WHO WILL ASSUME IMMEDIATE RESPONSIBILITY FOR THE PET SHOULD THE OWNER BECOME INCAPACITATED OR NOT IMMEDIATELY AVAILABLE IN CASE OF AN EMERGENCY.

NAME, ADDRESS AND PHONE NUMBER OF AN ALTERNATE CARETAKER WHO WILL ASSUME IMMEDIATE RESPONSIBILITY SHOULD THE PRIMARY CARETAKER BE UNAVAILABLE.

THE CARETAKERS MUST PROVIDE WRITTEN VERIFICATION
ACKNOWLEDGING THEIR WILLINGNESS TO ASSUME RESPONSIBILITY
FOR THE PET AND WILL COMPLY WITH THE GUIDELINES ESTABLISHED IN
THIS PET POLICY

- f. A PET RIDER OR ADDENDUM EXECUTED BY THE RESIDENT TO THE
RESIDENT'S CURRENT LEASE

Where the Authority finds that it is impractical to observe the pet in question prior to issuance of a written conditional approval, the Authority may condition such approval upon a later home visit to ascertain that the pet is being kept in accordance with this Pet Policy.

4. Family Developments:

- a. At the family developments, a refundable pet deposit for a dog not to exceed \$300 is required. *
- b. At the family developments, for up to two cats*, the pet deposit is not to exceed \$50*. The resident pet owner will not be required to pay the entire deposit before housing a pet, but must pay at least \$10 prior to the Authority's issuance of a written conditional approval, with the remainder of the deposit paid in monthly increments pursuant to a written schedule payment plan.
- c. At the family developments, there will be no pet deposit for fish, birds, or other small animals approved at the Authority's discretion.

* At no time shall the security deposit for rent and the pet deposit together exceed one month's periodic rent as defined by state law.

High-Rises:

- a. At the high-rises, a pet deposit for a dog not to exceed \$50 is required.*
- b. At the high-rises, for up to two cats, the pet deposit is not to exceed \$50.*
- c. The resident pet owner will not be required to pay the entire deposit before housing a pet, but must pay at least \$10 prior to the Authority's issuance of a written conditional approval, with the remainder of the deposit paid in monthly increments pursuant to a written schedule payment plan.
- d. At the high-rises, there will be no pet deposit for fish, birds, or other small animals approved at the Authority's discretion.

* At no time shall the security deposit for rent and the pet deposit together exceed one month's periodic rent as defined by state law.

4. Resident's Responsibilities

1. Resident is responsible for notifying the Authority in writing of any change in the information initially provided in the "Application for Pet Permit" and the verifying documentation submitted to the Authority as a condition of its approval.

In particular, residents must submit to the Authority on an annual basis written verification of compliance with all applicable spaying, neutering, inoculation, and registration requirements.

2. Resident pet owner will be responsible for proper pet care, nutrition, grooming, exercise, flea control, veterinary care and yearly inoculations. Dogs and cats must wear identification tags and collars.

3. Resident pet owner is responsible for cleaning up after the pet both inside and outside the apartment and anywhere on the Authority's property. The pet owner while outside the apartment will carry a "pooper scooper" and plastic bag.

All animal waste shall be bagged and disposed of as follows:

- Family developments: dumpsters
- Scattered sites: trash barrels
- High-rises: marked containers in rear of building

Under no circumstances should any pet debris be deposited in a toilet, as blockages may occur.

4. Resident pet owner will keep the unit, the hallways and common areas (if applicable) and the front and rear yard areas clear and free of pet waste, odors, insect infestation, and litter. Under no circumstances are cages or coops allowed on any Authority property. The resident pet owner will maintain the unit and general yard area in a sanitary condition at all times.

5. Resident pet owners will restrain and prevent his/her pet from gnawing, chewing, scratching, or otherwise defacing doors, windows, screens, walls, fixtures, appliances, floors and floor coverings of the unit, other units and common areas as well as shrubs and landscaping of the Authority. When the resident is away from his/her unit, dogs must be placed in secure cages to prevent all of the aforementioned damages. Additionally, dogs must be placed in secure cages when Authority personnel, including but not limited to management and maintenance staff, enter the pet owner's unit.

6. Pets are not at any time to be tied outside at either front or rear stairs or yards. No cages or dog coops are permitted on any Authority grounds areas.

7. Resident pet owners will not alter their units, or other outside areas to create an enclosure for a pet.

8. Pets will be restrained by a responsible adult household member at all times when outside the apartment on the property of the Authority. Other than Seeing Eye dogs, no pets shall be permitted to enter any hallway, community room, or management office of the Authority.

9. Pets will not be allowed to disturb the health, safety, rights, comfort or quiet enjoyment of other tenants. A pet should not create a nuisance to neighbors with excessive barking, whining, howling, meowing, chirping or any other unruly behavior.
10. Resident pet owners hereby agree to apartment inspections in addition to the annual inspection of the unit when, in the opinion of the Authority, there is a reasonable basis to believe that pets and/or units are not being cared for properly or that undue damage to the apartment has been done by the pet. As neglect of the pet or damage to the unit could be an emergency situation, no notice shall be required to be sent to the resident of this type of inspection.
11. When taken outside the unit, dogs and cats must be kept on a leash and controlled by a responsible adult household member at all times. In the case of residents residing in a high-rise building, dogs and cats must be confined to pet carriers when taken in any common area of the building.
12. Birds must be confined to a cage at all times, unless exercised during controlled conditions in resident pet owner's apartment.
13. Resident pet owners must provide litter boxes for cat waste, which must be kept in the owner's unit. Litter boxes shall be kept clean and odor free at all times.
14. Resident pet owners are solely responsible for all damages caused by their pets, including the cost of fumigating their units for fleas or removing odors that have permeated the property.
15. Resident pet owners are solely responsible for cleaning up pet waste.
16. Residents are expressly prohibited from feeding or harboring stray animals. The feeding or harboring of a stray animal shall constitute having a pet without the approval of the Authority.
17. Residents are expressly prohibited from breeding pets, or allowing pets to become impregnated. In the event that a pet housed in one of the Authority's units gives birth to a litter, the pet owner shall remove all offspring from the unit within 24 hours of the litter being born, with only the one (1) approved pet remaining in the household.
18. No pet is to remain unattended, without proper care, for more than twenty-four (24) hours, except in the case of a dog, which shall be no more than twelve (12) hours.
19. It is the responsibility of the resident to inform their guests that at no time are the pets of guests allowed on or within the property of the Authority.

5. Authority's Responsibilities

1. The Authority shall establish a LEASH Board as provided in this Pet Policy, which shall meet at reasonable times and dates of its members.

2. The Authority shall post the rules and regulations of pet ownership and maintenance and enforcement, including any changes thereto, in all of the Authority's offices. Additionally all residents will be notified of any changes.

3. The Authority will maintain files for keeping records of owners and pets' pertinent information, deposits, unit inspection reports, investigative reports or complaints, warnings of violations of these guidelines, bills for damages caused by pets, schedules of repairs of such damages, etc.

4. All written complaints concerning the conduct of a pet shall be referred to the LEASH Board for a finding as to their legitimacy and for their resolution, provided the complaints are signed. The Board shall act promptly on each such complaint submitted. All written complaints, which are not signed, and all verbal complaints shall be referred to the Authority for investigation.

Where the Authority concludes that there is reasonable cause to believe that such complaints are valid, it shall forward these complaints to the Board for resolution. The Authority shall inform the resident pet owner of the submission of and such complaints to the Board and of any other violations of these guidelines of which it is aware for resolution.

5. Upon written notice of a finding by the LEASH Board that a complaint is legitimate, the resident shall be advised by the Board of the finding and of the need to resolve the problem. This notice shall also provide that a further finding by the Board that the conduct of this particular pet continues to be a problem shall be cause for termination of the pet rider provisions and removal of the pet from the premises and/or termination of the resident's tenancy. However, in the case of a serious problem with a pet (e.g. a vicious dog), this process may be waived in the interest of public safety at the Authority's sole discretion.

6. If any pet is left unattended for a period of twenty-four (24) hours or more, twelve (12) hours if the pet is a dog, the Authority may enter the dwelling unit; remove or cause to be removed, the pet; and transfer the responsibility for care of the pet to the proper individuals or authorities.

The Authority accepts no responsibility of care, cost, or disposition of the pet under these circumstances.

6. Liability of Pet Owner for Damage or Injury

1. Resident pet owner shall be responsible for payment of the cost of all damage caused by the owner's pet, including, but not limited to

- a. personal injury.
- b. repairing or replacing damaged areas of the exterior, interior, doors, walls floors, floor coverings windows, screens and fixtures in the unit, and all other areas.
- c. cleaning, deodorizing and sanitizing the unit.
- d. fumigation of unit for infestation of fleas.

Charges for such damage caused by the pet shall include the cost of materials and labor. Payment plans may be negotiated between the Authority and the pet owner at the Authority's discretion. Disputes concerning the amount of such damages are subject to the standard grievance procedures.

7. Removal of Pet

1. If the alternate caretakers designated by the pet owner are unavailable, unable or unwilling to assume responsibility for the pet upon incapacitation of the owner, or absence of the owner, the Authority may enter the pet owner's unit, remove or cause to have removed the pet, arrange for care of pet, for no less than ten (10) days to protect the pet. Funds for such care will come from the owner's pet deposit. The Authority may contact the Rhode Island Society for the Prevention of Cruelty to Animals (RI SPCA) or other suitable animal shelter to provide these alternative arrangements for the care of the pet if a caretaker cannot be located.

2. Removal of the pet from the resident pet owner's unit and/or termination of the resident's lease may be instituted if the resident is in violation of city ordinances applicable to the ownership and care of a pet and/or these guidelines, but which the resident has agreed to abide in signing the pet rider attached to the lease. The Authority may rely on the issuance of a citation(s) for violation of applicable city ordinances by either the Woonsocket Police Department or the Woonsocket Animal Control Officer as conclusive evidence of such violation(s).

3. Removal of the pet and/or termination of the lease may also be instituted if the resident has been warned twice by the LEASH Board pursuant to complaints filed with the Board, or if public safety reasons warrant immediate removal of the pet in the discretion of the Authority.

WOONSOCKET HOUSING AUTHORITY ANIMAL COMPLAINT

DATE: _____ COMPLAINT AGAINST _____

NAME: _____

ADDRESS: _____

TYPE OF ANIMAL: _____

REASON FOR _____

COMPLAINT: _____

(CONTINUE ON REVERSE SIDE IF
NEEDED)

ON WHAT DAY AND AT WHAT TIME DID/DOES THIS OCCUR?

DATE: _____

TIME: _____

DATE: _____

TIME: _____

DATE: _____

TIME: _____

DATE: _____

TIME: _____

DID YOU CONTACT THE POLICE? _____ DATE: _____

TIME: _____

DID THEY RESPOND? _____

DATE: _____ TIME: _____

DID YOU CONTACT ANIMAL CONTROL? _____

DATE: _____ TIME: _____

DID THEY RESPOND? _____

DATE: _____ TIME: _____

ARE YOU WILLING TO SERVE AS A WITNESS BEFORE A GRIEVANCE PANEL OR IN COURT? _____

SIGNATURE

WHA WITNESS

PRINTED NAME ADDRESS: _____

TELEPHONE: _____

VETERINARIAN'S STATEMENT

DATE: _____

PET OWNER'S NAME: _____

PET OWNER'S ADDRESS: _____

PHONE NUMBER: _____

NAME OF PET: _____

TYPE OF PET: _____

APPROXIMATE AGE: _____

IF PET IS DOG:

BREED: _____

IF DOG IS MIXED BREED, IN YOUR PROFESSIONAL OPINION WHAT IS THE LINEAGE?

PET'S DISPOSITION _____

HAS ANIMAL BEEN SPAYED OR NEUTERED? _____

IF YES, DATE OF SURGERY: _____

IF NO, SCHEDULED DATE OF SURGERY: _____

RABIES TAG # _____ EXPIRATION DATE: _____

SIGNATURE: _____

ADDRESS _____

TELEPHONE _____

**APPLICATION FOR PET OWNERSHIP
CURRENT PET OWNER**

COMPLETE THE FOLLOWING AND RETURN IT TO YOUR MANAGEMENT OFFICE WITH:

- 1. COLOR PHOTO OF PET.**
- 2. VETERINARY RECORDS INCLUDING INOCULATIONS AND PROOF OF SPAYING AND NEUTERING.**
- 3. LETTERS FROM SPONSORS STATING COMMITMENT TO REMOVE AND CARE FOR PET IN OWNER'S ABSENCE.**

DATE: _____

NAME: _____

ADDRESS: _____

TELEPHONE: _____

TYPE OF PET: _____ SEX: _____

DESCRIPTION

COLOR: _____

MARKINGS: _____

NAME OF PET: _____

RABIES TAG# _____

HOW LONG HAVE YOU HAD THIS PET? _____

VETERINARY INFORMATION:

NAME: _____

PHONE: _____

1. EMERGENCY CONTACT: _____

ADDRESS: _____

TELEPHONE: _____

2. EMERGENCY CONTACT: _____

ADDRESS: _____

TELEPHONE: _____

**APPLICATION FOR PET OWNERSHIP
NEW PET OWNER**

COMPLETE THE FOLLOWING AND RETURN IT TO YOUR MANAGEMENT OFFICE WITH:

- 1. COLOR PHOTO OF PET.**
- 2. VETERINARY RECORDS INCLUDING INOCULATIONS AND PROOF OF SPAYING AND NEUTERING.**
- 3. LETTERS FROM SPONSORS STATING COMMITMENT TO REMOVE AND CARE FOR PET IN OWNER'S ABSENCE.**

DATE: _____

NAME: _____

ADDRESS: _____

TELEPHONE: _____

TYPE OF PET: _____ SEX: _____

DESCRIPTION: _____

COLOR: _____ MARKINGS: _____

NAME OF PET: _____

RABIES TAG # _____

HAVE YOU EVER OWNED THIS TYPE OF PET BEFORE? _____

VETERINARY INFORMATION:

NAME _____

PHONE: _____

1. EMERGENCY CONTACT: _____

ADDRESS: _____

TELEPHONE: _____

2. EMERGENCY CONTACT: _____

ADDRESS: _____

TELEPHONE: _____

E. Wading Pool Policy

No pools of any size, including wading pools, are permitted.

F. Smoke Free Policy

Smoking is prohibited in all buildings owned, operated or maintained by The Woonsocket Housing Authority. This ban on smoking includes the leased premises as well as all common areas and common ways, both within the building. Violation of the smoking policy shall be deemed a lease violation for tenants and a violation of the rules and regulations of The Woonsocket Housing Authority for all others and will be acted upon as such.

A specific exterior smoking area will be designated at all Woonsocket Housing Authority properties for the use of residents, visitors and employees.

IX. TRANSFER POLICY

A. General Transfer Policy

Transfers will be made without regard to race, color, national origin, sex, religion, or familial status. Residents can be transferred to accommodate a disability.

Residents will not be transferred to a dwelling unit of equal size except to alleviate hardship of the resident or other undesirable conditions as determined by the Executive Director or designee. Whenever feasible, transfers will be made within a resident's area.

Residents will receive one (1) offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfers or the removal of the household from the transfer list for voluntary transfers.

The WHA reserves the right to review the tenant's current security deposit upon transfer and may adjust the amount accordingly.

B. Types of Transfers

The order in which families are transferred shall be subject to the hierarchy by category set forth below.

1. Emergency Transfers

Emergency Transfers are mandatory when the WHA determines that conditions pose an immediate threat to resident life, health or safety. Emergency transfers may be made to: permit repair of unit defects hazardous to life, health, or safety; alleviate verified disability problems of a life threatening nature.

These transfers shall take priority over new admissions.

2. Category 1 Administrative Transfers

Category 1 Administrative Transfers will be made to alleviate verified medical problems of a serious (but not life-threatening) nature; permit modernization or demolition of units; perform work (e.g., repair, modernization, or lead hazard reduction work) above a specified scale and duration that disturbs lead-based paint or controls lead-based paint hazards; or permit a family that requires a unit with accessible features to occupy such a unit.

These transfers shall take priority over new admissions.

Transfers may be initiated by the WHA or requested by a resident. Requests for Category 1 Administrative transfers should be made to the Housing Manager with necessary documentation to substantiate the need for such transfers.

3. Category 2 Administrative Transfers

Category 2 Administrative Transfers correct serious occupancy standards problems. They are mandatory if a family is over or under-housed by a degree of two (2).

These transfers will take priority over new admissions.

If a family is over-housed by a degree of one, the family agrees to appropriate-sized unit at its expense.

Residents that reside in a two-bedroom unit will be allowed to transfer to a one-bedroom unit only when the composition of family members has changed.

4. Category 3 Administrative Transfers

Category 3 Administrative Transfers may be made to avoid concentration of the most economically and socially deprived families, correct occupancy standards¹³, or address situations that interfere with peaceful enjoyment of the premises.

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

5. Modernization Transfers

Modernization Transfers, as described in Section E of this chapter, are offered on a nondiscriminatory basis to residents with good rental histories for new or recently modernized units.

C. Processing Transfers

A centralized transfer waiting list will be administered by the Service Center. Managers should submit approved transfer requests, including necessary documentation, to the Service Center Manager.

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

1. Resident Request for Transfer

A resident should initiate the transfer request by submitting a transfer request form to his or her Housing Manager. The family may be required to provide third-party verification of the need for the transfer.

The Housing Manager will review the request and approve or deny the request. In considering a resident-initiated transfer request, the Housing Manager may contact the family within ten (10) days to request a meeting to determine the need for a transfer and explore alternate solutions.

The Housing Manager will forward the request to the Service Center Manager.

The Service Center Manager will respond to the transfer request within 30 days of receiving the request or meeting with the resident, 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 state the basis for the determination. Tenants may use the WHA Grievance Procedure if they are adversely affected by the WHA denial for transfer.

2. Order of Transfers

Transfers will be sorted into their appropriate categories by the Service Center staff. Within each category, transfer applications will be sorted by the date the completed file (including any needed verification) is received from the Housing Manager. Admissions will be made in the following order:

- Emergency transfers, *then*

¹³ Of a degree of one. A household that voluntarily took a smaller unit which created a maximum density load in order to access housing sooner is not entitled to a request for a transfer to a larger unit unless the household has increased in size and the increase is expected to be long term.

- Category 1 Administrative transfers, *then*
- Category 2 Administrative transfers (including Modernization transfers), *then*
- Applicants, *then at a rate of four applicants to every transfer,*
- Category 3 Administrative transfers

Resident-initiated transfers will not occur if there is a pending administrative transfer.

3. Category 2 Administrative Transfers

Category 2 administrative transfers to correct occupancy standards may be recommended at the time of reexamination or interim redetermination. Residents in a Category 2 over-housed status will be advised in their notice of result of reexamination that a transfer is recommended and the family has been placed on the transfer list.

Split-family transfers will be processed as Category 2 administrative transfers. Families that split into two "new" households may be transferred to two different units or a portion of the "old" household may be transferred to a single unit, depending on family circumstances and unit availability. Such transfers will be made in a manner that minimizes the impact on vacant units.

4. Offer and Acceptance of Transfer

Upon offer and acceptance of a unit transfer, the family will execute all lease-up documents and pay any rent, security deposit, or other charges, as applicable, within two business days of being informed the unit is ready. The family will be allowed seven calendar days to complete a transfer. The family will be responsible for paying rent at the old unit as well as the new unit for any period of time beyond the seven days that it has possession of both units.

The new lease's term will coincide with the termination date of the old lease. No transfers can occur if there is a rent balance due or unpaid charges to the property. To the extent that an initial lease term still applies, it is not extended.

D. Good-record Requirement for Transfers

1. Definition

In general, and in all cases of all resident-requested transfers, residents will be considered for transfers only if the head of household and any other family members are in good standing, which means:

- The family is current on all payments due the WHA, including those under a rent repayment agreement;
- The resident has not been sent a Late Rent Notice within the past six (6) months;
- The family is in full compliance with all lease provisions; and
- The current unit passes a housekeeping inspection.

Absent a determination of exception, the following policy applies to transfers:

- If back rent is owed, the resident will not be transferred until a payment plan is established or, if prior payment plans have failed; back rent is paid in full.
- A resident with housekeeping standards violations will not be transferred until he/she passes a follow-up housekeeping inspection.

2. Exceptions

Exceptions to the good record requirements may be made for emergency transfers or when it is to the WHA advantage¹⁴ to make the transfer. The exception to the good record requirement will be made by the Service Center Manager taking into account the recommendation by the Housing Manager.

E. Modernization Transfers

The WHA reserves the right to fill modernized units in a manner that has the least impact on vacant units. Modernization transfers may be offered to residents who meet the eligibility criteria and wish to move to newly renovated units. Modernization transfers are offered to residents without regard to their race, color, national origin, relation, sex, disability, or familial status.

Modernization transfers are Category 2 administrative transfers.

1. Qualifications

In order to be considered for a modernization transfer, the resident must meet the following conditions:

- The resident has been a resident in a WHA development for at least one (1) year (six (6) months if the resident occupies a unit in the next scheduled set of buildings to be renovated).
- The resident has had no repayment agreement or unpaid balance at any time in the past six (6) months.
- The resident has a six (6) month history of full compliance with all lease provisions, including timely payment of rent and an acceptable housekeeping record.

No exceptions will be granted to the good record requirement for modernization transfers.

2. Preference Points

Additionally, residents who apply for modernization transfers can receive preference points for meeting one or more of the following conditions:

- *1 point:* The head of household or spouse has a record of continuous or consecutive employment for a minimum of six (6) months or is elderly / disabled.
- *1 point:* The resident is a participant in or graduate of the WHA Family Self-Sufficiency program.
- *1 point:* The household has been transferred once before by the WHA due to modernization projects.
- *1 point:* The resident is participating in or has completed HUD-approved homeownership education in the last three (3) years.

¹⁴ e.g. A single person is living alone in a three bedroom unit and does not want to move.

- 1 point: The resident lives in the development being renovated.
- 1 point: The resident's unit is located in the next scheduled set of buildings to be renovated.

3. Procedure

All residents will be notified when renovated units become available for modernization transfers. Residents will be informed of the modernization transfer eligibility requirements and selection procedure.

Resident requests for modernization transfers should be made to the Management Office. Management staff will verify information provided by the resident and, if applicable, assign preference points. Applicants for modernization transfers may be required to provide verification.

The WHA Relocation Committee will rank all eligible applicants. Residents who apply for modernization transfers will be chosen according to their rank by the above points. If the number of residents with equal points outnumbers the available units, the Relocation Committee will award modernization transfers through a lottery.

The WHA failure to process or recommend a Modernization transfer is subject to the Grievance Procedure.

F. Paying for Transfers

1. Transfers Requested by the Family

Generally, the family shall bear the cost of the transfer, including those made at the request of the family or by others on behalf of the family, to correct occupancy standards, or because action or inaction by the family caused the unit to be unsafe/uninhabitable. The responsibility for moving costs in other circumstances will be determined on a case-by-case basis.

2. Transfers Requested/Required by WHA

Transfers requested or required by the WHA, including those for temporary relocation during rehabilitation work or when action or inaction by the WHA has caused the unit to be unsafe/uninhabitable, will be paid for by the WHA.

The WHA will provide the household with access to a licensed/bonded and insured moving company paid for by the WHA and cover the cost of all disconnect and reconnect charges for telephone, cable television, or other utilities. Reimbursement for disconnect and reconnect charges requires submittal of an original bill to the building/development office with a copy to the Service Center Manager.

Households may choose to self-move. If they do so, the WHA will pay an average of the cost of a move from and to the same bedroom size.

All transfers in high-rises must contract with bonded movers.

X. CONTINUED OCCUPANCY & ANNUAL REEXAMINATIONS

A. Eligibility for Continued Occupancy

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

- Qualify as a family as defined in Chapter III of this policy¹⁵;
- In full compliance with the resident obligations and responsibilities as described in the lease;
- All family members have Social Security numbers, or certifications indicating they have no Social Security numbers, on file with the WHA;
- Meet HUD standards on citizenship or immigration status or are paying a pro-rated rent; and
- In compliance with the WHA eight (8) hour per month community service requirement¹⁶, as described below.

B. Community Service Policy

It is the obligation of all adult residents who live within Woonsocket Housing (who are not exempted to perform community service) to participate in an economic self-sufficiency program or a combination of self-sufficiency program and community service for at least 8 hours per month. The lease specifies that it (the lease) will be renewed automatically for all purposes unless the family fails to comply with service requirement. Violation of the service requirement is grounds for non-renewal of the lease at the end of the twelve-month lease term, but not for termination during the course of the twelve-month lease term. Residents who qualify for the requirement will begin participation on the first annual renewal date of their lease after January 1, 2001. All residents will be reviewed for eligibility annually at least thirty days before the end of the twelve-month lease term.

1. Exemptions

Residents exempted from the program are adults who are:

- 62 years or older
- A person with a disability as defined by the Social Security Act or the primary care taker of a person with a disability
- Engaged in work activity
- Enrolled in an educational program, welfare to work program
- A member of family receiving benefits from a state funded program, such as the Department of Human Services, who has not been sanctioned

All residents are responsible for informing the Housing Authority of a change in their exemption status for this program

¹⁵ For the purpose of continued occupancy, remaining family members qualify as a family so long as at least one of them is of legal age to execute a lease. Remaining family members can also include court-recognized emancipated minors under the age of 18.

¹⁶ Applicable to adults who are not elderly, disabled, working, or participating in qualifying educational or job training programs

2. Definition of Community Service

Community service is voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident's self-sufficiency, or increase resident's self-sufficiency in the community. In implementing the service requirement, WHA may not substitute community service or self-sufficiency activities performed by residents for work ordinarily performed by WHA employees, or replace any job at any location where residents perform activities to satisfy the requirement.

3. Approval and Verification

At the initiation of a resident's service, a Service Verification Form must be completed which collects data on the place of service. This form will be returned to the Housing Manager for approval. Residents who do not pre-approve their placement risk completing service that does not fulfill the requirement and jeopardizes their ability to meet the terms of the lease.

At least thirty days before the end of the twelve-month term of a lease, eligible residents are required to produce documentation of their service. Verification will consist of a signed letter from the location where the service was performed, that states the place at which the service occurred, the start date of service, the total number of hours of service, and the contact person's name, phone number, and address. The Housing Authority reserves the right to verify the information being presented by contacting the contact person.

4. Violation of Requirement

If the Housing Authority determines there is a resident who is required to fulfill the service requirement, but who has violated his obligation, WHA will notify the resident of this determination. The notice must briefly describe the noncompliance, inform residents of their right to a grievance hearing, and state that the WHA will not renew the lease at the end of the twelve-month lease term unless the resident meets one of the following requirements:

- The resident and any other noncompliant residents enter into a written agreement with WHA to cure such noncompliance.
- The resident shows satisfactory evidence to WHA that the noncompliant resident no longer resides in the unit.

If a resident has violated the service requirement, WHA may not renew the lease upon expiration of the terms unless a written agreement to cure such non-compliance is established or all other family members who are subject to mandatory service are compliant and non-compliant family members no longer reside in the unit.

C. Remaining Family Members and Prior Debt

If the head of household dies or leaves the unit, continued occupancy by remaining family members is permitted only if:

The family reports the departure (or death) of the head of household within 10 days of the occurrence;

The family includes a member who can pass screening and is either of legal age to execute a lease or a court-recognized emancipated minor; and

The new head signs a new lease within 30 days of the departure of the former head.

Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head or spouse.

The WHA will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred before the remaining member reached the age of 18.

WHA will not hold remaining family members under age 18 responsible for rent arrearages incurred by the former head of household.

Household members (i.e., foster children, live-in aides) have no right as a remaining family member.

Security deposit remains with the apartment.

D. Reexaminations

1. Regular Reexaminations

The WHA shall, at least once a year, reexamine the composition and income of every resident family to determine the family's rent and ensure compliance with the occupancy guidelines. Families paying flat rents shall have their incomes reexamined once every three years.

When a family qualifies for an earned income disallowance, as described in Chapter XV Section A2(m), the date for its next regular reexamination may be permanently adjusted to 12 months from the date the income disallowance began.

2. Special Reexaminations

When it is not possible to estimate family income accurately, a temporary determination will be made with respect to income. Special reexaminations will be scheduled every 90 days until a reasonably accurate estimate of income can be made.

A special reexamination shall also be conducted when a change in the head of household requires a remaining family member to take on the responsibilities of a leaseholder.

3. Zero-Income Families:

Unless the family has income that is excluded for rent computation, families reporting zero (0) income will have their circumstances examined every 90 days until they have a stable income.

The family shall be required to submit a Zero Income Checklist prior to admission and at each recertification. This checklist identifies categories of expenses such as (but not limited to) food, cleaning products, grooming products, paper products, transportation, insurance, entertainment, clothing, smoking, communication, shelter, unreimbursed medical, educational, etc.

Monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose other than the payment or reimbursement of medical expenses shall be considered income.

The family is required to submit documentation of amounts claimed.

4. Notification

The WHA will notify the family in writing of their scheduled reexamination interview. The WHA will also provide forms for the family to complete in preparation.

Families who need to reschedule the interview may do so in advance. Families who need to make alternate arrangements due to a disability should contact staff to request an accommodation.

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 the resident of his/her new reexamination interview and allow for the same rescheduling and accommodation considerations as described above. Failure by the family to attend the second scheduled interview will result in the WHA taking eviction action against the family.

5. Reexamination Procedure

At the time of reexamination, all adult members of the household will be required to sign an application for continued occupancy and other forms required by HUD.

Income, allowances, deductions, exclusions, and such other data as deemed necessary will be verified. All verified findings will be filed in the resident's folder.

A credit check may be run and a current IRS form may be viewed on each family at recertification to help detect any unreported income, family members not reported on the lease, etc. A criminal background check may be run on all family members 18 or over.

Verified information will be analyzed and a determination made with respect to:

- Eligibility of the resident as a family or as the remaining member of a family;
- Unit size required for the family (using the Occupancy Guidelines); and
- Rent the family should pay.

Residents with a history of employment whose reexamination occurs when they are not employed will have income anticipated based on past and anticipated employment. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of their employment including start and end dates.

Income shall be computed in accordance with the definitions and procedures set forth in Federal regulations and this policy.

6. Action following Reexamination

Change in rent: If there is any change in rent, the lease will be amended, a new lease will be executed, or a notice of rent adjustment will be issued. The new rent will be effective on the family's annual anniversary date, with 30 days notice of any rent increase.

Delay in determination of rent due to Reasons Beyond the Family's Control: If the determination of the tenant's rent is delayed due to a reason beyond the family's control, any rent increase will be effective the first day of the month after the month in which the family receives a 30-day notice of the change. Any rent reduction will be effective as scheduled on the anniversary date and the rent reduction will be applied retroactively.

Delay in determination of rent due to Reasons Within the Family's Control: If the determination of the tenant's rent is delayed due to reasons within the family's control, any rent increase will be effective on the anniversary date. Any rent reduction will be effective the first of the month after the change is determined.

Change in unit size: If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described in this policy and moved to an appropriate unit when one becomes available.

XI. INTERIM RENT ADJUSTMENTS

A. Adjusting Rent between Regular Reexaminations

Changes in family and household composition. Residents are required to report all changes in family composition or status to the Housing Manager within 10 calendar days of the occurrence. Failure to report within the 10 calendar days may result in a retroactive rent increase, but not a retroactive credit or rent reduction. In order to qualify for rent reductions, residents must report income decreases promptly. Residents are also required to report interim increases in income if they have been granted interim rent reductions.

The addition of a family member as a result of birth, adoption or court-awarded custody does not require WHA approval. However, the family is required to promptly notify the WHA of the addition [24 CFR 966.4(a)(1)(v)] within 10 calendar days.

A family must request WHA approval to add a new family member [24 CFR 966.4(a)(1)(v)] or other household member or other household member (live-in aide or foster child) [24 CFR 966.4(d)(3)(i)].

If a family member ceases to reside in the unit, the family must inform WHA within 10 business days. This requirement also applies to family members who had been considered temporarily absent, who are now permanently absent.

If a live-in aide, foster child or foster adult ceases to reside in the unit, the family must inform WHA within 10 business days.

Changes affecting income or expense. All families, including those who are paying flat rent, must report an increase or decrease in income for any reason. The family shall report these changes within 10 calendar days of their occurrence.

WHA shall conduct an interim reexamination under the following circumstances:

- For families receiving the earned income disallowance (EID), regardless of the WHA policy for increases to income greater than \$150. WHA will conduct an interim reexamination at the start, to adjust the exclusion with any changes in income, and at the conclusion of the second twelve-month exclusion period (fifty-percent phase-in period).
- If WHA makes a calculation error at admission or at an annual recertification, an interim recertification will be conducted, if necessary, to correct the error.
- When a resident reports an increase in income greater than \$150 per month.

- When a resident reports a decrease in income or changes in allowances and deductions that would reduce rent.
- If at the time of the annual reexamination it is not feasible to anticipate a level of income for the next 12 months (e.g., seasonal or cyclic income), WHA will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.
- Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses or other changes in family circumstances. Upon such request, WHA will take timely action to process the interim reexamination and recalculate the tenant's rent [24 CFR 960.257(b)] (PH Occ GB, p. 159).

WHA will process an interim increase in rent if the resident has misrepresented or failed to report facts upon which rent is based so that the rent the resident is paying is less than it should have been. The WHA will process an interim increase and apply an increase in rent retroactive to the month following the month in which the misrepresentation occurred.

1. Decrease in Income

Residents must report a decrease in income for any reason. When a decrease in income is reported, and the WHA receives confirmation that the decrease will last less than 30 days, an interim adjustment will not be processed. Residents reporting decreases in income that are expected to last more than 30 days will have an interim adjustment¹⁷.

Residents granted a reduction in rent under these provisions will be required to report for special reexaminations at intervals determined by the Housing Manager. Reporting is required until income increases or it is time for the next regularly scheduled reexamination, whichever occurs first.

2. Increase in Income

Residents must report increases in income for any reason. The WHA will process interim rent increases as follows:

- Increase in earned income from the employment of a current household member:* The WHA will, if the individual is eligible for an Earned Income Disallowance, grant the disallowance.
- Increase in income following the granting of an interim rent decrease:* The WHA will process an interim rent increase for income increases per interim rent policy.

¹⁷ If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.

- (c) *Increase in unearned income (e.g. COLA adjustment for social security):* WHA will process an interim rent policy.
- (d) *Person with income (from any source) joins the household:* The WHA will process an interim rent increase.

3. Verification

Complete verification of the circumstances applicable to rent adjustments must be documented and approved by the Executive Director or designee.

B. Effective Dates

Residents will be notified in writing of any rent adjustment including the effective date of the adjustment.

1. Rent Decreases

Rent decreases go into effect the first day of the month following the reported change. Income decreases reported or verified after the tenant accounting cut-off date will be effective the first day of the second month with a credit retroactive to the first month.

2. Rent Increases

Rent increases. The Woonsocket Housing Authority will increase rent between annual reexaminations when the reported increase in the household will be more than \$150 per month, except when it is determined that the resident misrepresented income or expenses at the annual reexamination.

XII. LEASE TERMINATIONS

A. General Policy

No resident's lease shall be terminated except in compliance with HUD regulations and the lease terms.

1. Termination by Tenant

The tenant may terminate the lease at any time upon submitting a 30-day written notice.

2. Termination by WHA

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

- Nonpayment of rent or other charges;
- A history of late rental payments;
- Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- Failure to allow inspection of the unit;
- Failure to maintain the unit in a safe and sanitary manner;
- Assignment or subletting of the premises;
- Use of the premises for purposes other than as a dwelling unit (other than for WHA approved resident businesses);
- Destruction of property;
- Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- Any criminal activity on the property or drug-related criminal activity on or off the premises by a tenant, member of tenant's household, guest, or other person under tenant's control. This includes but is not limited to the manufacture of methamphetamine on the premises of the WHA.
- Non-compliance with non-citizen rule requirements;
- Permitting persons not on the lease to reside in the unit more than 14 consecutive days each year without the prior written approval of the WHA; and
- Other good cause.

- (b) *Sex offender:* The WHA 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.

- (c) *Abandonment*: The WHA will terminate the lease for a unit that has been abandoned. A unit is considered to be abandoned when the tenant is in arrears in rent by at least fifteen (15) days and has clearly indicated by words or actions an intention not to continue living in the unit (e.g. the tenant has removed substantially all of his or her belongings from the unit).

Once the unit has been determined to be abandoned, the WHA will send a certified letter to the tenant's last known address. Unless the tenant responds within seven (7) days, a WHA representative will enter the unit and remove any abandoned property.

B. Notice Requirements

No resident shall be given a notice of lease termination without receiving in writing the reason for the termination. The resident shall be informed of his/her right to request a hearing in accordance with the Grievance Procedure and be given the opportunity to make such a request.

Lease terminations for certain actions are not eligible for the Grievance Procedure, specifically: any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or WHA employees and any drug-related criminal activity, violent drug-related criminal activity on or off the premises, and any criminal activity that resulted in felony conviction of a household member.

Notices of lease termination may be served personally or posted on the apartment door.

The notice shall include a statement describing the right of a resident with a disability to meet with the Housing Manager to determine whether a reasonable accommodation could eliminate the need for the lease termination.

C. Recordkeeping Requirements

A record of every termination and/or eviction shall be maintained by the WHA. The record shall contain the following information:

- Name of resident, race and ethnicity, number and identification of unit occupied;
- Date of the notice of lease termination and any other state or local notices required, which may be on the same form and run concurrently;
- Specific reason(s) for the notice(s), including identification of the violated lease section and a detailed description of any other facts pertinent to the issuing of the notice(s);
- Date and method of notifying the resident; and
- Summaries of any conferences held with the resident including the date(s), names of conference participants, and conclusions.

D. Return of Security Deposit

The tenant must leave the rental unit in the same condition as when he/she moved in, aside from normal wear and tear. Within twenty (20) days of the tenant's moving out, the WHA will return the security deposit or provide a written statement detailing why all or part of the deposit is being kept. The WHA will be considered in compliance with this obligation if the required payment, statement, or both (as applicable) are deposited in the U.S. mail with first class postage within the twenty (20) days.

Security deposits will not be used to cover normal wear and tear or damage that existed when the family moved in. State law does not require the payment of interest on security deposits.

XIII. UTILITIES

The WHA pays the cost of certain utilities on behalf of residents. The particular utilities paid for by the WHA vary by site/development.

A. Excess Utility Charges

Utility allowances are estimates of reasonable utility consumption, reflecting the size and type of units and actual equipment provided by the WHA. For WHA-paid utilities, residents will be charged for consumption in excess of the utility allowance on a quarterly basis. Separate air-conditioning charges will be applied to high-rise units.

1. Residents with Disabilities

A resident with a disability may be entitled to higher than normal utility allowances or may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability. A doctor's letter is required.

XIV. RENT and CHARGES

Rent and charges are due and payable on the first day of each month.

Rent should be paid at the development in which the tenant resides. A reasonable accommodation can be made regarding this requirement for a person with a disability.

If the rent is not paid by the fifth of the month, a "14-day Notice of Intent to Terminate Tenancy for Nonpayment of Rent and Notice of Grievance Rights" will be issued to the tenant. If the tenant fails to comply with this notice, a "5-Day Demand Notice for Nonpayment of Rent" will be issued. If the tenant fails to comply with the second notice, a court action may follow. In addition, a \$25 late charge may be assessed to the tenant.

Cash will not be accepted. If a personal check is returned for insufficient funds, this shall be considered a nonpayment of rent. The resident will incur the late charge plus an additional charge of \$25 for processing costs and may be required to pay rent with a money order.

A. Flat Rents

1. Family Choice

Once each year, at the annual recertification, all residents are offered the choice of paying an income-based rent or the flat rent. The flat rent represents the actual market value of the housing unit.

2. Setting Flat Rents

Flat rents will be set according to unit size as posted for the area on the HUD Fair Market Rent Schedule (FMR). These rents are determined according to an analysis of the size, location, quality, age, and type of unassisted housing units in the WHA jurisdiction, as well as the services, amenities, maintenance, and utilities provided.

The WHA shall review the Rent Reasonableness Schedule annually and adjust the flat rents as needed. Adjustments are applied on the anniversary date for each flat-rent family (rather than when the Flat Rent Schedule is adjusted). Affected families will be given a 30-day notice of any rent change.

3. Recertification of Income

The WHA shall recertify the income of families paying flat rents every three years, rather than annually. However, the WHA must conduct annual reexaminations of family composition, community service, and other criteria related to continued occupancy.

4. Hardship

A family paying the flat rent may at any time request a switch to income-based rents if the family is unable to pay the flat rent due to a financial hardship, as defined in Section C(1) of this chapter. The WHA will verify the existence and nature of the hardship. A family may utilize the Grievance Procedure to appeal a WHA hardship determination.

B. Minimum Rent

The WHA has set a minimum rent of \$50.

1. Hardship Exemptions

If the family requests a hardship exemption, the WHA will immediately suspend the minimum rent for the family until the existence and nature of the hardship can be verified.

A hardship exists in the following circumstances:

- The family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program; or
- The family would be evicted as a result of the imposition of the minimum rent requirement; or
- The family's income has decreased due to changed circumstances, including the loss of employment; or
- The family's expenses for medical costs, childcare, transportation, education, or similar items have increased due to changed circumstances; or
- A death has occurred in the family.

If the WHA determines there is no qualifying hardship, the minimum rent will be reinstated. The family will be required to pay minimum rent back-payments for the time of suspension.

If the WHA determines there is a qualifying hardship of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of the family's request. At the end of this 90-day period, the minimum rent will be imposed retroactively to the time of suspension, and the WHA will offer a repayment agreement for the rent owed. During the suspension period, the WHA will not evict the family for nonpayment of the rent owed for the suspension period.

If the WHA determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.

A family may utilize the Grievance Procedure to appeal a WHA hardship determination. No escrow deposit will be required in order to do so.

C. Rent under the Noncitizen Rule

Mixed families, or families containing members with both citizenship/eligible immigrant status members and ineligible non-citizen members, may be eligible for one of three (3) types of assistance:

1. Continued Assistance

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

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

2. Temporary deferral of termination of assistance

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no members with eligible immigration status, the family may be eligible for temporary deferral of termination of assistance to provide the family additional time for the orderly transition of some or all of its members to other affordable housing.

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

Under this provision, the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three (3) years. If granted after that date, the maximum period of time for assistance under the provision is 18 months. The WHA will grant each family a period of six (6) months to find suitable affordable housing. If the family cannot find suitable housing, the WHA will provide additional search periods up to the maximum time allowable.

A family who is eligible for and receives temporary deferral of termination of assistance may request prorating of assistance at the end of the deferral period if the family has made a good faith effort during the deferral period to locate other affordable housing.

3. Prorated Assistance

A mixed family who is not receiving continued assistance or who is not eligible for or does not request temporary deferral of termination of assistance may request prorated assistance. The WHA shall prorate the family's assistance in the following manner:

- (a) Determine the family's Total Tenant Payment. (For the purposes of this determination, annual income includes the income of all family members, including any family member who has not established eligible immigration status.)
- (b) Subtract the Total Tenant Payment from the maximum rent. The maximum rent is determined using the 95th percentile rent for the WHA.) The result is the maximum subsidy for which the family could qualify if all members were eligible.

- (c) Divide the family maximum subsidy by the number of family members. This determines the maximum subsidy per eligible family member.
- (d) Multiply the maximum subsidy per family member by the number of family members who have citizenship or eligible immigration status. This yields the prorated maximum subsidy for which the family is eligible.
- (e) Subtract the prorated subsidy from the maximum rent to find the prorated Total Tenant Payment. Subtract the full utility allowance from the prorated Total Tenant Payment to obtain the prorated tenant rent.

D. Repayment Agreements

A resident who owes back rent or charges and is unable to pay the balance by the due date may request to enter into a repayment agreement.

The WHA has the sole discretion of whether to accept such a request. Repayment agreements assure that the full balance is paid within a period not to exceed twelve (12) months, with exceptions for good cause provided at the discretion of the WHA. All repayment agreements must be made in writing and signed by both parties. A resident who fails to comply with the repayment agreement terms is subject to eviction procedures.

Repayment agreements will be put in place for minimum rent tenants who have had their rent abated for a temporary period.

XV. DETERMINING INCOME AND RENT

A. Annual Income

Annual income is the anticipated total income from all sources, including net income derived from assets and/or received by the family head, spouse (even if temporarily absent), and each additional family member; including all net income from assets for the twelve (12) month period following the effective date of initial determination or reexamination of income; and exclusive of income that is temporary, non-recurring, or sporadic as defined below, or is specifically excluded from income by other federal statute.

1. Inclusions

Annual income *includes* but is not limited to:

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

If the Family has Net Family Assets in excess of \$5,000, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate as determined by HUD;

- (d) The full amount of *periodic* payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts. [Delayed or deferred periodic payment of social security or supplemental security income benefits are excluded (see 2(n) below)];
- (e) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (See paragraph 2(c) below concerning treatment of lump-sum additions as Family assets.);
- (f) All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any family member¹⁸.

¹⁸ If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.

- (g) Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members; and
- (h) All regular pay, special pay, and allowances of a family member in the Armed Forces. (See paragraph 2(g) of this chapter concerning pay for exposure to hostile fire.)

2. Exclusions

Annual Income does *not include* the following:

- (a) Income from the 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 individuals with disabilities, unrelated to the resident 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, one-time lottery winnings, and settlement for personal property losses.

Payments that are or will be periodic in nature are included (see 1(d) and 1(e) above)

- (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 the educational institution
- (g) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire
- (h) Certain amounts received that are related to participation in the following programs:
 - Amounts received under HUD-funded training programs;
 - 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);
 - Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred to allow participation in a specific program (e.g. special equipment, clothing, transportation, child care, etc.);
 - A resident services stipend. A resident services stipend is a modest amount (not to exceed \$200/month) received by a public housing resident for performing a service for the WHA, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
 - Incremental earnings and/or benefits resulting to any family member from participation in qualifying state or local employment training program (including training programs not affiliated with the local government), and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employee training program.

- (i) Temporary, non-recurring, or sporadic income (including gifts)
- (j) Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era
- (k) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household and spouse)
- (l) Adoption assistance payments in excess of \$480 per adopted child
- (m) Earned Income Disallowance:

In accordance with 24 CFR § 960.255, the WHA will exclude certain incremental earnings and benefits for a limited period of time. This Earned Income Disallowance encourages resident self-sufficiency by rewarding certain residents who go to work or have increased earnings.

- (i) *Qualification:* A qualified family is defined as a family residing in public housing whose annual income increases as a result of :
 - employment of a family member who was unemployed for one (1) or more years previous to employment; or

(Previously unemployed includes a person who has earned, in the twelve 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.)
 - increased earnings by a family member during participation in any economic self sufficiency or other job training program; or
 - new employment or increased earnings of a family member during or within six (6) months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the WHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance—provided that the total amount over a six-month period is at least \$500.
- (ii) *Disallowance in increase of annual income:*
 - *Initial twelve month exclusion:* During the cumulative twelve month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the WHA will exclude from annual income of a qualified family any increase in income of the family member as a result of employment over prior income of that family member.
 - *Second twelve month exclusion and phase-in.* During the second cumulative twelve month period after the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the WHA must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

- (iii) *Maximum four year disallowance.* The disallowance of increased income of an individual family member as provided above is limited to a lifetime 48 month period. *Inapplicable at admission.* The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).
- (n) Deferred periodic payments of supplemental security income and Social Security benefits that are received in a lump sum payment or prospective monthly amounts
- (o) 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
- (p) Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home
- (q) Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. (A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.)

The following are benefits excluded by other Federal Statute:

- The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 [7 USC 2017 (h)]
- Payments to volunteers under the Domestic Volunteer Service Act of 1973 [42 USC 5044 (g), 5088], to include:
 - the Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;
 - National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs; and
 - Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).
- Payments received under the Alaska Native Claims Settlement Act [43 USC.1626 (a)]
- Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes [(25 USC. 459e]
- Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program [42 USC 8624 (f)]
- Payments received under programs funded in whole or in part under the Job Training Partnership Act [29 USC 1552 (b)]
- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians [Pub. L. 94-540, 90 Stat 2503-04]

- The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC 1407-08), or from funds held in trust for an Indian Tribe by the Secretary of Interior [25 USC 117b, 1407]
- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs [20 USC 1087 uu]
- Examples of Title IV programs include but are not limited to: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships
- Payments received from programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)]
- Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb
- Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation
- Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420, 94 Stat. 1785)
- The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 USC 9858q)
- Earned income tax credit refund payments received on or after January 1, 1991 (26 USC 32 (j))
- Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation
- Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990

3. Anticipating Annual Income

If it is not feasible to anticipate income for a twelve (12) month period, the WHA may use the annualized income anticipated for a shorter period, subject to an Interim Adjustment at the end of the shorter period.

B. Adjusted Income

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

- (a) \$480 for each dependent
- (b) \$400 for any elderly family or disabled family

- (c) For a family that is not an elderly or disabled family but has a member who is a person with a disability, the WHA shall deduct disability assistance expenses in excess of three percent (3%) of the family's annual income. This allowance may not exceed the employment income received by adult family members as a result of the assistance to the person with a disability.
- (d) For an elderly or disabled family that has no disability assistance expenses, the WHA will deduct medical expenses equal to the amount by which the family's medical expenses exceed three percent (3%) of annual income.

For an elderly or disabled family member that has disability assistance expenses greater than or equal to three percent (3%) of annual income, the WHA shall deduct disability assistance expenses in excess of three percent (3%) of annual income (not to exceed the employment income received by adult family members as a result of the assistance to the person with a disability), as well as an allowance for medical expenses that equal the family's medical expenses.

For an elderly or disabled family that has disability assistance expenses that are less than three percent (3%) of annual income, the WHA will deduct the combined disability assistance expenses and medical expenses less three percent (3%) of annual income.

- (e) Child care expenses. A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which Annual Income is computed, BUT ONLY when such care is necessary to enable a family member to be gainfully employed, to seek employment or to further his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed:
 - the amount of income earned by the family member released to work; or
 - an amount determined to be reasonable by WHA when the expense is incurred to permit education or to seek employment.
- (f) Court-ordered child support payments for any child not living in the household, up to a maximum of \$480 per year/per child (with proof of payment record)
- (g) Court-ordered alimony payments up to a maximum of \$550 per year/per spouse (with proof of payment record)
- (h) Any portion of earned income that a household pays to obtain medical insurance

C. Computing Rent

The first step in computing rent is to determine each family's Total Tenant Payment. Then, if the family is occupying a unit that has tenant-paid utilities, the Utility Allowance is subtracted from the Total Tenant Payment. The result of this computation, if a positive number, is the Tenant Rent. If the Total Tenant Payment less the Utility Allowance is a negative number, the result is the utility reimbursement, which may be paid to the tenant or directly to the utility company by the WHA.

1. Determination of Total Tenant Payment

Total Tenant Payment is the highest of:

- 30% of adjusted monthly income; or
- 10% of monthly income; but never less than the
- Minimum Rent; and never more than the

- Flat Rent, if chosen by the family

2. Determination of Tenant Rent

Tenant rent is computed by subtracting the utility allowance for tenant supplied utilities (if applicable) from the Total Tenant Payment. In developments where the WHA pays all utility bills directly to the utility supplier, Tenant Rent equals Total Tenant Payment.

3. Minimum Rent

The Minimum Rent shall be \$50 per month, but a hardship exemption shall be granted to residents who can document that they are unable to pay the \$50. (See Chapter XIV of this policy.)

4. Family Choice

At initial certification and at each subsequent annual reexamination the resident shall be offered a choice of paying either the income-based rent or the flat rent applicable to the unit they will be occupying. (See Chapter XIV Section B of this policy.)

5. Earned Income Disallowance

In the case of a family who has qualified for the income exclusion (see Chapter XV Section A.2(m) of this policy), upon the expiration of the initial twelve (12) month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the twelve (12) month period following the twelve (12) month period of disallowance, the resulting rent increase will be capped at 50 percent of the rent increase the family would have otherwise received.

XVI. GRIEVANCE PROCEDURE

1. Establishment of Informal Hearing with Housing Authority Management

1.1 Reasons for Informal Hearing with Management

An informal hearing shall be established to afford a tenant or applicant an opportunity for a fair hearing if he/she disputes within a reasonable time any Housing Authority action or failure to act in accordance with the lease requirements, or any Housing Authority action or failure to act involving interpretation or application of the Housing Authority's regulations, policies or procedures which adversely affect the tenant's or applicant's rights, duties, welfare or status.

1.2 Who is the Informal Hearing Officer

The informal hearing shall consist of one (1) person from Housing Authority Management. This member of management cannot be one whose duties and responsibilities involve him/her in any way with the grievance at issue.

2. Establishment of Grievance Panel Hearing

2.1 Reasons for Grievance Panel Hearing

An impartial grievance panel hearing shall be established to afford a tenant or applicant an opportunity for a fair hearing if he/she disputes, within a reasonable time, any Housing Authority action or failure to act in accordance with the lease requirements, or any Housing Authority action or failure to act involving interpretation or application of the Housing Authority's regulations, policies or procedures which adversely affect the tenant's or applicant's rights, duties, welfare or status.

2.2 Who are the members of the Grievance Panel Hearing

The Hearing Panel shall consist of five (5) members, one (1) selected in alphabetical order from the tenant membership of the Board of Tenant Affairs; one (1) selected from the Mayor appointed membership of the Board of Tenant Affairs, both who serve on a rotating basis for each day or evening hearing or hearings; two (2) appointed by the Housing Authority; and, one (1) impartial and disinterested member who shall be selected from a pool of grievance panel members from separate agencies or organizations in the Woonsocket area and who has been approved jointly by the Board of Tenant Affairs and the Housing Authority.

2.3 Restrictions on who may be a Hearing Panel Member

2.3.1 Restriction on who may be a Chairperson

The impartial or disinterested member of the Hearing Panel shall be the chairperson of the hearing or hearings. The impartial or disinterested member of the Panel may not be an officer or an employee of the Housing Authority or any of its projects, nor a tenant of the Housing Authority, or an employee of the City of Woonsocket.

2.3.2 Restriction on other Hearing Panel members

There shall be no relatives of the complainant on the Panel which hears his/her complaint; nor shall any Housing Authority officer or employee whose duties and responsibilities involve him/her in any way with the grievance at issue, sit as a member of the Hearing Panel for that particular meeting.

2.4 Secretary to the Hearing Panel

The Secretary to the Grievance Panel will be an elected officer from the Tenant Board of Affairs in accordance with the Bylaws of the Tenant Board of Affairs.

3 Proceedings Prior to a Grievance Panel Hearing

3.1 Tenant Grievances

3.1.1 Complaint must be presented in writing to Project Office

A tenant grievance or complaint must be personally presented in writing and signed by the complainant to the Housing Authority office of the project in which the complainant resides so that the grievance may be formally discussed and resolved without a hearing. Said grievance or complaint must be filed within ten (10) days of the Housing Authority action or failure to act which is the basis for the grievance and must specify: (i) the particular grounds upon which it is based and (ii) the action requested.

3.1.2 Complaint is over amount of rent

If the complaint is over the amount of rent which the Housing Authority claims is due, the complainant shall deposit in the Housing Authority Tenant Escrow account, the amount needed to bring the tenant current with the full rental amount due and payable on the first of the month preceding the month of the Housing Authority's act on which the tenant seeks a grievance hearing, and shall thereafter deposit the same amount of the monthly rent in the Housing Authority Tenant Escrow account when due, pending settlement of the dispute by the Informal Hearing Officer or the completion of all Grievance Panel procedures including the time allotted the Housing Authority to appeal decision of the Grievance Panel (section 5.2). If the complainant fails to do so by the time allowed to petition for hearings, or fails to continue to pay the escrow rent when due until completion of all Informal Hearing and Grievance Panel procedures, the Informal Hearing Officer or Grievance Panel shall determine that the complainant has waived his/her right to an Informal and/or Grievance Panel hearing. Such determination shall not constitute a waiver of the complainant's right to thereafter contest the local Housing Authority's disposition of his/her grievance in an appropriate judicial proceeding. The Executive Director may waive the requirement of an escrow deposit in extenuating circumstances.

3.1.3 Answer to grievance from Project Manager

An answer in writing (Exhibit 1) to each complaint, dated and signed by the Project Manager, shall be delivered or mailed to the Complainant within ten (10) days specifying: (i) the proposed disposition of the complaint and the reason therefore, and (ii) the rights of the complainant to an informal hearing with another member of management, and (iii) the

procedure by which that informal hearing may be obtained, and (iv) the rights of the complainant to a hearing with the Hearing Panel.

3.1.4 Complainant dissatisfied with decision of Project Manager

If the tenant is dissatisfied with the proposed disposition of his/her complaint, he/she shall within ten (10) days of delivery of such answer to his/her complaint or notice from the Housing Authority, to petition the Executive Director in writing for an informal hearing. Within ten (10) days of such notice, the Executive Director shall set a date for the informal hearing and shall inform the tenant in writing (Exhibit 3) of: (i) the date, time, and place of the informal hearing, and (ii) the tenant's right to a Grievance Panel Hearing, and (iii) the consequences of failure to petition for informal hearing (section 2.1.4).

3.1.5 Failure to petition for Informal Hearing within time frame

If the tenant fails to petition for an Informal Hearing within ten (10) days, without good cause, he/she will be held to have waived his/her right to an Informal Hearing and a Grievance Panel Hearing, and the proposed Housing Authority disposition of the complaint shall be binding. Such determination shall not constitute a waiver of the complainant's right to thereafter contest the local Housing Authority's disposition of his/her grievance in an appropriate judicial proceeding.

3.1.6 Complainant dissatisfied with decision of Informal Hearing Officer

If the tenant is dissatisfied with the decision of the Informal Hearing Officer (Exhibit 2), he/she shall within ten (10) days of delivery of such decision to his/her complaint or notice from the Housing Authority, petition the Executive Director in writing (Exhibit 5) for a Grievance Panel Hearing. Upon such notice, the Executive Director shall: (i) set a date for the Grievance Panel Hearing, and (ii) inform the tenant in writing (Exhibit 5) of the date, time, and place of the Grievance Panel hearing, and (iii) shall also notify the Secretary of the Board of Tenants' Affairs in writing of the date, time, and place of the Grievance Panel Hearing, and (iv) consequences of failure to petition for a Grievance Panel hearing (section 2.1.4).

3.1.7 Failure to petition for Grievance Panel Hearing within time frame

If the tenant fails to petition for a Grievance Panel hearing within ten (10) days without good cause, he/she will be held to have waived his/her right to a Grievance Panel hearing and the proposed Housing Authority disposition of the complaint shall be binding. Such determination shall not constitute a waiver of the complainant's right to thereafter contest the local Housing Authority's disposition of his/her grievance in an appropriate judicial proceeding.

3.2 Applicant Grievances

3.2.1 Complaint must be presented in writing to Main office

An applicant's grievance or complaint must be personally presented in writing and signed by the complainant to the Housing Authority Main office. Said grievance or complaint must be filed within ten (10) days of the Housing Authority action or failure to act which is

the basis for the grievance and must specify: (i) the particular grounds upon which it is based, and (ii) the action requested.

3.2.2 Answer to applicant's grievance from Executive Director

An answer in writing (Exhibit 1) to each complaint dated and signed by the Executive Director shall be delivered or mailed to the complainant within ten (10) days specifying: (i) the proposed disposition of the complaint and the reason therefore, and (ii) the rights of the complainant to an informal hearing with another member of management, and (iii) the procedure by which that informal hearing may be obtained, and (iv) the rights of the complainant to a hearing with the Hearing Panel.

3.2.3 Complainant dissatisfied with decision of Executive Director

If the tenant is dissatisfied with the proposed disposition of his/her complaint, he/she shall, within ten (10) days of delivery of such answer to his/her complaint or notice from the Housing Authority, petition the Executive Director in writing for an informal hearing. Upon such notice, the Executive Director shall set a date (Exhibit 3) for the informal hearing and shall inform the tenant in writing of the date, time, and place. The Executive Director shall also notify the complainant of his/her right to a Grievance Panel Hearing.

3.2.4 Failure to petition for Informal Hearing within time frame

If the applicant fails to petition for an Informal Hearing within ten (10) days, without good cause, he/she will be held to have waived his/her right to such hearing and the proposed Housing Authority disposition of the complaint shall be binding. Such determination shall not constitute a waiver of the complainant's right to thereafter contest the local Housing Authority's disposition of his/her grievance in an appropriate judicial proceeding.

3.2.5 Complainant (applicant) dissatisfied with decision of Informal Hearing Officer

If the applicant is dissatisfied with the decision of the Informal Hearing Officer (Exhibit 2), he/she shall, within ten (10) days of delivery of such decision to his/her complaint or notice from the Housing Authority, petition the Executive Director in writing (Exhibit 5) for a Grievance Panel Hearing. Upon such notice, the Executive Director shall (i) set a date (Exhibit 4) for the Grievance Panel Hearing, and (ii) inform the tenant in writing of the date, time, and place of the Grievance Panel Hearing, and (iii) shall also notify the Secretary of the Board of Tenants' Affairs in writing of the date, time, and place of the Grievance Panel Hearing, and (iv) consequences of failure to petition for Grievance Panel Hearing (section 2.1.4)

3.2.6 Failure to petition for Grievance Panel Hearing within time frame

If the applicant fails to petition for a Grievance Panel Hearing within ten (10) days, without good cause, he/she will be held to have waived his/her right to a Grievance Panel Hearing, and the proposed Housing Authority disposition of the complaint shall be binding. Such determination shall not constitute a waiver of the complainant's right to thereafter contest the local Housing Authority's disposition of his/her grievance in an appropriate judicial proceeding.

4 Conduct of Hearings

4.1 Entitled to Counsel

All tenants or applicants for tenancy as well as the Housing Authority shall be entitled to an Informal Hearing and a Grievance Panel Hearing. At such hearings the complainants may be represented by counsel or other persons chosen as a representative.

4.2 Private Informal Hearings

The Informal Hearing shall be private. The Grievance Panel Hearing shall be private unless the complainant requests a public hearing and the Grievance Panel agrees.

4.3 Regulations and evidence

The complainant may examine before the hearing and at his/her expense, copies of all documents, records, and regulations of the Housing Authority that are relevant to the hearing. Any documents in the possession of the Housing Authority which are not made available after request therefore by the complainant may not be relied on by the Housing Authority or the project management at the hearing. The complainant may request in advance at his/her expense a transcript of any hearings.

4.4 Cancellation of Informal Hearings

If the complainant fails to notify the Informal Hearing Officer in writing of a request to postpone the hearing within 24 hours of the time of the scheduled hearing, the Informal Hearing Officer will make a determination that the complainant has waived his/her rights to the Informal Hearing and the Grievance Panel Hearing.

4.5 Waiver of Informal Hearing Procedure

The Housing Authority can waive the informal hearing steps, if the Authority believes that the Informal Hearing Officer would not change the decision of the management person answering the complaint. The Housing Authority shall give reasons for its determination.

4.6 Request by complainant to bypass Informal Hearing Procedure

The complainant may request that the informal hearing process be bypassed. The complainant must give reasons why he/she is requesting waiver of the Informal Hearing. The Housing Authority reserves the right to deny such waiver.

4.7 Cancellation of Grievance Panel Hearings

If the complainant or the Housing Authority fails to notify the Secretary of the Grievance Panel in writing of a request to postpone the Grievance Panel Hearing within 24 hours of the scheduled hearing, the Grievance Panel 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 his/her rights to the Grievance Panel Hearing. Both the complainant and the Housing Authority shall be notified of the determination by the Hearing Panel.

4.8 Burden of Proof

At the Grievance Panel Hearing and in all cases except evictions, the complainant must make a prima facie case and then the burden of proof is on the Housing Authority to justify the action or inaction proposed by it in its answer to the complaint. In cases dealing with evictions, the burden of proof is on the Housing Authority to justify the proposed eviction. The complainant may present evidence and arguments in support of his/her complaint; controvert evidence relied on by the Housing Authority; and confront and cross-examine all witnesses on whose testimony or information the Housing Authority relies.

4.9 All parties to take Oath

All parties testifying at Grievance Panel Hearings shall take an oath to tell the truth. Such oath is to be administered by the Chairperson of the Grievance Panel Hearing.

5 Decisions of the Grievance Panel

5.1 Communication of decision

The Grievance Panel shall prepare its written decision including a statement of findings and conclusions as well as the reasons or basis therefore upon all material issues raised by the parties. This shall be done within seven (7) days after the date of the hearing. Copies therefore shall be mailed or delivered to the parties and/or their representatives. The decision of the Hearing Panel shall be based solely and exclusively upon facts presented at the hearing upon Rhode Island law, the Federal Minimum Housing Act of 1937, HUD regulations, and applicable Housing Authority rules and regulations.

5.2 Decision in favor of tenant or applicant

If the decision of the Hearing Panel is in favor of the complainant, the Housing Authority shall promptly take all action necessary to carry out such decision or refrain from any action prohibited by such decision unless the Executive Director for the Housing Authority determines and notifies the complainant and the Board of Tenant Affairs in writing within ten (10) days that the Hearing Panel has acted arbitrarily or exceeded its authority. The notice to the complainant shall specify that the Executive Director will ask that the Board of Commissioners for the Housing Authority pass a resolution at the next regularly scheduled meeting, the resolution would state that the Hearing Panel has acted arbitrarily or exceeded its authority. Such notice shall also indicate the time and date of the next regularly scheduled meeting of the Board of Commissioners. The Board of Commissioners of the Housing Authority must notify the complainant in writing within five (5) days of its decision that the resolution passed or failed. If the Board of Commissioners passed such a resolution, the Housing Authority may commence an action to regain possession of the premises pursuant to Article 10 of the lease and thereby incur the burden of proving that the contested decision was arbitrary and capricious. In such judicial proceedings, the Housing Authority shall be limited to invoking against the complainant the grounds originally relied on by the Housing Authority in its proposed disposition of the complaint.

5.3 Decision in favor of Housing Authority

If the decision of the Grievance Panel is in favor of the Housing Authority, an action to regain possession may not be commenced until after the tenant's right to use and/or occupy the premises has been terminated pursuant to the notice provisions of the lease. Such notice to vacate may not be given prior to the date on which the Grievance Panel's decision upholding the proposed eviction is delivered or mailed to the tenant.

EXHIBIT 4 – DECISION on GRIEVANCE

THE HOUSING AUTHORITY
OF THE CITY OF
WOONSOCKET, RHODE ISLAND

679 SOCIAL STREET
WOONSOCKET, RHODE ISLAND 02895

DECISION ON TENANT OR APPLICANT'S GRIEVANCE OR COMPLAINT

Date: _____

Dear _____:

We have reviewed your grievance and/or your complaint dated _____. We have determined that your grievance and/or complaint should be disposed by doing the following action:

We have come to propose this action for the following reason:

This determination is based on our having received the following specific information:

If you disagree with this determination, you may request an informal hearing within ten (10) days from date of mailing of this letter, by sending or delivering a request to: Executive Director at the above address. You may have access to your file before the hearing to see any information we have concerning your grievance. You have the right to present evidence at this hearing, including witnesses, and you may bring an attorney or other representative if you desire.

If you are not satisfied with the result of the informal hearing, you will be able to request an impartial hearing before the Grievance Panel of the Board of Tenant Affairs. Information on how to request a Grievance Panel Hearing will be provided to you with the Informal Hearing decision.

Your right to a hearing does not stop you from exercising other rights if you believe that you are being discriminated against on the basis of race, color, religion, sex, marital status, national origin, handicap, or age.

An informal hearing will be held within ten (10) working days of your request.

Sincerely,

EXHIBIT 5 – INFORMAL HEARING DECISION

THE HOUSING AUTHORITY
OF THE CITY OF
WOONSOCKET, RHODE ISLAND

679 SOCIAL STREET
WOONSOCKET, RHODE ISLAND 02895

INFORMAL HEARING DECISION

Date: _____

Dear _____:

Based on your informal hearing held on _____, we have decided that:

If you are dissatisfied with this decision, you may request an impartial hearing before the Grievance Panel of the Board of Tenant Affairs by completing the attached Grievance Panel Request Form, and by personally presenting the Grievance Panel Request Form at the Administrative Office of The Housing Authority of the City of Woonsocket, Rhode Island at 679 Social Street, Woonsocket, Rhode Island, within ten (10) days of mailing of this decision.

If you fail to petition for a Grievance Panel Hearing within ten (10) days, without good cause, you will be held to have waived your right to a Grievance Panel Hearing, and the proposed Housing Authority disposition of your complain shall be binding. Such determination shall not constitute a waiver of your right to thereafter contest the Housing Authority's disposition of your grievance in an appropriate judicial proceeding.

EXHIBIT 6 - NOTICE of INFORMAL HEARING

THE HOUSING AUTHORITY
OF THE CITY OF
WOONSOCKET, RHODE ISLAND

679 SOCIAL STREET
WOONSOCKET, RHODE ISLAND 02895

NOTICE OF INFORMAL HEARING ON TENANT OR
APPLICANT'S GRIEVANCE OR COMPLAINT

Date: _____

Dear _____:

You have requested an informal hearing (see attached request).

This Informal Hearing is scheduled for the ____ day of _____, 20 __, at _____, at The Housing Authority of the City of Woonsocket, Rhode Island. You are free to bring any information, documents, or witnesses to support your case, and you may bring an attorney or other representative.

If you are not satisfied with the result of the Informal Hearing, you will be able to request an impartial hearing before the Grievance Panel of the Board of Tenant Affairs. Information on how to request a Grievance Panel Hearing will be provided to you with the Informal Hearing decision.

If you fail to notify the Informal Hearing Officer in writing of a request to postpone the hearing within 24 hours of the time of the scheduled Informal Hearing, the Informal Hearing Officer will make a determination that you have waived your rights to the Informal Hearing and the Grievance Panel Hearing.

Your right to a hearing does not stop you from exercising other rights if you believe that you are being discriminated against on the basis of race, color, religion, sex, marital status, national origin, handicap, or age.

An Informal Hearing will be held within ten (10) working days of your request.

Sincerely,

EXHIBIT 7 – NOTICE OF GRIEVANCE PANEL HEARING

THE HOUSING AUTHORITY
OF THE CITY OF
WOONSOCKET, RHODE ISLAND

679 SOCIAL STREET
WOONSOCKET, RHODE ISLAND 02895

NOTICE OF GRIEVANCE PANEL HEARING

Date: _____

Dear _____:

You have requested a Grievance Panel Hearing on disposition of your grievance and/or complaint.

This Grievance Panel Hearing is scheduled for the ___ day of _____, 20___, at _____, at The Housing Authority of the City of Woonsocket, Rhode Island, Administration Office, 679 Social Street, Woonsocket, Rhode Island. You are free to bring any information, documents, or witnesses to support your case, and you may bring an attorney or other representative.

If you fail to notify the Executive Director and the Secretary for the Grievance Panel in writing of any request to postpone the Grievance Panel Hearing within 24 hours of the time of the scheduled hearing, the Grievance Panel may make a determination to postpone the hearing for not to exceed five (5) business days or make a determination that the party has waived his or her rights to the Grievance Panel Hearing.

The Authority has already provided you with a copy of the established Grievance Procedures. If you need another copy, please go to your project office or go to the Administrative Office, 679 Social Street, Woonsocket, Rhode Island.

Sincerely,

EXHIBIT 8 - GRIEVANCE PANEL REQUEST FORM

THE HOUSING AUTHORITY
OF THE CITY OF
WOONSOCKET, RHODE ISLAND

679 SOCIAL STREET
WOONSOCKET, RHODE ISLAND 02895

GRIEVANCE PANEL REQUEST FORM

I, _____, of _____ hereby request that
The Housing Authority of the City of Woonsocket, Rhode Island convene a Grievance Hearing on
one of the following:

CHECK ONE:

_____ I do not agree with the change in rent as stated on your notice of a rental adjustment, and
therefore I am requesting a hearing with the Grievance Panel of the Board of Tenant Affairs. I have
placed the rent due (see section 3.1.2 in Grievance Procedures for amount to be placed in escrow) in
the escrow bank account of the Authority, and I realize that I must continue to place the monthly rent
in the escrow account until a final decision is made under the Grievance Procedure.

_____ I do not owe the rent as stated on your five-day demand notice, and therefore I am
requesting a hearing with the Grievance Panel. I have placed the rent due (see section 3.1.2 in
Grievance Procedures for amount to be placed in escrow) in the escrow bank account of the
Authority, and I realize that I must continue to place the monthly rent in the escrow account until a
final decision is made under the Grievance Procedure.

_____ I disagree 100 percent with the decision made by the Hearing Officer at the informal
hearing held on _____ (see attached decision).

_____ I disagree in part with the decision made by the Hearing Officer at the informal hearing
held on _____ (see attached decision) for the following reasons:

I prefer to have a Grievance Panel Hearing at the following time(s) of day:

First preference: _____
Second preference: _____
Third preference: _____

I have received a copy of the Grievance Panel Request Form.

I have received a copy of the Grievance Panel Procedures.

Signature Date

Signature Date

=====

Received by The Housing Authority of the City of Woonsocket, Rhode Island on

Date Time:

Signature

=====

Copy the Secretary of Board of Tenant Affairs

Copy to Attorney of Board of Tenant Affairs

Copy to WHA Attorney

Copy to Tenant/Applicant

Copy to WHA Tenant/Applicant file

XVII. FAMILY SELF-SUFFICIENCY PROGRAM

The WHA can operate a Family Self-Sufficiency (FSS) Program to support residents' efforts toward self-sufficiency by identifying and removing the barriers that are keeping participating families dependent on the public assistance system.

A. Establishment of Program

1. Purpose

The purpose of the FSS Program is to promote the development of local strategies to coordinate the use of public housing assistance and housing assistance under the Housing Choice Voucher programs with public and private resources, to enable families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency.

The FSS Program is administered in accordance with 24 CFR 984, the WHA's FSS Program Action Plan, the Housing Choice Voucher Program Administrative Plan, and this Admissions and Continued Occupancy Policy.

2. Program Objective

The objective of the FSS Program is to reduce the dependency of low-income families on welfare assistance and on Section 8, public, or any Federal, State, or local rent or homeownership subsidies. Under the FSS Program, low-income families are provided opportunities for education, job training, counseling, and other forms of social service assistance, while living in assisted housing, so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. Self-sufficiency means that an FSS family is no longer receiving Section 8, public or Indian housing assistance, or any Federal, State, or local rent or homeownership subsidies or welfare assistance.

Self-sufficiency means that an FSS family is no longer receiving welfare assistance. Welfare assistance, as defined by HUD for the FSS program, means income assistance from Federal or state welfare programs, and includes only cash maintenance payments designed to meet a family's ongoing basic needs.

The WHA will measure the success of the FSS Program not only by the number of families who achieve self-sufficiency, but also by the number of FSS families who, as a result of participation in the program, have family members who obtain their first job, or who obtain higher paying jobs; no longer need benefits received under one or more welfare programs; obtain a high school diploma or higher education degree; or accomplish similar goals that will assist the family in obtaining economic independence.

3. Action Plan

In accordance with 24 CFR 984.201, the WHA developed a HUD-approved Action Plan prior to implementation of the FSS Program. The Action Plan describes the policies and procedures of the WHA for operation of the FSS Program.

4. Program Coordinating Committee

Per 24 CFR 984.202, the WHA has established a Program Coordinating Committee (PCC) whose functions are to assist the WHA in securing commitments of public and private resources for the operation of the FSS Program.

5. Operational Committee

The WHA has established an FSS Operational Committee whose functions are to assist the Self-Sufficiency Coordinators in the maintenance and operation of the FSS Program.

B. Scope of Program and Services

1. Program Size

The actual size of the program will vary at any particular time, depending on interest in the program, participants' progress, and available resources. Generally, full enrollment in the public housing FSS Program is defined as 35 participating families.

2. Services

The scope of services provided to each participating family will vary according to that family's needs and goals. Participating families will complete a Needs Assessment and work individually with the Self-Sufficiency Coordinator to analyze their barriers to self-sufficiency. At a minimum, the WHA will assess each participating family's needs for basic supportive services, including but not limited to:

- Childcare
- Remedial education
- Education for the completion of high school
- Post-secondary education and training
- Transportation necessary to receive services
- Job training preparation
- Substance abuse treatment, counseling, and education
- Training in homemaker skills, money management, and homemaker skills
- Food
- Clothing
- Health care
- Homeownership education and/or housing counseling

The WHA will seek the commitment of public and private resources from the community to meet these needs. Referrals are made to appropriate community public agencies, private organizations and industries, and nonprofit entities.

3. Escrow Account

To encourage participation in the FSS Program, HUD has developed an incentive plan to be offered to eligible families.

(a) Determination of contribution

The amount to be credited to the family's FSS escrow account is calculated by completion of the FSS Escrow Account Worksheet and is determined by increases in the family's level of earned income. For purposes of the FSS escrow credit calculation, earned income is defined as the following:

- The full amount before any payroll deductions of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services
- The net income from operation of a business or profession as determined by the WHA pursuant to 24 CFR 813.106.
- All regular pay, special pay, and allowances of a member of the Armed Forces (excluding special pay to a family member in the Armed Forces who is exposed to hostile fire).

The family must report any changes in household income (increase, decrease, or change in the source of income) to the WHA within ten (10) calendar days of the change. The WHA will determine whether or not an interim rent adjustment is necessary. The family shall comply with all requests of program eligibility.

Each time an interim or annual rent determination is completed, a new Worksheet will be completed and adjustments made to the level of credit to the family's Escrow account. Failure on the part of the family to report income changes may be grounds for termination of public housing assistance and/or the family's participation in the FSS program. If the WHA elects not to terminate assistance and/or participation in the FSS program, any retroactive increases to the family's earned income level shall not be credited to the family's escrow account.

(b) Account management

Pursuant to federal regulations, all FSS escrow funds will be deposited in a HUD-approved interest bearing account. The WHA has established a single depository account for FSS account funds for all FSS families and a subsidiary ledger which includes sub-accounts for each family. The investment income for the combined FSS funds is prorated and credited to each family's FSS account based on the balance of each account at the end of the period for which the investment income is prorated.

FSS escrow accounts are subject to all applicable State of Rhode Island laws governing escrow accounts.

The WHA is responsible for providing HUD account documentation and meeting HUD reporting requirements. The WHA also makes periodic reports to the Coordinating and Operational Committees so that plans for additional services are organized and implemented in a timely manner.

(c) *Disbursement of FSS escrow accounts*

Completion of contract:

The amount in the family's escrow account, in excess of any money owed to the WHA by the family (to include any money owed the FSS Emergency Fund) shall be paid to the head of the family when the FSS contract has been completed in accordance with Section C.3 below. This can be done at the expiration of the contract term, or prior to that so long as the family has fulfilled its obligations under the Contract of Participation.

Interim Disbursement:

At the request of the family and the recommendation of the Self-Sufficiency Coordinator in consultation with the FSS Operational Committee, the WHA may at its sole discretion disburse a portion of the funds from the family's FSS escrow account to the head of the family to be used to assist the family in meeting expenses consistent with the contract. In making this determination, the WHA will consider whether the family has met appropriate interim goals in accordance with its ITSP and the proposed use of the disbursed funds. The WHA may request documentation to substantiate the use of borrowed funds. Moreover, the Executive Director has the final authority regarding such decisions.

(d) *Effects of termination of program participation*

Termination of FSS Program participation shall result in immediate termination of the Contract of Participation, and the amounts credited to the family's escrow account shall be forfeited. Such action will be taken only after a reasonable effort is made to enable the family to remain in the program and reasonable amendments to the ITSP have been made to accommodate changing circumstances.

C. Participant Selection

1. Voluntary Program

The FSS Program is a voluntary program available to eligible families who are sincere in their intentions to achieve financial independence for their families. Anyone who does not wish to participate in the FSS Program will not lose their housing assistance because of this decision.

2. Statement of Non-Discrimination

Participation in the FSS Program shall be open to all eligible families, as defined below, subject to availability of FSS slots. Determination of eligibility shall be on a uniform, nondiscriminatory basis in respect to race, color, sex, religion, familial status, disability, or national origin. There will be no discrimination on the basis of level or source of income.

3. Eligibility Criteria

To be eligible for the public housing FSS Program, a family must be a current resident of public housing. Eligible families also include current residents of public housing who are participants in local public housing self-sufficiency programs. Determinations of eligibility will be made in accordance with the relevant policies and procedures of the WHA.

4. Outreach Efforts

An FSS Program brochure is provided to all public housing residents at the time of admission and at the annual recertification. If the resident is not interested in the program at that time, he/she will be asked to sign a participant waiver. The WHA's Self-Sufficiency Coordinator will be available on an appointment basis to discuss the program with interested residents and assist any family who has difficulty completing the FSS Program application process.

5. Application Procedures

Among those households eligible, the FSS Program participants will be selected from an FSS waiting list composed of those families currently residing in the WHA's public housing developments and Housing Choice Voucher programs.

To apply for the FSS Program, a family must first indicate its interest in the program. This can be done by a referral from a WHA staff member or a self-referral to the Self-Sufficiency Coordinator. The family will then be placed on the FSS Program waiting list in the order in which it expressed interest in the program. The WHA will notify the family in writing of its placement on the waiting list and inform the family that it will be contacted when a slot is available.

When a slot becomes available, the family will be notified in writing by the Self-Sufficiency Coordinator that it has been selected for participation in the FSS Program. The family shall also be advised of the initial steps required to execute the Contract of Participation. The notice will include an FSS Application and Information Registration Form, FSS Application, and the FSS Resident Needs Assessment.

If the family does not respond within 14 days of the date of the notice, a second written notice shall be sent informing the family that it has been moved to the bottom of the waiting list. (The WHA staff and/or Self-Sufficiency Coordinator may contact the family in person or by phone if there is a question regarding the family's receipt or comprehension of the notification.) Documentation of such contact shall be placed in the family's file.

If the family moves to the top of the waiting list again and a slot becomes available, a second written notice will be sent giving them 14 days to respond. This mailing will include the necessary paperwork. If the family does not respond to the second notice, or responds negatively, a written notice shall be sent by the Self-Sufficiency Coordinator informing the family that its name has been removed from the waiting list. The notice will also advise the family that it may rejoin the FSS waiting list with the stipulation that it has only one other opportunity to join the FSS Program. If they do not respond to the third invitation, they will be permanently removed from the FSS waiting list.

At the determination of the Self-Sufficiency Coordinator, the family may be asked to comply with a number of requests for action and/or information needed prior to execution of FSS Contract of Participation. Such requests may include but are not limited to a request for: one (1) or more meetings with the case manager, information needed by WHA staff to prepare the preliminary rent determination, or information or appointments as may be required to complete the family's Individual Training and Service Plan (ITSP). In the event that the family replies to the notice of selection but fails to comply with such a request, and WHA staff and/or case manager have made reasonable efforts to contact and assist the family with meeting these requests, the family shall be notified in writing that failure to meet these requirements within 14 days of the date of the notice will result in the family being moved to the bottom of the FSS waiting list or, if the second time being approached, removed from the FSS waiting list.

D. Contract of Participation

1. Purpose of Contract

Once the application process is complete, the family and WHA sign a legally binding Contract of Participation. The contract sets forth the terms and conditions governing participation in the FSS Program. The Contract of Participation includes all individual and training services plans entered into between the WHA and all members of the family who will participate in the FSS Program.

2. Execution Process

(a) Designation of head of household

The family must designate an adult member as head of household. The head of household must meet all legal requirements in the State of Rhode Island to execute a binding legal Contract of Participation. The head of the FSS family is the head of the household for purposes of determining income eligibility and rent.

If the individual initially designated as head of the FSS family ceases to reside with the household in the assisted housing unit, it is the responsibility of the remaining adult members to notify the WHA within ten (10) calendar days. The remaining members will consult with the WHA to designate an alternative head of household. The alternative head must meet the requirements of the initial head as specified above.

Once designated, the alternative head will meet with the WHA to review the family's Individual Training and Services Plan, make any necessary modifications, and execute an FSS Contract of Participation Addendum (as applicable). The WHA will perform an interim rent determination based on the remaining household members and complete a new Escrow Account Worksheet.

Upon approval by the WHA, the alternative head of household then becomes the designated payee of the family's Escrow Account. If the WHA determines that the newly designated head is unwilling to become employed, the WHA will terminate the family's FSS Program participation. In such cases, the FSS Escrow Account will be forfeited upon termination from the FSS Program.

(b) Development of Individual Training and Services Plan

The Individual Training and Services Plan (ITSP) is a written plan that is prepared for the head of the FSS family, and each adult member of the FSS family who elects to participate in the FSS Program, by the WHA in consultation with the family member, and which sets forth:

- The supportive services to be provided to the family member;
- The activities to be completed by that family member; and
- The agreed upon completion dates for the services and activities.

Each ITSP must be signed by the WHA and the participating family member and is attached to and incorporated as part of the Contract of Participation.

If the family is receiving welfare assistance at the time of contract execution or at some time during the term of contract, the ITSP will have a mandatory interim goal that the family shall become independent of welfare assistance for a period of one (1) year prior to the expiration of the term of the contract, or any extension thereof.

(c) *Determination of initial earned income*

Upon commitment to the FSS Program, the WHA may request an Interim Rent Determination. Upon verifying household income, the WHA will complete a new Tenant Certification Form to establish Total Tenant Payment and current level of earned income. This information shall be made part of the family's FSS Program file, and shall be used in completion of the FSS Escrow Account Credit Worksheet.

(d) *Contract execution*

Upon completion of the above items, the family will execute the FSS Program Contract of Participation. The effective date of the contract shall coincide with the effective date of the TTP and base earned income specified in the Interim Rent Determination required above and shall be the first day of the following calendar month.

At the time the contract is executed, the family will receive an explanation of the Escrow Account and a review of the account procedures as established by the WHA.

3. Successful Completion of Contract

A family has successfully completed its Contract of Participation when one of the following has occurred:

- The family has fulfilled all of its obligations under the contract on or before the expiration of the term of the contract, including any extension thereof; *or*
- 30% of the family's monthly adjusted income equals or exceeds the published existing housing fair market rent for the unit size appropriate under the WHA's occupancy standards and the family provides written certification that they are not receiving welfare assistance at that time.

Additionally, the following conditions must be met with regards to the fulfillment of a family's contractual obligations:

- The head of household has been employed during the term of the Contract and completed all other Contract obligations. If the head is enrolled fulltime in an academic or job training program and is maintaining passing grades, he/she will not have to seek and maintain employment until the final year of their education or training is completed or until the final year of their FSS Contract. If this head is not enrolled in academic or job training program, he/she must be seeking employment in order to continue as a participant in FSS.
- The head of household provides written certification that during the last 12 months no member of the family has not received assistance under any Federal or State welfare programs.

This is more specifically defined as income assistance from Federal or State welfare programs including TANF, SSI that is subject to an income eligibility test, Medicaid, food stamps, and general assistance. Welfare assistance does not include transitional Medicaid or childcare or SSI payments to guardians of disabled children. This

certification does not include receiving assistance solely directed towards housing expenses (rent, mortgage, or utility payments).

Please see the Recidivism Policy regarding families who are involuntarily and voluntarily terminated, successful and unsuccessful completions, or give up their housing assistance.

4. Extension of Contract

Upon written request by the family and recommendation by the Self-Sufficiency Coordinator, the WHA may extend the term of the contract for a specified period of time to be determined by the WHA, provided:

- The WHA finds good cause exists for granting the extension, and
- The total period of time for this plus any previous extensions does not exceed 24 months.

Good cause for an extension of the contract term shall include, but is not limited to the following:

- Additional time is required to complete an employment probationary period and achieve an acceptable income level;
- Additional time is required to complete an educational program, such as a particular degree;
- Additional time is required to assist with the addition of a new family member;
- A lack of appropriate job opportunity due to local economic conditions;
- An unforeseen medical problem(s) within the family; or
- Domestic problems (divorce, etc.)

A situation not specifically defined as good cause but which is proposed by the family will, upon recommendation by the Self-Sufficiency Coordinator, be reviewed by the WHA as grounds for extension of the contract term.

5. Termination of Contract

Upon recommendation by the Self-Sufficiency Coordinator, the WHA may elect to terminate the family's FSS program participation and supportive services if it is determined that the family has failed to comply with the FSS contract obligations without good cause.

This can be done for the following reasons:

- The head of the participating family refuses to seek suitable employment. Seeking employment means activities such as looking for a job, applying for work, going on job interviews, and otherwise following up on employment opportunities. Progress reports shall be required by the Self-Sufficiency Coordinator on a regular basis. Failure to maintain contact with the Self-Sufficiency Coordinator could also result in termination of the FSS Contract of Participation.

The determination of suitability of employment shall be made by the FSS Operational Committee in conjunction with the head of the family, and shall be based on the person's skills, education, the available job market, and the ITSP. The WHA may consult with other appropriate agencies in its determination of suitability. The

objective of the ITSP should be employment in an above minimum wage job or entry level position with potential for advancement.

- The head of the participating family refuses to maintain employment. There is no minimum time of required employment. However, the head of household must seek and maintain suitable employment sometime during the contract term. Although there may be some exceptions granted on a case by case basis, the ITSP shall require the head to maintain at least part-time employment, attend school, or obtain job training.
- The head of household fails to complete their ITSP.
- If the family moves from the WHA jurisdiction and does not continue with the FSS Program, or does not complete its program requirements by transferring to the FSS Program of the public housing agency having jurisdiction over the family's new place of residence.
- Failure to comply with the tenant's responsibilities under the lease, including but not limited to the reporting of changes in income and household composition and maintaining lease compliance.

The determination to withhold supportive services or terminate program participation will be made on the basis of the nature and extent of the violation of the family's program obligation and the status of the family's completion of the ITSP.

E. Other Program Information

1. Complaints and Appeals

In addition to the rights of a complaint and appeals process, as described in the WHA Grievance Procedure and in compliance with 24 CFR 882.216/887.504, the FSS Program participant will have access to the same process on those decisions denying an applicant:

- Listing on the FSS Waiting list;
- Issuance of an FSS contract from placement on the FSS waiting list on the basis of a lack of adequate supportive services being currently available;
- Continued participation in the program as the result of termination of the family's contract of participation;
- A request for an extension of the contract on the basis of a good cause;
- Distribution of the family's escrow account at the end of the contract term or at the completion of the family's obligations under the FSS contract; or
- Entrance into FSS due to non-lease compliance

Other determinations made by the WHA, the Operational Committee, or the Coordinating Committee under the terms of this policy shall not be subjected to the above complaint and appeals process.

XVIII. GLOSSARY

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

ADA: The Americans with disabilities act of 1990 (42 U.S.C 12101 et seq)

ALJ: An administrative law judge appointed to HUD pursuant to 5 U.S.C 3105 or detailed to HUD pursuant to 5 U.S.C 3344

Adjusted Income: The income upon which rent is based; Annual Income less certain deductions and exemptions

Annual contribution contract: The written contract between HUD and the WHA under which HUD agrees to provide funding for a program under the 1937 Act, and the WHA agrees to comply with HUD requirements for the program

Applicant: A person or a family that has applied for housing assistance

Annual Income: The anticipated total income from all sources, including net income derived from assets and/or received by the family head, spouse (even if temporarily absent), and each additional family member; includes all net income from assets for the twelve (12) month period following the effective date of initial determination or reexamination of income; and excludes income that is temporary, non-recurring, sporadic, or is specifically excluded from income by other federal statute

(A) All amounts, monetary or not, which:

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

(B) Annual income *includes*, but is not limited to:

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services
- (2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness 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 and verified with the most recent IRS 1040 Schedule C or equivalent. 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 reimbursement of cash or assets invested in the operation by the family;
- (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for authorization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section.

Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income 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

- (4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);
 - (5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);
 - (6) Welfare assistance payments made under the TANF
 - (i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
 - (a) Qualify as assistance under TANF program definition at 45 CFR 260.31; and
 - (b) Are not otherwise excluded under paragraph (c) of this section.
 - (ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
 - (a) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - (b) The maximum amount that the welfare assistance agency could in fact allow the family shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.
 - (7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling
 - (8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section).
- (C) Annual income does *not* include the following:
- (1) Income from employment of children (including foster children) under the age of 18 years
 - (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone)
 - (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section)
 - (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member
 - (5) Income of a live-in aide, as defined in §5.403
 - (6) The full amount of student financial assistance paid directly to the student or to the educational institution
 - (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire
 - (8) (i) Amounts received under training programs funded by HUD
 - (ii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing,

transportation, child care, etc.) and which are made solely to allow participation in a specific program

(iii) Amounts received under a resident services stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the WHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the WHA's governing board. No resident may receive more than one such stipend during the same period of time.

(iv) 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.

(9) Temporary, nonrecurring or sporadic income (including gifts)

(10) 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

(11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse)

(12) Adoption assistance payments in excess of \$480 per adopted child

(13) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

(14) 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;

(15) Amounts paid by a State agency to a family with a member who has 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

(16) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609© apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.

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

Assistance applicant: Except as excluded pursuant to 42 U.S.C. 3543 (b) and 3544(a)(2), this term means the following:

For any program under 24CFR parts 215, 221, 236, 290, or 891, or any program under Section 8 of the 1937 Act: A Family or individual that seeks rental assistance under the program.

For the public housing program: A family or individual that seeks admission to the program.

For any program under 24 CFR part 235: A homeowner or cooperative member seeking homeownership assistance (including where the individual seeks to assume an existing mortgage)

Assets: *include*

- (a) Amounts in savings and checking accounts
- (b) Stocks, bonds, savings certifications, money market funds, and other investment accounts
- (c) Equity in real property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred when selling the asset
- (d) The cash value of trusts that are available to the household. Irrevocable trusts are not included
- (e) IRA, Keough, and similar retirement savings accounts, even though withdrawal would result in a penalty
- (f) Contributions to company retirement/pension funds
- (g) Assets which, although owned by more than one (1) person, allow unrestricted access by the applicant
- (h) Lump sum receipts such as inheritances, capital gains, lottery winnings, insurance settlements, and other claims
- (i) Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc.
- (j) Cash value of life insurance policies
- (k) Assets disposed of for less than fair market value during the two (2) years preceding examination or reexamination, accounting for the difference between the market value and actual payment received.

Assets do *not* include:

- (a) Personal property, such as furniture and automobiles, interest in Indian trust lands, assets not accessible by the family, and assets that are a part of an active business or farm operation
- (b) The cost incurred in disposing of an asset
- (c) The value of the cooperative unit or manufactured home in which the family resides

Child: A member of the family other than the head or spouse who is under 18 years of age

Citizen: A citizen or national of the United States

Covered Person: For purposes of 24 CFR 5, subpart I, and parts 966 and 982, means a tenant, any member of tenant's household, a guest or another person under the tenant's control

Computer match: The automated comparison of data bases containing records about individuals

Computer matching agreement: The agreement that describes the responsibilities and obligations of the parties participating in a computer match

Common household pet: A domesticated animal, such as a dog, cat, bird, rodent (including a rabbit), fish, or turtle, that is traditionally kept in the home for pleasure rather than for commercial purposes. Common household pet does not include reptiles (except turtles). If this definition conflicts with any applicable State or local law or regulation defining the pets that may be owned or kept in dwelling accommodations, the State or local law or regulation shall apply. This definition shall not include animals that are used to assist persons with disabilities

Consent form: Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and payments of retirement income), as referenced at 26 U.S.C. 6103(I)(7)(A); and return information for unearned income from the Internal Revenue Service, as referenced at 26 U.S.C. 6103(I)(7)(B). The consent forms expire after a certain time and may authorize the collection of other information from assistance applicants or participants to determine eligibility or level of benefits as provided in §§813.109, 913, 109, and 950.315 of this title.

Costs used to determine fair market value of assets: The following items will be allowed as deductions from the appraised/market value to determine fair market value;

Real Property: the appraised value minus the cost of disposition including brokerage fees, points, appraisals, surveys and balanced owed.

Cash: the actual cash in savings or checking accounts

CDs or Bonds: The actual value minus any penalties for early withdrawal or brokerage fees

Stocks: The actual value minus any fees associated with the sale

IRAs or other retirement accounts: the actual value minus the early withdrawal fees and the penalties garnished by the IRS for early withdrawal.

Other assets: to be determined at the time of disclosure and normal fees for disposition

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

Department: The Department of Housing and Urban Development (HUD)

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

Drug: 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 possession of a drug with intent to manufacture, sell, distribute or use the drug

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

Disabled Family: A family whose head, spouse, or sole member, is a person displaced by government action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws

Drug-related activity: the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance

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 or Disabled Family:

- (1) A person with a disability, or an elderly or disabled family for purposes of the program under which a project for the elderly or persons with disabilities is assisted
- (2) An elderly person, a person with a disability, or an elderly or disabled family as defined in §5.403 in subpart A of this part

Elderly person: An individual who is at least 62 years of age

Elderly family: A family whose head, spouse, or sole member is a person who is at least 62 years of age. It may include 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

Employer Identification Number (EIN): The nine-digit taxpayer identifying number that is assigned to an individual, trust, estate, partnership, association, company, or corporation pursuant to sections 6011 (b), or corresponding provision of prior law, or 6109 of the Internal Revenue Code

Entity applicant:

- (1) Except as excluded pursuant to 42 U.S.C. 3543(b), 3544(a)(2), and paragraph (2) of this definition, this term means a partnership, corporation, or any other association or entity, other than an individual owner applicant, that seeks to participate as a private owner in any of the following:
 - (i) The project-based assistance programs under Section 8 of the 1937 Act
 - (ii) The programs in 24 CFR parts 215,221, or 236
 - (iii) The other mortgage and loan insurance programs in 24 CFR parts 201 through 267, except that the term "entity applicant" does not include a mortgage or lender
- (2) The term does not include a public entity, such as a PHA, IHA, or State Housing Finance Agency

Extremely low income family: A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes

Evidence of Citizenship or eligible status: The Documents which must be submitted to evidence citizenship or eligible immigration status

Family: A person or group of people related by blood, marriage, adoption, affinity, or operation of law that live together in a family relationship. It includes but is not limited to:

- (a) A family with or without children: the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and size
- (b) An elderly family: a family whose head, spouse, or sole member is a person at least 62 years of age. It may include 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.
- (c) A near-elderly family: a family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.
- (d) A disabled family: a family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

- (e) A displaced family: a family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
- (f) The remaining member of a tenant family
- (g) A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.
- (h) Foster children: may be considered part of a family unit for admission to or continued occupancy of public housing, provided that upon application for admission to public housing or upon application by a resident for a larger unit, the foster parent(s) seeking housing has been granted a license by the Department of Children, Youth, and Families permitting that person to act as a childcare provider/foster parent, pursuant to RIGL 42-72.1-4.

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)

Fair Market Rent (FMR): The rent that would be required to be paid in the particular housing market area in order to obtain privately owned, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. This FMR includes utilities (except telephone). Separate FMR's will be established by HUD for dwelling units of varying sizes (number of bedrooms) and will be published in the Federal Register in accordance with part 888 of this title

Federal agency: A department of the executive branch of the Federal Government

Federally assisted housing: Housing assisted under any of the following programs:

- (1) Public Housing
- (2) Housing receiving project-based or tenant-based assistance under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f)
- (3) Housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the National Affordable Housing act (12 U.S.C 1701q)
- (4) Housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act
- (5) Housing that is assisted under section 811 of the National Affordable Housing Act (42 U.S.C. 8013)
- (6) Housing financed by a loan or mortgage insured under section 221 (d)(3) of the National Housing Act (12 U.S.C. 1715/(d)(3)) that bears interest at a rate determined under proviso of section 221(d)(5) of such Act (12 U.S.C. 1715/(d)(5))
- (7) Housing insured, assisted, or held by HUD or by a State or local agency under section 236 of the national Housing Act of 1949 (42 U.S.C. 1715z-1) or
- (8) Housing Assisted by the Rural Development Administration under section 514 or section 515 of the Housing Act of 1949 (42 U.S.C. 1483, 1484).

Fraud: The intentional false representation or concealment of a material fact for the purpose of inducing another to act on it to his or her injury. Applicants / tenants commit fraud by submitting false statements which enable them to receive overpayments of subsidies or to receive subsidies to which they are not eligible.

Full Time Student Status: A student attending a fully accredited educational institution or training institution. Verification will be required in the form of a letter on the institutional letterhead signed in original ink, stating student status.

General Counsel: The General Counsel of HUD.

Gifts: Money or contributions received infrequently, such as on birthdays or Christmas, in small amounts not to exceed \$200.00.

Grantee: The person or legal entity to which a grant is awarded and that is accountable for the use of the funds provided

Guest: Only for purposes of 24 CFR part 5, subparts A and I, and parts 882, 960, 966 and 982, means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of parts 966 and 982 apply to guest as so defined

Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent

Household: For purposes of 24 CFR part 5 subpart I, and parts, 960, 966, 882, and 982, means the family and the WHA-approved live-in aide

Housing Program:

- (1) The housing programs administered by the Assistant Secretary for Housing-Federal Housing Commissioner
- (2) The Programs contained in chapter VIII of title 24 that assist rental projects and that meet the definition of project for the elderly or persons with disabilities

Housing covered programs: The following programs administered by the Assistant Secretary for Housing

- (1) Section 235 of the National Housing Act (12 U.S.C. 1715z) (the Section 235 Program)
- (2) Section 236 of the National Housing Act (12 U.S.C. 1715z-1) (tenants paying below market rent only) (the Section 236 Program)
- (3) Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C.1701s) (the Rent Supplement Program)

HUD: The Department of Housing and Urban Development

HUD-Funded Training Program: Any training program funded by the HUD

Income calculation methodology: For purposes of calculating income:

Monthly—received once every 12 months

Semi Monthly—received twice a month on the 1st and 15th or the 15th and 30th

Bi Weekly—received every two weeks or 26 times a year

Quarterly—received four times a year, once every quarter

Semi Annual—received twice a year (usually every six (6) months)

Annually—received every 12 months

Individual owner applicant: Except as excluded pursuant to 42 U.S.C. 3543(b), 3544(a)(2), or paragraph (2) of this definition, this term means:

- (1) An individual who seeks to participate as a private owner in any of:

- (i) The project-based assistance programs under Section 8 of the 1937 Act; or
 - (ii) The programs in 24 CFR parts 215, 221, 235 (without homeownership assistance), or 236, including where the individual seeks to assume an existing mortgage; or
- (2) An individual who;
- (i) Either:
 - (A) Applies for a mortgage or loan insured or coinsured under any of the programs referred to in paragraph (1)(iii) of the definition of "entity applicant" in this section; or
 - (B) Seeks to assume an existing mortgage or loan; and
 - (ii) Intends to hold the mortgaged property in his or her individual right

IRS: The Internal Revenue Service

INS: The U.S. Immigration and Naturalization Service

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

- (1) All employment income information known to current or previous employers or other income sources that HUD or the processing entity determines is necessary for purposes of determining and assistance applicant's or participant's eligibility for, or level of assistance in, a covered program
- (2) All information about wages, as defined in the State's unemployment compensation law, including and Social Security Number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, Employer Identification Number of an employer reporting wages under a State unemployment compensation law
- (3) With respect to unemployment compensation:
 - (i) Whether an individual is receiving, has received, or has applied for unemployment compensation
 - (ii) The amount of unemployment compensation the individual is receiving or is entitled to receive; and
 - (iii) The period with respect to which the individual actually received such compensation
- (4) Unearned IRS income and self-employment, wages and retirement income as described in the Internal Revenue Code, 26 U.S.C. 6103(I)(7)
- (5) Wage, social security (Title II), and supplemental security income (Title XVI) data obtained from the Social Security Administration

Joint checking or savings accounts: If the applicant / tenant owns a savings or checking account with another person who does not reside with them, those assets will be verified and all income attributed to the applicant / tenant.

Live-in aide: A person who resides with an elderly person or a person with a disability who:

- (a) Is determined by the WHA to be essential to the care and well-being of the person(s); and
- (b) Is not obligated for support of the person(s); and
- (c) Would not be living in the unit except to provide necessary supportive services

Relatives are not automatically excluded, but must meet the requirements above to qualify.

HUD allows a live-in aide's family members to reside in the unit, provided doing so does not increase the subsidy by the cost of an additional bedroom or overcrowd the unit

The income of this person would be excluded.

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

MSA: A metropolitan statistical area

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

Mixed family: A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status

Monetary or Not: As it relates to income, amounts or goods received by or for any household member by a person not listed as a household member or an institution. For example a boyfriend who contributes diapers and formula each month, those items would be a non monetary contribution and the value of such will be counted as income.

NAHA: The Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701)

National: A person who owes permanent allegiance to the United States (e.g. as a result of birth in a United States territory or possession)

NEPA: The National Environmental Policy Act of 1969 (42 U.S.C. 4321)

Near-elderly person: A person who is at least 50 years of age but below the age of 62

NOFA: Notice of Funding Availability

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

Non Reoccurring Employment: Income received from employment for a short period (not to exceed 6 months) that is designed to be neither permanent nor reoccurring (for example: a job working in a campaign office for a local, state or federal election).

OMB: The Office of Management and Budget

Organizational Unit: The Jurisdictional area of each Assistant Secretary, and each office head or field administrator reporting directly to the Secretary

Other person under the tenant's control: The purposes of the definition of covered person and for parts 5, 882, 966, and 982 means that the person, although not staying as a guest in the unit, is or was at the time of the activity in question, on the premises 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.

Owner: The person or entity (or employee of an owner) that leases an assisted dwelling unit to an eligible family and includes, when applicable, a mortgagee

Participant: Except as excluded pursuant to 42 U.S.C 3543(b) and 3544(a)(2), this term has the following meaning:

- (1) For any program under 24CFR part 891, or Section 8 of the 1937 Act: A family receiving rental assistance under the program

- (2) For the public housing program: A family or individual that is assisted under the program
- (3) For 24CFR parts 215, 221, 236, and 290: A tenant or qualified tenant under any of the programs
- (4) For 24CFR part 235: A Homeowner or a cooperative member receiving homeownership assistance

Passbook savings rate: The rate set by HUD to be used to compute imputed asset income. The WHA passbook savings rate is 0%.

Premises: For purposes of 24CFR part 5, subpart I, and parts 960 and 966, means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds

Project for the elderly or persons with disabilities:

- (1) For purposes of Housing Programs: A specific rental or cooperative multifamily property that, unless currently owned by HUD, is a subject to a first mortgage, and
 - (A) Is assisted under statutory authority identified by HUD through notice;
 - (B) Was designated for occupancy by elderly or disabled families when funds for the project were reserved or when the commitment to insure the mortgage was issued or, if not so designated, is designated for such occupancy in an effective amendment to the regulatory agreement covering the project, made pursuant to the project owner's request, and is assisted or insured under one of the programs identified by HUD through notice; or
 - (C) For which preference in tenant selection is given for all units in the project to elderly or disabled families and that is owned by HUD or assisted under one of the programs identified by HUD through notice.

This term does not include health and care facilities that have mortgage insurance under the National Housing Act. This term also does not include any of the project owner's property that does not meet the criteria contained in any one of paragraphs (1)(i)(A) through (C) of this definition, even if the property is adjacent to or under joint or common management with such specific property

- (2) Any Project assisted under title I of the United States Housing Act of 1937 (other than under section 8 or 17 of the Act), including any building within a mixed-use project, that was designated for occupancy by the elderly or persons with disabilities at its inception or, although not so designated, for which the WHA gives preference in tenant selection (with HUD approval) for all units in the project (or for a building within a mixed-use project) to elderly or disabled families. For purposes of this part, this term does not include projects assisted the Low-Rent Housing Homeownership Opportunity program or under title II of the United States Housing Act of 1937.

Person with disabilities:

- (a) A person who has a disability, as defined in 42 U.S.C. 423; has a developmental disability as defined in 42 U.S.C. 6001; or is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that is expected to be of a long-continued and indefinite duration, substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions;
- (b) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome; and
- (c) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence

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

Public Housing covered programs: The public housing programs administered by the Assistant Secretary for Public and Indian Housing under title I of the 1937 Act. This definition does not encompass HUD’s include those programs providing assistance under section 8 of the 1937 Act. (See definition of “Section 8 Covered Programs” in this section)

Public Housing Agency: Any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, which is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act

Project owner: An owner (including HUD, where HUD is the owner) or manager of a project for the elderly or persons with disabilities, or an agent authorized to act for an owner or manager of such housing.

Processing entity: The person or entity that, under any of the programs covered under this subpart B, is responsible for making eligibility and related determinations and income reexamination (In the Section 8 and public housing programs, the “processing entity” is the “responsible entity” as defined in §5.100).

Previously Unemployed: A tenant who was not working for a period of at least 3 months or longer.

Responsible entity:

- (1) For the Section 235 Program, the mortgagee
- (2) For the public housing program, the Section 8 tenant-based assistance program (part 982 of this title), and the Section 8 project-based certificate or voucher programs (part 983 of this title), and the Section 8 moderate rehabilitation program (part 882 of this title), responsible entity means the PHA administering the program under an ACC with HUD
- (3) For all other Section 8 Programs, responsible entity means the Section 8 project owner

Seasonal Employment: Employment that is only a certain time of year such as tax time or the Christmas holidays and lasts for a very short duration (not to exceed two months). In order for this type of income to be excluded this must be the only type of employment the tenant has during the year. If they are employed seasonally in other jobs then all income from all seasonal employment will be counted and adjusted accordingly with interim reexaminations or annualized if a history can be established.

Section 214: Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a)

Section 214 covered programs: The collective term for the HUD programs to which the restrictions imposed by Section 214 apply. These programs are set forth in §5.500

Section 8: The Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)

Section 8 covered programs: All HUD programs which assist housing under Section 8 of the 1937 Act, including Section 8-assisted housing, for which loans are made under section 202 of the Housing Act of 1959

Secretary: means the Secretary of Housing and Urban Development

Social Security Number (SSN): The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person’s earning reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

Sporadic Employment: Income received from odd jobs that is unverifiable and unreliable, generally occurs not more than one or twice a year and for very short periods of time, not to exceed two weeks.

SSA: The Social Security Administration

State Wage Information Collection Agency (SWICA): The State Agency, including any Indian tribal 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

Temporarily Absent: A member of the household who is not residing in the household for a temporary period of time but who expects to return to the household after a period of absence. Causes for such absence from the household are temporary job assignments, being called to active military duty, and/or hospitalization.

Temporary Employment: Employment that is not expected to be permanent or reoccurring such as that of a Temporary Census Worker who does not work more than 6 weeks.

Tenant: An individual or a family renting or occupying and assisted dwelling unit.

Trusts: Income received from trusts will be counted as income. If there is more than one trustee receiving income from a trust, the tenant's pro-rata share will only be counted as per the trust agreement.

URA: The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4201-4655)

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 or approved by the WHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement: The amount, if any, by which the utility allowance for a unit, if applicable, exceeds the total tenant payment (TTP) for the family occupying the unit. (This definition is not used in the Section 8 voucher program, or for a public housing family that is paying a flat rent.)

Violent Criminal Activity: 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

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

Violent criminal activity: Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Contact information for EIV sources:

To dispute information received from Upfront Income verification sources please contact the entities listed below. Changes will only be made to your record only if the following procedure is followed.

1. The WHA will request written 3rd party verification from the employer in question. If after 10 working days the WHA has not received written 3rd party verification from the employer, the

WHA will contact the tenant and advise the tenant that they must contact the employer and notify the employer that the information that they are reporting to the reporting entity is incorrect and provide the WHA with a written letter from the employer on the Employer's letterhead, to the effect that the information is being corrected.

2. Upon receipt of such letter from the Employer, the WHA will readjust the family income, but will re-verify the income again at the next quarter to determine if the required changes have been made. If the required changes have not been made, the income will be redetermined at the original, not adjusted, income amounts and not changed until the UIV system reflects the correct information.