HOUSING AUTHORITY OF THE CITY OF NEW BRITAIN
16 ARMISTICE STREET NEW BRITAIN CT

New Britain Housing Authority

AGENCY ANNUAL PLAN
FOR FISCAL YEAR
2023

REDLINE DRAFT
August 5, 2022
<table>
<thead>
<tr>
<th>AGENDA ITEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOTICE OF HEARING</td>
</tr>
<tr>
<td>FIVE YEAR ACTION PLAN</td>
</tr>
<tr>
<td>ACOP</td>
</tr>
<tr>
<td>SECTION 8 ADMINISTRATIVE PLAN</td>
</tr>
<tr>
<td>ANNUAL PLAN MEETING MINUTES</td>
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</table>
NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING

TO RECEIVE PUBLIC COMMENTS ON THE AGENCY’S
ANNUAL PLAN FOR FISCAL YEAR 2023

To meet the current guidelines and to be in compliance with the Quality
Housing Work Responsibility Act of 1998, the Housing Authority of the City of
New Britain revised its
“Agency’s Annual Plan”

The revised plan will be available for Public viewing at [www.nbhact.org](http://www.nbhact.org)
beginning, **August 5, 2022**

The Authority will hold a **PUBLIC HEARING** to receive comments on the
Agency’s revised plan on:

**Date:** Monday, September 19, 2022
**Time:** 3:00 p.m.
**Location:** 18 Armistice Street New Britain, CT 06053
           Jane Johnson Conference Room
AUTORIDAD DE VIVIENDA DE LA CIUDAD DE NUEVA BRETAÑA
16 ARMISTICE STREET * NUEVA BRETAÑA, CT 06053

AVISOS DE AUDIENCIA PÚBLICA
PARA RECIBIR COMENTARIOS DEL PÚBLICO SOBRE LOS PLANES ANUALES DE LA AGENCIA PARA EL AÑO FISCAL 2023

Para cumplir con las pautas actuales y cumplir con la Ley de Responsabilidad de Trabajo de Vivienda de Calidad de 1998, la Autoridad de Vivienda de la Ciudad de New Britain revisó su
"Plan Anual de la Agencia"

El plan revisado estará disponible para el público en www.nbhact.org a partir del
5 de Agosto del 2022.
La Autoridad llevará a cabo una AUDIENCIA PÚBLICA por ZOOM para recibir comentarios sobre el
Plan revisado de la agencia:

Fecha: Lunes 19 de Septiembre de 2022
Hora: 3:00 p.m.
Ubicación: 18 Armistice Street New Britain CT.
Jane Johnson Conference Room
HOUSING AUTHORITY OF THE CITY OF NEW BRITAIN
16 ARMISTICE STREET NEW BRITAIN CT

New Britain Housing Authority

FIVE YEAR ACTION PLAN
## Capital Fund Program - Five-Year Action Plan

**Status:** Submitted  
**Approval Date:**  
**Approved By:**

### Part I: Summary

**PHA Name:** Housing Authority of the City of New Britain  
**PHA Number:** CT005  
**Locality (City/County & State):**
- [X] Original 5-Year Plan
- [ ] Revised 5-Year Plan (Revision No: )

<table>
<thead>
<tr>
<th>Development Number and Name</th>
<th>Work Statement for Year 1 2022</th>
<th>Work Statement for Year 2 2023</th>
<th>Work Statement for Year 3 2024</th>
<th>Work Statement for Year 4 2025</th>
<th>Work Statement for Year 5 2026</th>
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<tbody>
<tr>
<td>OVAL GROVE APARTMENTS (CT0050000002)</td>
<td>$1,059,121.30</td>
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<td>$770,000.00</td>
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<tr>
<td>MOUNT PLEASANT (CT005000001)</td>
<td>$47,362.15</td>
<td></td>
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<td>$500,000.00</td>
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</table>
## Capital Fund Program - Five-Year Action Plan

### Part II: Supporting Pages - Physical Needs Work Statements (s)

#### Work Statement for Year 1 2022

<table>
<thead>
<tr>
<th>Identifier</th>
<th>Development Number/Name</th>
<th>General Description of Major Work Categories</th>
<th>Quantity</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID0022</td>
<td>Security Cameras(Non-Dwelling Construction - Mechanical (1480)-Security - Fire Alarm)</td>
<td>Camera installation for 502 Oval Grove</td>
<td></td>
<td>$700,000.00</td>
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<tr>
<td>ID0024</td>
<td>Architect(Contract Administration (1480)-Other)</td>
<td>For Security camera and water heater project at Oval Grove</td>
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<tr>
<td>ID0038</td>
<td>Basement water seal(Dwelling Unit Site Work (1480)-Seal Cost)</td>
<td>502 - Oval Grove Sealing of basement to prevent flooding</td>
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<td>$170,000.00</td>
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<tr>
<td>ID0039</td>
<td>Siding(Non-Dwelling Exterior (1480)-Siding)</td>
<td>Oval Grove - Siding on end walls of buildings</td>
<td></td>
<td>$65,000.00</td>
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<tr>
<td></td>
<td>AUTHORITY-WIDE (NAWASD)</td>
<td></td>
<td></td>
<td>$1,134,395.55</td>
</tr>
</tbody>
</table>
| ID0027     | Administration/Administration (1410)-Salaries | Salaries:  
Director of Operations 50%  
Director of Finance 10%  
Section 3 staff and Coordinator 100% |          | $252,087.90    |
## Part II: Supporting Pages - Physical Needs Work Statements (s)

### Work Statement for Year 1 2022

<table>
<thead>
<tr>
<th>Identifier</th>
<th>Development Number/Name</th>
<th>General Description of Major Work Categories</th>
<th>Quantity</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID0028</td>
<td>Management Improvement (1408)-Other, Management Improvement (1408)-Staff Training, Management Improvement (1408)-System Improvements</td>
<td>Training for Capital Fund, operations and procedures, skill improvement Vehicles for CFP fund, Sustain Public Housing projects, security and safety</td>
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<td>$252,087.90</td>
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<td>ID0029</td>
<td>Operations (1460)</td>
<td>Operations</td>
<td></td>
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<td>ID0040</td>
<td>Fencing (Non-Dwelling Exterior (1480)-Lighting, Non-Dwelling Exterior (1480)-Other)</td>
<td>503 Knapp Village- Fencing</td>
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<td>$50,000.00</td>
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<tr>
<td>ID0060</td>
<td>Storm drain repair (Dwelling Unit-Site Work (1480)-Storm Drainage)</td>
<td>Kennedy building - Clear rocks, debris and repair piping from main storm drain to prevent basement flooding.</td>
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<tr>
<td>ID0061</td>
<td>Main Water heater replacement (Dwelling Unit-Interior (1480)-Plumbing)</td>
<td>Replace main building water heater due to age.</td>
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<tr>
<td>ID0062</td>
<td>Crawl space repair (Dwelling Unit-Site Work (1480)-Other)</td>
<td>Repair building crawl space to replace asphalt with concrete for greater stability</td>
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## Part II: Supporting Pages - Physical Needs Work Statements (s)

<table>
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<tr>
<th>Work Statement for Year</th>
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<th>Identifier</th>
<th>Development Number/Name</th>
<th>General Description of Major Work Categories</th>
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<td>ID0063</td>
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<td>ID0063</td>
<td>Architect(Dwelling Unit-Site Work (1480)-Other)</td>
<td>Architect for storm drainage project</td>
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<tr>
<td></td>
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<tr>
<td>ID0064</td>
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<td>ID0064</td>
<td>RAD activities(RAD (1503))</td>
<td>For use in moving forward with RAD</td>
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<td>$47,362.15</td>
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<td></td>
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<td>$2,520,879.00</td>
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Subtotal of Estimated Cost | $2,520,879.00
### Part II: Supporting Pages - Physical Needs Work Statements (s)

**Work Statement for Year 2 2023**

<table>
<thead>
<tr>
<th>Identifier</th>
<th>Development Number/Name</th>
<th>General Description of Major Work Categories</th>
<th>Quantity</th>
<th>Estimated Cost</th>
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<tbody>
<tr>
<td>ELDERLY AND BOND STREET (CT005900101)</td>
<td></td>
<td></td>
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<tr>
<td>ID0025</td>
<td>Architect(Contract Administration (1480)-Other)</td>
<td>Architect for Kitchen Replacement project - Knapp Village</td>
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<td>$100,000.00</td>
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<tr>
<td>ID0041</td>
<td>Kitchen replacement(Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Kitchen Cabinets)</td>
<td>503 - knapp Village kitchen Replacement</td>
<td></td>
<td>$200,000.00</td>
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<tr>
<td>ID0043</td>
<td>Roof Replacement(Dwelling Unit-Exterior (1480)-Roofs)</td>
<td>504 - Kennedy Roof Replacement</td>
<td></td>
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<tr>
<td>ID0044</td>
<td>Architect(Contract Administration (1480)-Other)</td>
<td>For Roof project at Kennedy.</td>
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<td>AUTHORITY-WIDE (NAWASD)</td>
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<tr>
<td>ID0032</td>
<td>Administration(Administration (1410)-Salaries)</td>
<td>Salaries: Director of Operations 50% Director of Finance 10% Section 3 Coordinator 75%</td>
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<td>$183,476.60</td>
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## Part II: Supporting Pages - Physical Needs Work Statements (s)

<table>
<thead>
<tr>
<th>Work Statement for Year</th>
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<table>
<thead>
<tr>
<th>Identifier</th>
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<th>General Description of Major Work Categories</th>
<th>Quantity</th>
<th>Estimated Cost</th>
</tr>
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<tbody>
<tr>
<td>ID0033</td>
<td>Management Improvements(Management Improvement (1408)-Other,Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)</td>
<td>Training for Capital Fund, operations and procedures Vehicle for CFP fund (replacing older vehicles), Public Housing projects</td>
<td></td>
<td>$183,476.60</td>
</tr>
<tr>
<td>ID0045</td>
<td>Acquire site for additional parking/dwelling/Dwelling Unit-Development (1480)-Site Acquisition</td>
<td>Site needed for additional parking and additional housing.</td>
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<td>$239,121.30</td>
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<tr>
<td>ID0051</td>
<td>Operations(Operations (1406))</td>
<td>Operations</td>
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<td>$458,691.50</td>
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<tr>
<td><strong>Subtotal of Estimated Cost</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$1,834,766.00</strong></td>
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### Part II: Supporting Pages - Physical Needs Work Statements (s)

**Work Statement for Year 3**

<table>
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<tr>
<th>Identifier</th>
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<th>General Description of Major Work Categories</th>
<th>Quantity</th>
<th>Estimated Cost</th>
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<tbody>
<tr>
<td></td>
<td>AUTHORITY-WIDE (NAWASD)</td>
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<tr>
<td>ID0034</td>
<td>Operations (1406)</td>
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<td>$458,691.50</td>
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</table>
| ID0046     | Administration (1410)-Salaries | Salaries:  
Director of Operations 50%  
Director of Finance 10%  
Section 3 Coordinator 75% |          | $183,476.60    |
| ID0047     | Management Improvement (1408)-Other, Management Improvement (1408)-Staff Training, Management Improvement (1408)-System Improvements | Training for Capital Fund, operations and procedures  
Vehicle for use (replacing or supplementing older vehicles), Public Housing projects |          | $183,476.60    |
|            | OVAL GROVE APARTMENTS (CT005000002) |                                             |          | $1,009,121.30  |
| ID0048     | Kitchen replacement (1480)-Flooring (non routine), Dwelling Unit-Interior (1480)-Kitchen Cabinets | Oval Grove replacement of kitchen and flooring |          | $800,000.00    |
| ID0049     | Architect (1480)-Other  | Oval Grove Kitchen and flooring replacement, 1-4 bedrooms |          | $200,000.00    |
### Part II: Supporting Pages - Physical Needs Work Statements (s)

**Work Statement for Year** 3  

<table>
<thead>
<tr>
<th>Identifier</th>
<th>Development Number/Name</th>
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<th>Quantity</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID0050</td>
<td>Community room upgrades(Non-Dwelling Interior (1480)-Common Area Flooring,Non-Dwelling Interior (1480)-Common Area Painting)</td>
<td>Oval Grove Community room at 12 Dobek upgrade flooring and paint.</td>
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<tr>
<td>Identifier</td>
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<td>Quantity</td>
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<tr>
<td>------------</td>
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<tr>
<td>ID0052</td>
<td>Operations (Operations (1406))</td>
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<td>$458,691.50</td>
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<tr>
<td>ID0053</td>
<td>Administration (Administration (1410)-Salaries)</td>
<td>Salaries: Director of Operations 50%, Director of Finance 10%, Section 3 Coordinator 75%</td>
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<td>$183,476.60</td>
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<tr>
<td>ID0054</td>
<td>Management Improvement (Management Improvement (1408)-Staff Training, Management Improvement (1408)-Other, Management Improvement (1408)-System Improvements)</td>
<td>Training for Capital Fund, operations and procedures, Vehicle for use (replacing or supplementing older vehicles), Public Housing projects</td>
<td></td>
<td>$183,476.60</td>
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<tr>
<td>ID0055</td>
<td>Acquire property for Elderly/disabled (Dwelling Unit-Development (1480)-Site Acquisition)</td>
<td>Acquire site adjacent to current elderly/disabled development Ribicoff.</td>
<td></td>
<td>$509,121.30</td>
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<td>$500,000.00</td>
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<tr>
<td>ID0056</td>
<td>RAD Activities (RAD (1503))</td>
<td>For progression through RAD process.</td>
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## Part II: Supporting Pages - Physical Needs Work Statements (s)

<table>
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<th>Quantity</th>
<th>Estimated Cost</th>
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<td>Subtotal of Estimated Cost</td>
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## Part II: Supporting Pages - Physical Needs Work Statements (s)

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<td>Management Improvement (1408)-Staff Training, Management Improvement (1408)-System Improvements</td>
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<tr>
<td>ID0065</td>
<td>Non-Dwelling Site Work (1480)-Asphalt - Concrete - Paving</td>
<td>Kennedy - Complete asphalt removal and replacement</td>
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<td>$336,373.76</td>
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<td>ID0066</td>
<td>Dwelling Unit Site Work (1480)-Asphalt - Concrete - Paving</td>
<td>Ribicoff - Complete asphalt removal and replacement</td>
<td></td>
<td>$336,373.76</td>
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## Part II: Supporting Pages - Physical Needs Work Statements(s)

### Work Statement for Year 5

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<th>Quantity</th>
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<tr>
<td>ID0067</td>
<td>Graham Asphalt replacement(Non-Dwelling Site Work (1480)-Asphalt - Concrete - Paving)</td>
<td>Graham - Complete asphalt removal and replacement</td>
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<td></td>
<td>Subtotal of Estimated Cost</td>
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<tr>
<td>Administration (1410) - Salaries</td>
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<tr>
<td>Management Improvements (1408) - Other, Staff Training, System Improvements</td>
<td>$252,087.90</td>
</tr>
<tr>
<td>Operations (1406)</td>
<td>$630,219.75</td>
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<tr>
<td><strong>Subtotal of Estimated Cost</strong></td>
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### Part III: Supporting Pages - Management Needs Work Statements (s)

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<table>
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<th>Development Number/Name</th>
<th>General Description of Major Work Categories</th>
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<tbody>
<tr>
<td>Housing Authority Wide</td>
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<td></td>
</tr>
<tr>
<td>Administration (1410)-Salaries</td>
<td></td>
<td>$183,476.60</td>
</tr>
<tr>
<td>Management Improvements (1408)-Other, Staff Training</td>
<td>Management Improvement (1408)-System Improvements</td>
<td>$183,476.60</td>
</tr>
<tr>
<td>Acquire site for additional parking/dwelling (1480)-Site Acquisition</td>
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<td>$239,121.30</td>
</tr>
<tr>
<td>Operations (1406))</td>
<td></td>
<td>$458,691.50</td>
</tr>
<tr>
<td>Subtotal of Estimated Cost</td>
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<td>$1,064,766.00</td>
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## Part III: Supporting Pages - Management Needs Work Statements (s)

<table>
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<td><strong>General Description of Major Work Categories</strong></td>
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<tr>
<td>Housing Authority Wide</td>
<td></td>
</tr>
<tr>
<td>Operations (Operations (1406))</td>
<td></td>
</tr>
<tr>
<td>Administration (Administration (1410)-Salaries)</td>
<td></td>
</tr>
<tr>
<td>Management Improvements (Management Improvement (1408)-Other, Management Improvement (1408)-Staff Training, Management Improvement (1408)-System Improvements)</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal of Estimated Cost</strong></td>
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### Part III: Supporting Pages - Management Needs Work Statements (s)

<table>
<thead>
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<td><strong>General Description of Major Work Categories</strong></td>
<td><strong>Estimated Cost</strong></td>
</tr>
<tr>
<td>Housing Authority Wide</td>
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<td></td>
</tr>
<tr>
<td>Operations (Operations (1406))</td>
<td></td>
<td>$458,691.50</td>
</tr>
<tr>
<td>Administration (Administration (1410)-Salaries)</td>
<td></td>
<td>$183,476.60</td>
</tr>
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<td>Management Improvements (Management Improvement (1408)-Staff Training, Management Improvement (1408)-Other, Management Improvement (1408)-System Improvements)</td>
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## Part III: Supporting Pages - Management Needs Work Statements (s)

### Work Statement for Year 5 2026

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ADMISSION & CONTINUED OCCUPANCY

PROPOSED EDITS

08/05/2022

- Chapter 3  Eligibility
- Chapter 4  Application, Waiting list and Tenant Selection
- Chapter 6  Income and Rent Determinations
- Chapter 8  Leasing and Inspections
- Chapter 9  Re-Examinations
- Chapter 14  Grievances and Appeals
Chapter 3

ELIGIBILITY

INTRODUCTION

The NBHA is responsible for ensuring that every individual and family admitted to the public housing program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by the NBHA to confirm eligibility and determine the level of the family’s assistance.

To be eligible for the public housing program:

- The applicant family must:
  - Qualify as a family as defined by HUD and the NBHA.
  - Have income at or below HUD-specified income limits.
  - Qualify on the basis of citizenship or the eligible immigrant status of family members.
  - Provide social security number information for every family member as required.
  - Consent to the NBHA’s collection and use of family information as provided for in NBHA-provided consent forms.

- The NBHA must determine that the current, or past behavior of household members does not include activities that are prohibited by HUD or the NBHA.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I-A. OVERVIEW

This chapter defines both HUD’s and the NBHA’s criteria for admission and denial of admission to the program. The policy of this Authority is to strive for objectivity and consistency in applying these criteria to evaluate the qualifications of families who apply. The NBHA staff will review all information provided by the family carefully and without regard to factors other than those defined in this chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the NBHA pertaining to their eligibility.

3-I-B. FAMILY AND HOUSEHOLD [24 CFR 5.403 and HUD-50058 IB, p. 13]

The terms family and household have different meanings in the public housing program.

Family

To be eligible for admission, an applicant must qualify as a family. Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:
The NBHA shall not deny any family or individual the opportunity to apply for or receive assistance under the Low Income Public Housing (LIPH) on the basis of race, color, sex, religion, creed, ethnic origin, age familial or marital status, disability or actual or perceived sexual orientation or gender identity.

Families who are otherwise eligible for HUD programs may not be excluded because one or more members of the family may be LGBT or perceived to be LGBT.

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

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

1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or

2. A group of persons residing together, and such group includes, but is not limited to:
   
   a. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
   b. An elderly family;
   c. A near-elderly family;
   d. A disabled family;
   e. A displaced family; and
   f. The remaining member of a tenant family

The temporary absence of a child from the home due to placement in foster care is defined as a period of time that is anticipated to be less than six months (6 months) from the time the family is determined eligible for admission to the program. The child who is temporarily absent from the home due to placement in foster care shall be considered part of the family in determining the family composition and unit size. All temporary absences will be verified through the appropriate agencies.

**Household:**

Household is a broader term that includes additional people who, with the NBHA’s permission, live in a public housing unit, such as live-in aides, foster children, and foster adults.

**3-I.C. FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY:**

**Family Break-up:**

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will continue to be assisted.
If a court determines the disposition of property between members of the applicant or resident family in a divorce or separation decree, the NBHA will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, the NBHA will determine which family retains their placement on the waiting list, or will continue in occupancy taking into consideration the following factors: (1) the interest of any minor children, including custody arrangements, (2) the interest of any ill, elderly, or disabled family members, (3) any possible risks to family members as a result of domestic violence or criminal activity, and (4) the recommendations of social service professionals.

**Separation or Divorce:**

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

**Remaining Member of a Tenant Family [24 CFR 5.403]**

The HUD definition of family includes the remaining member of a tenant family, which is a member of a resident family who remains in the unit when other members of the family have left the unit [PH OCC GB, P. 26]. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only “remaining members of a tenant family” and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-1.B, for the policy on “Caretakers for a Child”.

**3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]**

**Head of household** means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a cohead or spouse.

The family may designate any qualified family member as the head of household who is wholly or partly responsible for paying the rent.

The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

**3-I.E. SPOUSE, COHEAD, AND OTHER ADULT**

A family may have a spouse or cohead, but not both [HUD-50058 IB, p. 13].

**Spouse** means the marriage partner of the head of household.

A **Marriage partner** includes the partner in a "common-law" marriage as defined in state law. The term “spouse” does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.
A **Co-head** is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head. A co-head never qualifies as a dependent.

Minors who are emancipated under state law may be designated as a cohead.

**Other adult** means a family member, other than the head, spouse, or cohead, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults [HUD-50058 IB, p. 14].

**3-I.F. DEPENDENT [24 CFR 5.603]**

A **dependent** is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, cohead, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a deduction from annual income as described in Chapter 6.

**Joint Custody of Dependents**

Dependents that are subject to a joint custody arrangement, but live with one parent at least fifty-one percent (51%) of the time will be considered a member of the family. Fifty-one percent (51%) of the time is defined as one hundred eighty-three (183) days of the year and do not have to run consecutively.

When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, the NBHA will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes or the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

**3-I.G. FULL-TIME STUDENT [24 CFR 5.603]**

A **full-time student** (FTS) is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution.

Identifying each FTS is important because (1) each family member that is an FTS, other than the head, spouse, or cohead, qualifies the family for a dependent deduction and (2) the income of such an FTS is treated differently from the income of other family members.

**3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY**

**Elderly Persons**

An elderly person is a person who is at least 62 years of age [24 CFR 5.100].

**Near-Elderly Persons**

A near-elderly person is a person who is 50-61 years of age. [24 CFR 945.105].
Elderly Family

An elderly family is one in which the head, spouse, cohead, or sole member is an elderly person [24 CFR 5.403]. Identifying elderly families is important because these families qualify for special deductions from income as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4.

3-1.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403]

Persons with Disabilities

Under the public housing program, special rules apply to persons with disabilities and to any family whose head, spouse, or cohead is a person with disabilities. The technical definitions of individual with handicaps and persons with disabilities are provided in Exhibit 3-1 at the end of this chapter. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

Disabled Family

A disabled family is one in which the head, spouse, or cohead is a person with disabilities. Identifying disabled families is important because these families qualify for special deductions from income as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4.

Even though persons with drug or alcohol dependencies are considered persons with disabilities for the purpose of non-discrimination, this does not prevent the NBHA from denying admission for reasons related to alcohol and drug abuse following policies found in Part III of this chapter, or from enforcing the lease following the policies in Chapter 13.

3-1.J. GUESTS [24 CFR 5.100]

A guest is defined as 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 lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near NBHA premises [24 CFR 966.4(f)].

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 15 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above.

Former residents who have been evicted are not permitted as overnight guests.
Guests who represent the unit address as their residence address for receipt of benefits or other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS

Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609(c)(2)].

Foster children and foster adults that are living with an applicant or resident family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603 and HUD-50058 IB, pp. 13-14].

A foster child is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

Children that are temporarily absent from the home as a result of placement in foster care are discussed in Section 3-I.L.

3-I.L. ABSENT FAMILY MEMBERS

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

Definitions of Temporarily and Permanently Absent

Generally an individual who is or is expected to be absent from the public housing unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the public housing unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the NBHA indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care [24 CFR 5.403]

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

If a child has been placed in foster care, the NBHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.
Absent Head, Spouse, or Cohead

An employed head, spouse, or cohead absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

Individuals Confined for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

If there is a question about the status of a family member, the NBHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Return of Permanently Absent Family Members

The family must request NBHA approval for the return of any adult family members that the NBHA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements.

3-I.M. LIVE-IN AIDES

Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].

The NBHA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by a family member with disabilities.

A live-in aide is a member of the household, not the family, and the income of the aide is not considered in income calculations [24 CFR 5.609(c)(5)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

A family’s request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional of the family’s choosing, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member. (For continued approval, the family must submit a new, written request-subject to PHA verification-at each annual reexamination).

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services.

The NBHA has the discretion to not approve a particular person as a live-in aide, and may withdraw such approval if [24 CFR 966.4(d)(3)(i)]:

The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
The person has a history of drug-related criminal activity or violent criminal activity; or
The person currently owes rent or other amounts to the NBHA or to another PHA in connection
with Section 8 or public housing assistance under the 1937 Act.
If the live-in aide or family members participate in drug-related or criminal activity, the NBHA
will rescind the aides right to occupy the unit. When the agency takes such action against
the live-in aide, the aide is not entitled to the grievance hearing process of the agency.
Within 10 business days of receiving a request for a live-in aide, including all required
documentation related to the request, the NBHA will notify the family of its decision in writing.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

Income Limits
HUD is required by law to set income limits that determine the eligibility of applicants for
HUD’s assisted housing programs, including the public housing program. The income limits are
published annually and are based on HUD estimates of median family income in a particular area
or county, with adjustments for family size.

Types of Low-Income Families [24 CFR 5.603(b)]

Low-income family. A family whose annual income does not exceed 80 percent of the median
income for the area, adjusted for family size.

Very low-income family. A family whose annual income does not exceed 50 percent of the
median income for the area, adjusted for family size.

Extremely low-income family. A family whose annual income does not exceed 30 percent of
the median income for the area, adjusted for family size.

HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median
income for an area if HUD finds that such variations are necessary because of unusually high or
low family incomes.

Using Income Limits for Eligibility [24 CFR 960.201]

Income limits are used for eligibility only at admission. Eligibility is established by comparing a
family's annual income with HUD’s published income limits.

Using Income Limits for Targeting [24 CFR 960.202(b)]

At least 40 percent of the families admitted to the NBHA's public housing program during a
NBHA fiscal year from the NBHA waiting list must be extremely low-income families. This is
called the “basic targeting requirement”.

If admissions of extremely low-income families to the NBHA’s housing choice voucher program
during a NBHA fiscal year exceed the 75 percent minimum targeting requirement for that
program, such excess shall be credited against the NBHA’s public housing basic targeting
requirement for the same fiscal year.
The fiscal year credit for housing choice voucher program admissions that exceed the minimum voucher program targeting requirement must not exceed the lower of:

- Ten percent of public housing waiting list admissions during the NBHA fiscal year
- Ten percent of waiting list admission to the NBHA’s housing choice voucher program during the NBHA fiscal year
- The number of qualifying low-income families who commence occupancy during the fiscal year of public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

For discussion of how income targeting is used in tenant selection, see Chapter 4.

**3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]**

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with the NBHA’s Limited English Proficiency Procedure as outlined in Chapter 2. The notice must be in a language that is understood by the individual if the individual is not proficient in English.

**Declaration [24 CFR 5.508]**

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, cohead, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults.

**U.S. Citizens and Nationals**

In general, citizens and nationals are required to submit only a signed declaration that claims their status. However, HUD regulations permit the NBHA to request additional documentation of their status, such as a passport.

Family members who declare citizenship or national status will not be required to provide additional documentation unless the NBHA receives information indicating that an individual’s declaration may not be accurate.

**Eligible Noncitizens**

In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with NBHA efforts to verify their immigration status as described in Chapter 7. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under
which eligible immigration status has been granted, the person’s age, and the date on which the family began receiving HUD-funded assistance.

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

Ineligible Noncitizens

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a noncontending family members listing, signed by the head, spouse, or cohead (regardless of citizenship status), indicating their ineligible immigration status. The NBHA is not required to verify a family member’s ineligible status and is not required to report an individual’s unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families

A family is eligible for admission as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered. Such families will be given notice that their assistance will be prorated and that they may request a hearing if they contest this determination. See Chapter 6 for a discussion of how rents are prorated, and Chapter 14 for a discussion of informal hearing procedures.

Ineligible Families [24 CFR 5.514(d), (e), and (f)]

The NBHA may elect to provide assistance to a family before the verification of the eligibility of the individual or one family member [24 CFR 5.512(b)]. Otherwise, no individual or family may be assisted prior to the affirmative establishment by the NBHA that the individual or at least one family member is eligible [24 CFR 5.512(a)].

The NBHA will not provide assistance to a family before the verification of at least one family member as a citizen, national, or eligible noncitizen.

When NBHA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 10 business days of the determination.

The notice will explain the reasons for the denial of assistance, that the family may be eligible for proration of assistance, and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with the NBHA. The informal hearing with the NBHA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process. 450 Main Street Hartford, CT 06103.
Informal hearing procedures are contained in Chapter 14.

**Timeframe for Determination of Citizenship Status [24 CFR 5.508(g)]**

For new occupants joining the resident family the NBHA must verify status at the first interim or regular reexamination following the person’s occupancy, whichever comes first.

If an individual qualifies for a time extension for the submission of required documents, the NBHA must grant an extension if the individual submits the declaration required under 24 CFR 5.508(h).

Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

The NBHA will verify the status of applicants at the time other eligibility factors are determined.

**3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218]**

The applicant and all members of the applicant’s household must provide documentation of a valid Social Security Number (SSN) or a certification stating that no SSN has been issued. If a member who is required to execute a certification is less than 18 years old, the certification must be executed by the individual’s parent or guardian [24 CFR 5.216(j)]. Assistance cannot be provided to a family until all SSN documentation requirements are met. A detailed discussion of acceptable documentation is provided in Chapter 7.

If a new member is added to the family, the new member’s SSN documentation must be submitted at the family’s next interim or regular reexamination as provided in chapter 9. If any member of the family obtains a previously undisclosed SSN, or has been assigned a new SSN, the documentation must be submitted at the family’s next regularly scheduled reexamination.

The NBHA must deny admission to an applicant family if they do not meet the SSN disclosure, documentation and verification, and certification requirements contained in 24 CFR 5.216.

**3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230]**

HUD requires each adult family member, and the head of household, spouse, or cohead, regardless of age, to sign form HUD-9886, Authorization for the Release of Information. Privacy Act Notice, and other consent forms as needed to collect information relevant to the family’s eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements.

The NBHA must deny admission to the program if any member of the applicant family fails to sign and submit consent forms which allow the NBHA to obtain information that the NBHA has determined is necessary in administration of the public housing program [24 CFR 960.259(a) and (b)].
PART III: DENIAL OF ADMISSION

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied admission.

In an effort to prevent drug related and other criminal activity as well as other patterns of behavior that pose a threat to the health, safety or the right to peaceful enjoyment of the premises by other residents, the NBHA will endeavor to screen applicants thoroughly and fairly.

In addition, HUD requires or permits the NBHA to deny admission based on certain types of current or past behaviors of family members as discussed in this part. The Authority in this area is limited by the Violence Against Women Reauthorization Act of 201 (VAWA), restated which expressly prohibits the denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, or stalking [24 CFR 5.2005].

This part covers the following topics:

- Required denial of admission
- Other permitted reasons for denial of admission
- Screening
- Criteria for deciding to deny admission
- Prohibition against denial of admission to victims of domestic violence, dating violence, or stalking
- Notice of eligibility or denial

3-III.B. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]

The NBHA is required to establish standards that prohibit admission of an applicant to the public housing program if they have engaged in certain criminal activity or if the NBHA has reasonable cause to believe that a household member’s current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

Where the statute requires that the NBHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, the NBHA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c)(3)(ii)].

HUD requires the NBHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last five-seven (75) years for drug-related criminal activity. HUD permits but does not require the NBHA to admit an otherwise-eligible family if the household member has completed a NBHA-approved drug rehabilitation program or the circumstances which led to eviction no
longer exist (e.g. the person involved in the criminal activity no longer lives in the household).

The NBHA will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past five years for drug-related criminal activity, if the NBHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by the NBHA, or the person who committed the crime is no longer living in the household.

- The NBHA determines that any household member is currently engaged in the use of illegal drugs. *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802] including State Legalized Medical Marijuana. Currently engaged in the illegal use of a drug means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member [24 CFR 960.205(b)(1)].

Currently engaged in is defined as any use of illegal drugs during the previous six months.

- The NBHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

In determining reasonable cause, the NBHA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol.

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.

If any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine in any location, not just federally assisted housing, and the family will be permanently denied assistance.

- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.

If any household member is currently registered as a sex offender under a state registration requirement, regardless of whether it is a lifetime registration requirement, the family may be denied assistance.

### 3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION

**Criminal Activity [24 CFR 960.203 (b) and (c)]**

Under the Public Housing Assessment System (PHAS), NBHAs that have adopted policies, implemented procedures and can document that they successfully screen out and deny admission to certain applicants with unfavorable criminal background.

The NBHA is responsible for screening family behavior and suitability for tenancy. In doing so, the NBHA may consider an applicant’s history of criminal activity involving crimes of physical
violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five-seven (5-7) years, the family will be denied admission.

**Drug-related criminal activity**, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

**Violent criminal activity**, defined by HUD as 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 [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or welfare of other tenants [24 CFR 960.203(c)(3)].

Criminal activity that may threaten the health or safety of PHA staff, contractors, subcontractors, or agents.

Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.

Evidence of such criminal activity includes, but is not limited to any record of convictions, arrests, or evictions for suspected drug-related or violent criminal activity of household members within the past seven (7) years.

In making its decision to deny assistance, the NBHA will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, the NBHA may, on a case-by-case basis, decide not to deny assistance.

**Previous Behavior [960.203(c) and (d) and PH OCC GB, p. 48]**

HUD authorizes the NBHA to deny admission based on relevant information pertaining to the family’s previous behavior and suitability for tenancy.

In the event of the receipt of unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant’s conduct (including the seriousness of the offense).

The NBHA will deny admission to an applicant family if the NBHA determines that the family:

- Has a record of unsuitable past performance in meeting financial obligations, including rent within the past five-seven (5-7) years

- Has a record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past five-seven (5-7) years which may adversely affect the health, safety, or welfare of other tenants

- Has a record of eviction from housing or termination from residential programs within the past five-seven (5-7) years (considering relevant circumstances)

- Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program
Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent

Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program

Has engaged in or threatened violent or abusive behavior toward NBHA personnel

**Abusive or violent behavior towards** **NBHA personnel** includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

**Threatening** refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny admission, the NBHA will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, the NBHA may, on a case-by-case basis, decide not to deny admission.

The NBHA will consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial obligations.

**3-III.D. SCREENING**

**Screening for Eligibility**

The NBHA is authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the public housing program. This authority assists the NBHA in complying with HUD requirements and NBHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records the NBHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

The NBHA may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

The NBHA criminal background checks through local law enforcement for all adult household members.

If the results of the criminal background check indicate there may have been past criminal activity, but the results are inconclusive, the NBHA will request additional information which may include obtaining a fingerprint card and requesting information from the National Crime Information Center (NCIC).

NBHA is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].

If the NBHA proposes to deny admission based on a criminal record or on lifetime sex offender registration information, the NBHA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to
dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)].
Obtaining Information from Drug Treatment Facilities [24 CFR 960.205]

HUD authorizes the NBHA to request and obtain information from drug abuse treatment facilities concerning applicants.

**Drug Abuse Treatment Facility** means an entity that holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal drug use, and is either an identified unit within a general care facility, or an entity other than a general medical care facility.

*Currently engaging* in illegal use of a drug means illegal use of a drug that occurred recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member.

Any consent form used for the purpose of obtaining information from a drug abuse treatment facility to determine whether a household member is currently engaging in illegal drug use shall expire automatically after the NBHA has made a final decision to either approve or deny the admission of such person.

Any charges incurred by the NBHA for information provided from a drug abuse treatment facility may not be passed on to the applicant or tenant.

The NBHA shall submit a request for information only for certain household members, whose criminal record indicates prior arrests or conviction for any criminal activity that may be a basis for denial of admission or whose prior tenancy records indicate that the proposed household member engaged in destruction of property or violent activity against another person, or they interfered with the right of peaceful enjoyment of the premises of other residents.

If the NBHA chooses to obtain such information, it must abide by the HUD requirements for records management and confidentiality as described in 24 CFR 960.205(f).

The NBHA will obtain information from drug abuse treatment facilities to determine whether any applicant family’s household members are currently engaging in illegal drug activity only when the NBHA has determined that the family will be denied admission based on a family member’s drug-related criminal activity, and the family claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program.

The NBHA shall consider evidence: of successful rehabilitation, drug court participation, applicant’s family participation in and completion of social service or other appropriate counseling service approved by the NBHA and evidence of successful and sustained modification of previous disqualifying behavior to determine eligibility.

Consideration of these circumstances does not guarantee that the applicant will qualify for admission. The NBHA will consider the above circumstances in light of the applicant’s ability to substantiate through verification the claim of circumstances and his/her prospects for improved future behavior and applicant’s overall performance with respect to all screening requirements.

**Screening for Suitability as a Tenant [24 CFR 960.203(c)]**

The NBHA is responsible for the screening and selection of families to occupy public housing units. The NBHA may consider all relevant information. Screening is important to public housing communities and program integrity, and to ensure that assisted housing is provided to those families that will adhere to lease obligations.
The NBHA will consider the family’s history with respect to the following factors:

- Payment of rent and utilities
- Caring for a unit and premises
- Respecting the rights of other residents to the peaceful enjoyment of their housing
  Criminal activity that is a threat to the health, safety, or property of others
  Behavior of all household members as related to the grounds for denial as detailed
  in Sections 3-III. B and C
- Compliance with any other essential conditions of tenancy

**Resources Used to Check Applicant Suitability [PH OCC GB, pp. 47-56]**

The NBHA has a variety of resources available to determine the suitability of applicants. NBHA shall reject applicants who have recent behavior that would warrant lease termination for a public housing resident.

In order to determine the suitability of applicants the NBHA will examine applicant history for the past **five-seven (7) years**. Such background checks will include:

**Past Performance in Meeting Financial Obligations, Especially Rent**

PHA and landlord references for the past **five-seven (7) years**, gathering information about past performance meeting rental obligations such as rent payment record, late payment record, whether the PHA/landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. PHAs and landlords will be asked if they would rent to the applicant family again.

Utility company references covering the monthly amount of utilities, late payment, disconnection, return of a utility deposit and whether the applicant can get utilities turned on in his/her name. (Use of this inquiry will be reserved for applicants applying for units where there are tenant-paid utilities.)

If an applicant has no rental payment history the NBHA will check court records of eviction actions and other financial judgments, and credit reports. A lack of credit history will not disqualify someone from becoming a public housing resident, but a poor credit rating may.

Applicants with no rental payment history will also be asked to provide the NBHA with personal references. The references will be requested to complete a verification of the applicant’s ability to pay rent if no other documentation of ability to meet financial obligations is available. The applicant will also be required to complete a checklist documenting their ability to meet financial obligations.

If previous landlords or the utility companies do not respond to requests from the NBHA, the applicant may provide other documentation that demonstrates their ability to meet financial obligations (e.g. rent receipts, cancelled checks, etc.)

**Disturbances of Neighbors, Destruction of Property or Living or Housekeeping Habits at Prior Residences that May Adversely Affect Health, Safety, or Welfare of Other Tenants, or Cause Damage to the Unit or the Development**

PHA and landlord references for the past **five-seven (7) years**, gathering information on whether the applicant kept a unit clean, safe and sanitary; whether they violated health or safety codes;
whether any damage was done by the applicant to a current or previous unit or the development, and, if so, how much the repair of the damage cost; whether the applicant’s housekeeping caused insect or rodent infestation; and whether the neighbors complained about the applicant or whether the police were ever called because of disturbances.

Police and court records within the past five-seven (7) years will be used to check for any evidence of disturbance of neighbors or destruction of property that might have resulted in arrest or conviction.

A personal reference will be requested to complete a verification of the applicant’s ability to care for the unit and avoid disturbing neighbors if no other documentation is available. In these cases, the applicant will also be required to complete a checklist documenting their ability to care for the unit and to avoid disturbing neighbors.

Home visits may be used to determine the applicant’s ability to care for the unit.

3-III.E. CRITERIA FOR DECIDING TO DENY ADMISSION

Evidence

The NBHA will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 960.203(c)(3) and (d)]

HUD authorizes the NBHA to consider all relevant circumstances when deciding whether to deny admission based on a family’s past history except in the situations for which denial of admission is mandated (see Section 3-III.B).

In the event the NBHA receives unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant’s conduct (including the seriousness of the offense). In a manner consistent with its policies, the NBHA may give consideration to factors which might indicate a reasonable probability of favorable future conduct.

The NBHA will consider the following factors when making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents
- The effects that denial of admission may have on other members of the family who were not involved in the action or failure
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities
- The length of time since the violation occurred, the family’s recent history and the likelihood of favorable conduct in the future
• Evidence of the applicant family’s participation in or willingness to participate in social service or other appropriate counseling service programs
• In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.

The NBHA will require the applicant to submit evidence of the household member’s current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

**Removal of a Family Member’s Name from the Application [24 CFR 960.203(c)(3)(i)]**

HUD permits the NBHA to impose as a condition of admission, a requirement that family members who participated in or were culpable for an action or failure to act which warrants denial of admission, to not reside in the unit.

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the public housing unit.

The family must present evidence of the former family member’s current address upon NBHA request.

**Reasonable Accommodation** If the family includes a person with disabilities, the NBHA’s decision concerning denial of admission is subject to consideration of NBHA reasonable accommodation policy in accordance with 24 CFR Part 8.

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, the NBHA will determine whether the behavior is related to the disability. If so, upon the family’s request, the NBHA will determine whether alternative measures are appropriate as a reasonable accommodation. The NBHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission. See Chapter 2 for a discussion of reasonable accommodation.

**3-111.F: PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [24 CFR Part 5, Subpart L]**

**VIOLENCE AGAINST WOMEN ACT POLICY**

1.0 **PURPOSE:** The purpose of this Policy is to reduce domestic violence, dating violence, sexual assault and stalking and to prevent homelessness by:

a. protecting the safety of victims;

b. creating long-term housing solutions for victims;

c. building collaborations among victim service providers; and
d. assisting NBHA to respond appropriately to the violence while maintaining a safe environment for NBHA, employees, tenants, applicants, Section 8 participants, public housing program participants and others.

The Policy will assist the NBHA in providing rights under the Violence Against Women Act to its applicants, public housing residents, Section 8 participants and other program participants.

2.0 **MISSION STATEMENT:** NBHA’s policy is to comply with the 2005 VAWA Pub. L. 109-162; Stat.2960 signed into law on January 5, 2006 and codified at 42 U.S.C. § 1437d (1) and 1437 (d), (o) & 1 and (u) and the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) (collectively “VAWA”). NBHA shall not discriminate against an applicant, public housing resident, Section 8 program participant or other program participant on the basis of the rights or privileges provided under the VAWA.

This Policy is incorporated into NBHA’s “Statement of Policies Governing Admissions to Continuing Occupancy of Low Rent Housing” and “Section 8 Program Administrative Plan”.

3.0 **DEFINITIONS:** The definitions in this Section apply only to this Policy:

3.1: **Confidentiality:** All information provided to the NBHA about resident(s) of domestic violence, dating violence, sexual assault or stalking involving tenant or a member of the household will be held by NBHA in confidence and not shared without tenants consent, except that this information may be disclosed in an eviction proceeding or otherwise as necessary to meet the requirements of law.

3.2: **Dating Violence:** Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship. 42 U.S.C. § 1437d (u) (3) (A).

3.3: **Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, committed by a person with whom the victim shares a child in common, committed by a person who is cohabitating with or has cohabitated with the victim as a spouse, committed by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Connecticut, or committed by any other person against an adult or youth victim who is protected from
that person's acts under the domestic or family violence laws of Connecticut. 42 U.S.C. § 1437d (u) (3) (B).

3.4: **Homeless, Homeless Individual and Homeless Person:** A person who lacks a fixed, regular and adequate nighttime resident. Also includes: (a) a person who is sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; (b) a person living in a motel, hotel, trailer park, or campground due to lack of alternative adequate accommodations; (c) a person living in emergency or transitional shelter; (d) a person abandoned in a hospital; (e) a person awaiting foster care placement; or (f) a person who has a primary nighttime resident that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings. VAWA of 2005 § 41403.

3.5: **Involuntary Displacement:** Occurs when a victim has vacated or will have to vacate their housing unit because of domestic violence, dating domestic violence, sexual assault or stalking against the victim.

3.6: **Affiliated Individual:** A spouse, parent, brother or sister, or child of an individual or an individual to whom that individual stands in loco parentis; or any individual, tenant, or lawful occupant living in the household of that individual. 42 U.S.C. § 1437d (u) (3) (D) & VAWA 2013.

3.7: **Long-term Housing:** Is housing that is sustainable, accessible, affordable and safe for the foreseeable future which: (a) the person rents or owns; (b) is subsidized by a voucher or other program as long as the person meets the eligibility requirements of the program; (c) directly provided by NBHA, is not time limited and the person meets the eligibility requirements of the program.

3.8: **Perpetrator:** A person who commits an act of domestic violence, dating domestic violence, sexual assault or stalking against a victim.

3.9: **Stalking:** (a) to follow, pursue or repeatedly commit acts with the intent to kill, injure, harass or intimidate the victim; (b) to place under surveillance with the intent to kill, injure, harass or intimidate the victim; (c) in the course of, or as a result of such following, pursuit, surveillance, or repeatedly committed acts, to place the victim in reasonable fear of the death of, or serious bodily injury to the victim; or (d) to cause substantial emotional harm to the victim, a member of the immediate family of the victim or the spouse or intimate partner of the victim. 42 U.S.C. § 1437d (u)(3)(C).
3.10: **Sexual Assault**: Is any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent. 42 U.S.C. § 13925(a) & VAWA 2013.

3.10: **Victim**: Is a person who is the victim of domestic violence, dating violence, sexual assault or stalking under this Policy and who has timely and completely completed the certification as requested by NBHA.

4.0 **CERTIFICATION AND CONFIDENTIALITY:**

4.1: **Failure to Provide Certification** under 4.2 and 4.3: The person shall provide complete and accurate certifications to NBHA owner or property manager within 14 business days after the party requests in writing that the person completes the certifications. If the person does not provide a complete and accurate certification within the 14 business days, NBHA, the owner or property manager may take action to deny or terminate participation or tenancy under; 42 U.S.C. § 1437 l (5) & (6); 42 U.S.C. §1437 (d) (c) (3); 42 U.S.C. § 1437f (c )9); 42 U.S.C. § 1437f (d)(1)(B) (ii) & (iii); 42 U.S.C. § 1437f(o)(7)(C) & (D); or 42 U.S.C. § 1437f (o)(20) or for other good cause.

4.2: **HUD Approved Certification**: For each incident that a person is claiming is abuse, the person shall certify to NBHA, owner or property manager their victim status by completing a HUD approved certification form. The person shall certify the date, time and description of the incidents, that the incidents are bona fide incidents of actual or threatened abuses and meet the requirements of VAWA and this Policy. The person shall provide the name of the perpetrator on the HUD-50066 only if the name known to the person and is safe to provide. Additional identifying information may also be provided, if known, including, but not limited to all alias names, date of birth, address, contact information such as postal, e-mail or internet address, telephone or facsimile number or other information.

4.3: **Other Certification**: A person who is claiming victim status shall provide to NBHA, an owner or manager: (a) documentation signed by the victim and an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. § 1746) to the professional’s belief that the incident(s) in question are bona fide incidents of abuse; or (b) a federal, state, tribal, territorial, local police or court record.

4.4: **Confidentiality**: NBHA, the owner and/or property manager shall keep all information provided to NBHA under this Section confidential. NBHA, owner and/or property manager shall not enter the information into a shared database or provide to any related entity except to the extent that:
(a) the victim requests or consents to the disclosure in writing;
(b) the disclosure is required for:

   (i) eviction from public housing under 42 U.S.C. § 1437 f (5) & (6)
       (See Section 5 in this Policy)
   (ii) termination of Section 8 assistance under 42 U.S.C. § 1437f (c)(9); 42 U.S.C. § 1437f (d) (I)(B)(ii) & (iii); 42 U.S.C. § 1437f (O)(7)(C)&(D); or 42U.S.C. § 1437f(o)(20) (See Section 5 in
       this Policy; or

(c) the disclosure is required by applicable law.

4.5: Compliance Not Sufficient to Constitute Evidence of Unreasonable Act:

The NBHA, owner or manager compliance with Section 4.1, 4.2 and 4.3 shall alone not be
sufficient to show evidence of an unreasonable act or omission by them.

5.0 APPROPRIATE BASIS FOR DENIAL OF ADMISSION, ASSISTANCE OR TENANCY:

5.1: NBHA shall not deny participation or admission to a program on the basis of a
person’s victim status, if the person otherwise qualifies for admission of
assistance.

5.2 In incident or incidents of actual or threatened domestic violence, dating violence,
sexual assault or stalking will not be a serious or repeated violation of the lease by
victim and shall not be good cause for denying to a victim admission to a
program, terminating Section 8 assistance or occupancy rights, or eviction a
tenant.

5.3 Criminal activity directly related to domestic violence, dating violence, sexual
assault or stalking engaged in by a member of tenant’s household or any guest or
other person under the tenant’s control shall not be cause for termination of
assistance, tenancy, or occupancy rights if the tenant or an affiliated individual of
the tenant is the victim of that domestic violence, dating violence, sexual assault
or stalking.

5.4 Notwithstanding Section 5.1, 5.2 and 5.3 NBHA, an owner or manager may
bifurcate a lease to evict, remove or terminate assistance to any individual who is
a tenant or lawful occupant and who engages in criminal acts directly relating to
domestic violence, dating violence, sexual assault, or stalking against an affiliated
individual or other individual . 42 U.S.C. § 1437d (1)(6)(B) & VAWA 2013
5.5 Nothing in Section 5.1 and 5.3 shall limit the authority of NBHA, an owner or manager, when notified, to honor court order addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members when the family breaks up.

5.6 Nothing in Section 5.1, 5.2 and 5.3 limits NBHA, an owner or manager's authority to evict or terminate assistance to any tenant for any violation of lease not premised on the act or acts of violence against the tenant or a member of the tenant's household. However NBHA, owner or manager may not hold a victim to a more demanding standard.

5.7 Nothing in Section 5.1, 5.2 and 5.3 limits NBHA, an owner or manager's authority to evict or terminate assistance, or deny admission to a program if the NBHA, owner or manager can show an actual and imminent threat to other tenants, neighbors, guests, their employees, persons providing service to the property or others if the tenant family is not evicted or terminated from assistance or denied admission.

5.8 Nothing in Section 5.1, 5.2 or 5.3 limits NBHA, an owner or manager's authority to deny admission, terminate assistance or evict a person who engages in criminal acts including, but not limited to, acts of physical violence or stalking against family members or others.

5.9 A Section 8 recipient who moves out of a assisted dwelling unit to protect their health or safety and who: (a) is a victim under this Policy; (b) reasonably believes he or she was imminently threatened by harm from further violence if he or she remains in the unit; and (c) has complied with all other obligations of the Section 8 program may receive a voucher and move to another Section 8 jurisdiction.

5.10 A public housing tenant who wants a transfer to protect their health or safety and who: (a) is victim under this Policy; (b) reasonably believes he or she was imminently threatened by harm from further violence if he or she remains in the units; and (3) has complied with all other obligations of the public housing income program may transfer to another NBHA unit, receive a Section 8 voucher and stay in Connecticut or move to another Section 8 jurisdiction.
6.0 **ACTIONS AGAINST A PERPETRATOR:** NBHA may evict, terminate assistance, deny admission to a program or trespass a perpetrator from its property under this Policy. The victim shall take action to control, or prevent the domestic violence, dating violence, sexual assault or stalking. The action may include, but is not limited to: (a) obtaining and enforcing a restraining or no contact order or order for protection against the perpetrator; (b) obtaining and enforcing a trespass against the perpetrator; (c) enforcing NBHA or law enforcement's trespass of the perpetrator; (d) preventing the delivery of the perpetrator's mail to the victim's unit; (e) providing identifying information listed in 4.2; and (f) other reasonable measures.

7.0 **NOTICE TO APPLICANTS, PARTICIPANTS, TENANTS AND SECTION 8 MANAGERS AND OWNERS:**

NBHA shall provide notice to applicants, participants, tenants, managers and owners of their rights and obligations under Section 4.4 Confidentiality and Section 5.0 Appropriate Basis for Denial of Admission, Assistance or Tenancy. Notice to program participants will include a copy of form HUD-50066.

8.0 **REPORTING REQUIREMENTS:** NBHA shall include in its 5-year plan a statement of goals, objectives, policies or programs that will serve the needs of victims. NBHA shall also include a description of activities, services or programs provided or offered either directly or in partnership with other service providers to victims, to help victims obtain or maintain housing or to prevent the abuse or to enhance the safety of victims.

9.0 **CONFLICT AND SCOPE:** This Policy does not enlarge NBHA’s duty under any law, regulation or ordinance. If this Policy conflicts with the applicable law, regulation or ordinance, the law, regulation or ordinance shall control. If this Policy conflicts with another NBHA policy such as its Statement of Policies or Section 8 Administration Plan, this Policy will control.

10.0 **AMENDMENT:** The Executive Director may amend this policy when it is reasonably necessary to effectuate the Policy's intent, purpose or interpretation. The proposed amendment along with the rationale for the amendment shall be submitted to the Executive Director for consideration. Where reasonably necessary, the Executive Director may approve the amendment. The amendment shall be effective and incorporated on the date that the Executive Director signs the amendment.
HOUSING AUTHORITY OF THE CITY OF NEW BRITAIN

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT OR STALKING

Certification must be made as provided in Section A and either Section B, or Section C below:

________________________________________________________________________

1. Date delivered to resident: ________________________________

2. Must complete and return form by ______________________ (14 business days after resident’s receipt).

3. If cannot complete form by this date, contact ______________________ at ______________________

________________________________________________________________________

A. RESIDENT/APPLICANT MUST COMPLETE:

Attach completed and sign HUD Form 50066 – copy attached

________________________________________________________________________

B. CERTIFICATION IS MADE BY PROVIDING POLICE REPORT OR COURT RECORD:

1. Name of the victim of domestic violence, dating violence, sexual assault or stalking:

________________________________________________________________________

2. Victim’s address: __________________________________________________________

3. Head of Household on lease, if not the victim: ________________________________

4. Perpetrator’s name, if known, and if safe to provide: __________________________

5. If perpetrator’s name is not known, explain why: ______________________________

6. Perpetrator’s relation to victim: _____________________________________________

7. Date and description of the qualifying incidents: ________________________________
8. Certification of the violence:

Attached is a copy of a police report, temporary, or permanent restraining order, or other police or court record relating to the violence.

I hereby certify that the description of an incident, or incidents of domestic violence, dating violence, sexual assault or stalking set forth in the attached police report, or court record is true and correct.

Signature of resident: _______________________________ Dated: ____________________________

C. IF CERTIFICATION IS BY AN EMPLOYEE, AGENT, OR VOLUNTEER OF A VICTIM SERVICE PROVIDER, ATTORNEY, OR MEDICAL PROFESSIONAL FROM WHOM THE VICTIM HAS SOUGHT HELP IN ADDRESSING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING OR ITS EFFECTS:

The SERVICE PROVIDER, OR PROFESSIONAL must complete this section:

1. Name of the victim of domestic violence, dating violence, sexual assault or stalking: ____________________________________________

2. Victim’s address: ____________________________________________

3. Head of Household on lease, if not the victim: __________________________

4. Perpetrator’s name, if known: ________________________________________

5. If perpetrator’s name is not known, explain why: __________________________

6. Perpetrator’s relation to victim: ________________________________________

7. Dates and description of the qualifying incidents:
   ____________________________________________
   ____________________________________________
   ____________________________________________

   (attach additional sheet if necessary)
8. Certification of the violence.

A professional who helped the victim address the violence must complete the following section:

1. Name of person completing this section: ________________________________

2. What category best describes you? ___Attorney    ___Medical Professional    ___Victim Service Provider

3. Title _____________________ Phone #: _________________________________

4. Agency / Business Name: ____________________________________________

5. Address: ___________________________________________________________

I hereby certify under penalty of perjury that the foregoing is true and correct and I believe that the incident(s) described above are bona fide incidents of abuse.

Signature: ________________________________ Date Signed: __________________

Attested to as true and correct:

Signature of victim: ______________________________ Date Signed: ______________
3-III.G. NOTICE OF ELIGIBILITY OR DENIAL

The NBHA will notify an applicant family of its final determination of eligibility in accordance with the policies in Section 4-III.E.

If a NBHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the NBHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)].

If, based on a criminal record or sex offender registration information an applicant family appears to be ineligible, the NBHA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact the NBHA to dispute the information within that 10-day period, the NBHA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process. Notice requirements related to denying admission to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, or stalking are contained in Section 3-III.F.
EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES

Person with Disabilities [24 CFR 5.403]

The term **person with disabilities** means a person who has any of the following types of conditions.

- Has a disability, as defined in 42 U.S.C. Section 423(d)(1)(A), which reads:

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

  In the case of an individual who has attained the age of 55 and is blind (within the meaning of “blindness” as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity, requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

- Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C.15002(8)], which defines developmental disability in functional terms as follows:

  A. **IN GENERAL:** The term developmental disability means a severe, chronic disability of an individual that:

     i. Is attributable to a mental or physical impairment or combination of mental and physical impairments

     ii. Is manifested before the person attains age twenty-two

     iii. Is likely to continue indefinitely

     iv. results in substantial functional limitations in three or more of the following areas of major life activity: (a) self-care, (b) receptive and responsive language, (c) learning, (d) mobility, (e) self-direction, (f) capacity for independent living, and (g) economic self-sufficiency

     v. reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic services, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.”

  B. **INFANTS AND YOUNG CHILDREN:** An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital, or acquired condition, may be considered to have a developmental disability without meeting three (3), or more of the criteria described in clause (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.
● Has a physical, mental, or emotional impairment that is expected to be of 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.

People with the acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition.

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term person with disabilities refers to an individual with handicaps.

**Individual with Handicaps [24 CFR 8.3]**

**Individual with handicaps** means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

As used in this definition, the phrase:

(1) Physical or mental impairment includes:

   (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine

   (b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(2) Major life activities means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) Is regarded as having an impairment means:

   (a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation

   (b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment
(c) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.
Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

This chapter describes the NBHA’s policies with regard to local preferences, management of the waiting lists, and the number of unit offers that will be made to qualified applicants selected from the wait pool. NBHA policies will be followed consistently and will affirmatively further HUD’s fair housing goals.

It is the NBHA’s policy that each applicant is assigned an appropriate place on the centralized wait list. Applicants will be listed in sequence based upon the waiting list guidelines stated in this chapter. In filling an actual or expected vacancy, the NBHA will offer the dwelling unit to an applicant in the appropriate sequence.

PART I: THE APPLICATION PROCESS

4.1.A. OVERVIEW

The NBHA will administer its waiting list, accept applications and offer units as required by 24 CFR Part 5, Part 945 and 960 subparts A and B.

4.1.B. APPLYING FOR ASSISTANCE

Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b)(2)(ii), 24 CFR 960.202(a)(2)(iv),

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. (Under the two-step application process, the NBHA initially will require families to complete a pre-application only to determine the family’s placement on the waiting list. This process establishes the eligibility of the applicant for the wait-list only). The family’s eligibility for public housing will be determined when they reach the top of the wait-list.

Families may obtain application forms from the NBHA’s office during normal business hours or draw down from the NBHA Website Families may also request – by telephone or by mail – which a form be sent to the family via first class mail. Applications can be drawn down from the Nbhaft.org website.

Completed applications or pre-applications must be returned to the NBHA as noted or instructed on the front page of the application, during normal business hours. If an application is incomplete, the NBHA will notify the family of the additional information required.
4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

The NBHA must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard NBHA application process.

Disabled Populations [24 CFR 8; PH OCC GB, p. 68]

The NBHA shall provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process is fully accessible. The application may be mailed or faxed. Chapter 2 provides a full discussion of the NBHA’s policies related to providing reasonable accommodations for people with disabilities.

4-I.D. PLACEMENT ON THE WAITING LIST – PRE-APPLICATION:

TWO-STEP PROCESS:

Under the two-step application process, the NBHA initially will require families to complete a pre-application only to determine the family’s placement on the waiting list.

Placement – Pre-application:

The NBHA reviews each /pre-application received to make a preliminary assessment of the family's eligibility. The NBHA shall place on the waiting list families for whom the list is open unless the NBHA determines the family to be ineligible placement. Where the family is determined to be ineligible for placement, the NBHA shall notify the family in writing [24 CFR 960.208(a)].. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants. The pre-application process determines the eligibility of the applicant for the waiting list only.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

Ineligible for Placement on the Waiting List

Eligibility of applicant may change before the applicant is leased or during the lease-up process it may be determined the applicant is ineligible. If the NBHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, the NBHA will send written notification of the ineligibility determination within 10 calendar days of receiving a completed application. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 14).

Eligible for Placement on the Waiting List

The NBHA will send written notification of the preliminary eligibility determination within 10 calendar days of receiving a application.

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. A final determination of eligibility and qualification for preferences will be made when the family is selected from the waiting list for a public housing unit.
While the family is on the waiting list, the family shall inform the NBHA, within 10 calendar days, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

Changes in an applicant’s circumstances while on the waiting list may affect the family’s qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

Applicants will be placed on the waiting list according to NBHA preference(s) and the date and time their complete pre-application is received by the NBHA.

The NBHA will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to NBHA standards and local codes). However, in these cases, the family must agree not to request a transfer for three (3) years after admission.

**PART II: MANAGING THE WAITING LIST**

**4-II.A. OVERVIEW**

The NBHA will administer its wait list as required by 24 CFR Part 945 and CFR 960. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants.

**4-II.B. ORGANIZATION OF THE WAITING LIST**

The NBHA’s public housing waiting list shall be organized in such a manner to allow the NBHA to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

The waiting list will contain the following information for each applicant pre-application:

- Name and social security number of every household member
- Photo I.D. for every household member 18 years old
- Unit size required (number of family members)
- Amount and source of annual income of all household members
- Accessibility requirement, if any
- Date and time of application
- Household type (family, elderly, disabled)
- Admission preference, if any
Race and ethnicity of the head of household

The NBHA will maintain one single community-wide waiting list for its developments. Within the list, the NBHA will designate subparts to easily identify who should be offered the next available unit (i.e., general occupancy, unit size, and accessible units).

A family that applies to reside in the NBHA public housing will be offered the opportunity to be placed on the waiting list if, (1) the programs’ waiting lists are open, and (2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

The NBHA will not merge the public housing waiting list with the waiting list for any other program the NBHA operates [24 CFR 982.205(a)(1)].

4-II.C. OPENING AND CLOSING THE WAITING LIST

Closing the Waiting List

The NBHA is permitted to close the waiting list, in whole or in part, if it has an adequate pool of families to fill its developments.

The NBHA may close the waiting list when the estimated waiting period for housing applicants on the list reaches 24 months for the most current applicants.

Reopening the Waiting List

The NBHA shall publish a notice in local newspapers of general circulation, minority media, and other suitable media outlets that the NBHA is reopening the waiting list. Such notice shall comply with HUD fair housing requirements.

The NBHA will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received.

4-II.D. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]

The NBHA shall conduct outreach as necessary to ensure that the NBHA has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that the NBHA is affirmatively furthering fair housing and complying with the Fair Housing Act.

NBHA outreach efforts shall comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

NBHA outreach efforts shall be designed to inform qualified families about the availability of units under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
• Developing informational materials and flyers to distribute to other agencies

• Providing application forms to other public and private agencies that serve the low income population

• Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

  The NBHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the NBHA’s jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

While the family is on the waiting list, the family shall inform the NBHA, within 10 business days, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

Changes in an applicant’s circumstances while on the waiting list may affect the family’s qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.


Purging the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to the NBHA’s request for information or updates because of the family member’s disability, the NBHA shall, upon the family’s request and verified reason for lack of response, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH OCC GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

The waiting list will be updated as needed to ensure that all applicants and applicant information is current and timely.

To update the waiting list, the NBHA will annually send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that the NBHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant’s name being removed from the waiting list.

The family’s response must be in writing and may be delivered, or mailed. Responses should be postmarked or received by the NBHA not later than 30 business days from the date of the NBHA letter.
If the family fails to respond within 60 calendar days, the family will be removed from the waiting list without further notice and the envelope and letter will be maintained in the file.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 60 calendar days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.

When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the NBHA from making an eligibility determination; therefore no informal hearing is required.

The NBHA allows a grace period of ninety (90) days after completion of the purge. Applicants who respond during this grace period will be reinstated.

**Removal from the Waiting List**

- The NBHA will remove applicants from the waiting list if they have requested that their name be removed. In such cases no informal hearing is required.

- If the NBHA determines that the family is not eligible for admission (see Chapter 3) at any time while the family is on the waiting list the family will be removed from the waiting list.

- If applicant was clearly advised of a requirement to notify the NBHA of his/her continued interest by a particular time and failed to do so.

- If the NBHA has made reasonable efforts to contact the applicant to determine if there is continued interest, but has been unsuccessful.

- If a family is removed from the waiting list because the NBHA has determined the family is not eligible for admission, a notice will be sent to the family’s address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal hearing regarding the NBHA’s decision (see Chapter 14) [24 CFR 960.208(a)].

- The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to the NBHA’s request for information or updates because of the family member’s disability, the NBHA shall, upon the family’s request and verified reason for lack of response, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH OCC GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.
PART III: TENANT SELECTION

4-III.A. OVERVIEW

The NBHA shall establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. The NBHA shall not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. The NBHA will not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for purposes of segregating populations [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].

The NBHA shall maintain a clear record of all information required to verify that the family is selected from the waiting list according to the NBHA’s selection policies [24 CFR 960.206(e)(2)].

When an applicant or resident family requests a copy of the NBHA’s tenant selection policies, the NBHA will provide copies to them for $.25 a page. [24 CFR 960.202(c)(2)].

4-III.B. SELECTION METHOD

Local Preferences [24 CFR 960.206]

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the waiting list. Every applicant must meet the NBHA’s selection criteria as defined in this policy. [24 CFR 960.206(a)].

The NBHA will use the following local preferences:

Ranking:

40: PREFERENCE FOR VICTIM(S) OF DOMESTIC VIOLENCE AND HUMAN TRAFFICKING

The NBHA will offer a preference to families that include Victims of Domestic Violence and Human Trafficking, in accordance with NBHA Policies and Procedures.

Definition of Human trafficking - The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations define human trafficking as:

a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjecting to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(9))

PREFERENCE FOR WORKING FAMILIES:
In order to bring higher income families into public housing, the NBHA has a preference for "working" families, where the head, spouse, co-head, or sole member is employed at least 20 hours per week. As required by HUD, families where the head, spouse, co-head, or sole member is a person age 62 or older, or is a person with disabilities will also be given the benefit of the working preference (24 CFR 960.206(b)(2)).

35: PREFERENCE FOR THOSE WHO ARE INVOLUNTARILY DISPLACED OR HOMELESS:

The NBHA has a preference for admission for persons who are involuntarily displaced or homeless. [24 CFR 960.206(b) (5)]. Families are considered involuntarily displaced if they are or have been required to vacate housing as a result of (i) a disaster that has caused the unit to be uninhabitable; (ii) government action; (iii) action by the housing owner which is beyond the applicant’s ability to control. (iv) victim of Domestic and Domestic violence in accordance with the NBHA policy & practice.

25: PREFERENCE FOR VETERANS:

The NBHA has a preference for veterans. Proper documentation must be provided.

Income Targeting Requirement [24 CFR 960.202(b)]

HUD requires that extremely low-income (ELI) families make up at least 40% of the families admitted to public housing during the NBHA’s fiscal year. ELI families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, the NBHA may skip non-ELI families on the waiting list in order to select an ELI family.

Admissions of extremely low-income families to the NBHA’s HCV program during a NBHA fiscal year that exceed the 75% minimum target requirement for the voucher program, shall be credited against the NBHA’s basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of: (1) ten percent of public housing waiting list admissions during the NBHA fiscal year; (2) ten percent of waiting list admissions to the NBHA’s housing choice voucher program during the NBHA fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of NBHA public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

The NBHA will monitor progress in meeting the ELI requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income-targeting requirement is met.


Elderly family means a family whose head, spouse, cohead, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, cohead, or sole
member is a person with disabilities [24 CFR 5.403]. The NBHA must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. The NBHA may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

**Units Designated for Elderly or Disabled Families [24 CFR 945]**

The NBHA may designate developments, or portions of a public housing developments specifically for elderly or disabled families. The NBHA must have a HUD-approved allocation plan before the designation may take place.

**Deconcentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]**

The NBHA’s admission policy is designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income developments and lower income tenants into higher income developments. [24 CFR 903.7(b)].

Gross annual income is used for income limits at admission and for income-mixing purposes. Skipping of a family on the waiting list specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met.

The NBHA will gather data and analyze, at least annually, the resident characteristics of its public housing stock, including information regarding resident incomes, to assist in the NBHA’s deconcentration efforts.

The NBHA will use the gathered resident income information in its assessment of its public housing developments to determine the appropriate designation to be assigned to the developments for the purpose of assisting the NBHA in its deconcentration goals.

**Deconcentration and Income-Mixing Goals**

Admission policies related to the deconcentration efforts of the NBHA do not impose specific quotas. Therefore, the NBHA will not establish specific quotas, but will strive to achieve deconcentration and income mixing in its developments.

**Development Designation Methodology**

The NBHA will determine and compare resident incomes at all multi-unit developments including, but not limited to, the following developments:

- MT. Pleasant
- Oval Grove

Upon analyzing its findings the NBHA will apply the policies, measures and incentives listed in this chapter to bring higher income families into lower income developments and lower income families into higher income developments.

The NBHA’s goal is to have eligible families having higher incomes occupy dwelling units in developments predominantly occupied by families with lower incomes, and eligible families having lower incomes occupy dwelling units in developments predominantly occupied by eligible families having higher incomes.
Families having lower incomes include very low and extremely low-income families, skipping of families for deconcentration purposes will be applied uniformly to all families.

**Income Limit Method**

The NBHA will compare the gross annual income of all families in all multi-unit developments to the jurisdiction income limits.

The NBHA will designate as higher income those developments where twenty (20%) percent or more of the families residing in the development have incomes at or below the extremely low and very low-income families.

**NBHA Incentives for Higher and Lower Income Families**

Depending on local circumstances the NBHA’s deconcentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR
- Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration
- NBHA may provide after school programs
- NBHA may provide a child care facility on site
- NBHA may provide training opportunities for adults
- NBHA may provide programs for youth

A family has the sole discretion whether to accept an offer of a unit made under the NBHA’s deconcentration policy. The NBHA shall not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the NBHA's deconcentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, the NBHA will be considered to be in compliance with the deconcentration requirement and no further action is required.

**Order of Selection [24 CFR 906.206(e)]**

Families will be selected from the waiting list based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their completed application is received by the NBHA.

When selecting applicants from the waiting list the NBHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the
waiting lists. The NBHA will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

Pending disclosure and documentation of social security numbers, the NBHA will allow the family to retain its place on the waiting list for six-months. If not all household members have disclosed their SSNs at the next time a unit becomes available, the NBHA will offer a unit to the next eligible applicant family on the waiting list.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and NBHA policy.
4-III.C. NOTIFICATION OF SELECTION

When the family has been selected from the waiting list, the NBHA must notify the family. The NBHA will notify the family by first class mail when it is selected from the waiting list.

The notice will inform the family of the following:

- Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview
- Who is required to attend the interview
- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation
- Documents that must be provided at the interview to document eligibility for a preference, if applicable

If a notification letter is returned to the NBHA with no forwarding address, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the NBHA from making an eligibility determination; therefore an informal hearing may not be offered.

4-III.D. THE APPLICATION INTERVIEW

The NBHA shall obtain the information and documentation needed to make an eligibility determination through a private interview. Being invited to attend an interview does not constitute admission to the program.

Reasonable accommodation shall be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household and the spouse/cohead must attend the interview together. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the NBHA.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity. If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7). If the family is verified as eligible for the preference, the NBHA will proceed with the interview. If the NBHA determines the family is not eligible for the preference, the interview will not proceed and the family will be placed back on the waiting list according to the date and time of their application.

The family must provide the information necessary to establish the family’s eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must
also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the NBHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, the NBHA will provide translation services in accordance with the NBHA’s LEP plan.

If the family is unable to attend a scheduled interview, the family should contact the NBHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the NBHA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews with the NBHA will have their applications made inactive based on the family’s failure to supply information needed to determine eligibility. The second appointment letter will state that failure to appear for the appointment without a request to reschedule will be interpreted to mean that the family is no longer interested and their application will be made inactive. Such failure to act on the part of the applicant prevents the NBHA from making an eligibility determination, therefore the NBHA will not offer an informal hearing.

4-II-E. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]

The NBHA must verify all information provided by the family. Based on verified information related to the eligibility requirements, including NBHA suitability standards, the NBHA must make a final determination of eligibility (see Chapter 3).

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined [24 CFR 960.208(b)].

The NBHA will notify a family in writing of their eligibility within 10 business days of the determination.

The NBHA must promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination [24 CFR 960.208(a)].

If the NBHA determines that the family is ineligible, the NBHA will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing (see chapter 14)
If NBHA uses a criminal record and or the sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial the applicant may dispute the accuracy and relevance of the information by requesting an Informal Hearing.
Chapter 6

INCOME AND RENT DETERMINATIONS
[24 CFR Part 5, Subparts E and F; 24 CFR 960, Subpart C]

INTRODUCTION

The accurate calculation of annual income and adjusted income will ensure that families are not paying more or less money for rent than their obligation under the regulations.

This chapter defines the allowable deductions from annual income and how the presence or absence of household members may affect the total tenant payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subpart F and further instructions set forth the in HUD notices, memoranda and addenda. The formula for the calculation of the TTP is specific and not subject to interpretation. The NBHA’s policies in this chapter address those areas, which allow the NBHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of rent and TTP.

PART I: ANNUAL INCOME

6-I.A. OVERVIEW

The general regulatory definition of annual income shown below is from 24 CFR 5.609.

5.609 Annual income.
(a) Annual income means all amounts, monetary or not, which:
(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
(3) Which are not specifically excluded in paragraph [5.609(c)].
(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

• Annual Income Inclusions (Exhibit 6-1)
• Annual Income Exclusions (Exhibit 6-2)
• Treatment of Family Assets (Exhibit 6-3)
• Earned Income Disallowance (Exhibit 6-4)
• The Effect of Welfare Benefit Reduction (Exhibit 6-5)
6-I.B. HOUSEHOLD COMPOSITION AND INCOME

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

<table>
<thead>
<tr>
<th>Summary of Income Included and Excluded by Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live-in aides</td>
</tr>
<tr>
<td>Foster child or foster adult</td>
</tr>
<tr>
<td>Head, spouse, or cohead Other adult family members</td>
</tr>
<tr>
<td>Children under 18 years of age</td>
</tr>
<tr>
<td>Full-time students 18 years of age or older (not head, spouse, or cohead)</td>
</tr>
</tbody>
</table>

**Temporarily Absent Family Members**

The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit.

Generally an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

**Absent Students**

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the NBHA indicating that the student has established a separate household or the family declares that the student has established a separate household.

**Absences Due to Placement in Foster Care**

Children temporarily absent from the home as a result of placement in foster care are considered members of the family [24 CFR 5.403].

If a child has been placed in foster care, the NBHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.
**Absent Head, Spouse, or Cohead**

An employed head, spouse, or cohead absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

**Individuals Confined for Medical Reasons**

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

If there is a question about the status of a family member, the NBHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

**Joint Custody of Children**

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family at least 51 percent or more of the time.

When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, the NBHA will make the determination based on available documents such as court orders, (or an IRS return showing which family has claimed the child for income tax purposes).

**Caretakers for a Child**

If neither a parent nor a designated guardian remains in a household receiving assistance, the NBHA will take the following actions.

If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made and the adult joining the household must be screened for eligibility.

If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be screened by the Authority and maybe treated as a visitor for 90 days.

At any time that custody or guardianship legally has been awarded to a caretaker, who meets the authority eligibility criteria, the lease will be transferred to the caretaker, as head of household.
During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

6-I.C. ANTICIPATING ANNUAL INCOME

Calculating Anticipated Annual Income

The NBHA believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

If a family member is a seasonal employee NBHA will average the income across 12 months when annualizing. Income from the previous year may be analyzed to determine the amount to anticipate when third party verification is not available or reliable.

Basis of Annual Income Projection

The NBHA generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes the NBHA to use other than current circumstances to anticipate income when:

• An imminent change in circumstances is expected

• It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]

• The NBHA believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

PHAs are required to use HUDs Enterprise Income Verification (EIV) system in its entirety as a third party source to verify employment and income information, and to reduce administrative subsidy payment errors in accordance with HUD administrative guidance [24 CFR 5.233(a)(2)]. HUD allows the NBHA to use pay-stubs to project income once EIV data has been received in such cases where the family does not dispute the EIV employer data and where the PHA does not determine it is necessary to obtain additional third-party data.

When EIV is obtained and the family does not dispute the EIV employer data, the PHA will use current tenant-provided documents to project annual income. When the tenant provided documents are pay stubs, the NBHA will make every effort to obtain current and consecutive pay stubs dated within the last 60 days.

The NBHA will obtain written and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:

• If EIV or other UIV data is not available,

• If the family disputes the accuracy of the EIV employer data, and/or

• If the NBHA determines additional information is needed
In such cases, the NBHA will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how the PHA annualized projected income.

When the NBHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the NBHA will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.

Anytime current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the NBHA to show why the historic pattern does not represent the family’s anticipated income.

**Known Changes in Income**

If the NBHA verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

**Example:** An employer reports that a full-time employee who has been receiving $6/hour will begin to receive $8.25/hour in the eighth week after the effective date of the reexamination. In such a case the PHA would calculate annual income as follows: ($6/hour × 40 hours × 7 weeks) + ($8.25 × 40 hours × 45 weeks).

The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases the NBHA will calculate annual income using current circumstances and then require an interim reexamination when the change actually occurs.

When tenant-provided third-party documents are used to anticipate annual income, they will be dated within the last 60-days of the reexamination interview date.

EIV quarterly wages will not be used to project annual income at an annual or interim reexamination.

**Up-Front Income Verification (UIV) and Income Projection [HUD 2008 EIV Webcasts]**

HUD strongly recommends the use of up-front income verification (EIV) techniques. 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. Once such source is HUD’s Enterprise Income Verification (EIV) systems, which maintains data on three types of income; wages, unemployment benefits, and social security (SS) and supplemental security income (SSI) benefits.

HUD allows the NBHA to use UIV data as third-party verification of an income source when a resident does not dispute the source. UIV data, however, is generally several months old. Therefore, except in the case of SS and SSI benefits, which are not subject to frequent or dramatic changes, HUD expects the NBHA to base its income projection
on documentation of current circumstances provided by the resident (such as consecutive pay stubs dates within the last 60 days) or by the income source (if the NBHA determines that additional verification is necessary).

The NBHA will follow “HUD Guidelines for Projecting Annual Income When Up-Front Income Verification (UIV) Data Is Available” in handling differences between UIV and family-provided income data. The guidelines depend on whether a difference is substantial or not. HUD defines substantial difference as a difference of $200 or more per month.

**No Substantial Difference.** If UIV information for a particular income source differs from the information provided by a family by less than $200 per month, the NBHA will follow these guidelines:

If the UIV figure is less than the family’s figure, the NBHA will use the family’s information.

If the UIV figure is more than the family’s figure, the NBHA will use the UIV data unless the family provides documentation of a change in circumstances to explain the discrepancy (e.g., a reduction in work hours). Upon receipt of acceptable family-provided documentation of a change in circumstances, the NBHA will use the family-provided information.

**Substantial Difference.** If UIV information for a particular income source differs from the information provided by a family by $200 or more per month, the NBHA will follow these guidelines:

The NBHA will request written third-party verification from the discrepant income source in accordance with 24 CFR 5.236(b)(3)(i).

When the NBHA cannot readily anticipate income (e.g., in cases of seasonal employment, unstable working hours, or suspected fraud), the NBHA will review historical income data for patterns of employment, paid benefits, and receipt of other income.

The NBHA will analyze all UIV, third-party, and family-provided data and attempt to resolve the income discrepancy.

The NBHA will use the most current verified income data and, if appropriate, historical income data to calculate anticipated annual income.

### 6-1.D. EARNED INCOME

**Types of Earned Income Included in Annual Income**

**Wages and Related Compensation [24 CFR 5.609(b)(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 is included in annual income.

For persons who regularly receive bonuses or commissions, the NBHA will verify and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, the NBHA will use the prior year amounts. In
either case the family may provide, and the NBHA will consider, a credible justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, the NBHA will count only the amount estimated by the employer. The file will be documented appropriately.

**Some Types of Military Pay**

All regular pay, special pay and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

**Types of Earned Income NOT Counted in Annual Income**

**Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(c)(9)]**

This type of income (including gifts) is not included in annual income.

Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally, as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed.

**Children’s Earnings [24 CFR 5.609(c)(11)]**

Employment income earned by children (including foster children) under the age of 18 years is not included in annual income. (See Eligibility chapter for a definition of foster children.)

**Certain Earned Income of Full-Time Students**

Earnings in excess of $480 for each full-time student 18 years old or older (except for the head, spouse, or co-head) are not counted [24 CFR 5.609(c)(11)]. To be considered “full-time,” a student must be considered “full-time” by an educational institution with a degree or certificate program [HCV GB, p. 5-29].

**Income of a Live-in Aide.**

Income earned by a live-in aide, as defined in [24 CFR 5.403], is not included in annual income [24 CFR 5.609(c)(5)]. (See Eligibility chapter for a full discussion of live-in aides.)

**Income Earned under Certain Federal Programs [24 CFR 5.609(c)(17)]**

Income from some federal programs is specifically excluded from consideration as income, including:

- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b))
- Awards under the federal work-study program (20 U.S.C. 1087 uu)
- Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
• Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))

• Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

Resident Service Stipend [24 CFR 5.600(c)(8)(iv)]

Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed $200 per individual per month) received by a resident for performing a service for the NBHA 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 NBHA’s governing board, security guard at the elderly/disabled housing units. No resident may receive more than one such stipend during the same period of time.

State and Local Employment Training Program

Incremental earnings and benefits to any family member resulting 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 are excluded from annual income. 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 training program [24 CFR 5.609(c)(8)(v)].

The NBHA defines training program as “a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual’s ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education”

The NBHA defines incremental earnings and benefits as the difference between (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3–4].

In calculating the incremental difference, the NBHA will use as the pre-enrollment income the total annualized amount of the family member’s welfare assistance and earnings reported on the family’s most recently completed HUD-50058.

End of participation in a training program must be reported in accordance with the NBHA’s interim reporting requirements (see chapter on reexaminations).

HUD-Funded Training Programs

Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.
To qualify as a training program, the program must meet the definition of training program provided above for state and local employment training programs.

*Earned Income Tax Credit.* Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee’s payroll check.

**6-I.E. EARNED INCOME DISALLOWANCE [24 CFR 960.255]**

The earned income disallowance (EID) encourages people to enter the work force by not including the full value of increases in earned income for a period of time. The full text of 24 CFR 960.255 is included as Exhibit 6-4 at the end of this chapter. Eligibility criteria and limitations on the disallowance are summarized below.

**Eligibility**

This disallowance applies only to individuals in families already participating in the public housing program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who was previously unemployed for one or more years prior to employment. *Previously unemployed* includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.

- Increased earnings by a family member whose earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].

- New employment or increased earnings by a family member who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least $500.

**Calculation of the Disallowance**

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member’s current income with his or her “prior income.”

The NBHA defines *prior income*, or *prequalifying income*, as the family member’s last certified income prior to qualifying for the EID.

The family member’s prior, or prequalifying, income remains constant throughout the period that he or she is receiving the EID.
Initial 12-Month Exclusion

During the initial 12-month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The 12 months are cumulative and need not be consecutive.

The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

Second 12-Month Exclusion and Phase-In

During the second 12-month exclusion period, the exclusion is reduced to half (50 percent) of any increase in income attributable to employment or increased earnings. The 12 months are to be consecutive not cumulative.

Lifetime Limitation

The EID has a two-year (24-month) lifetime maximum. The two-year eligibility period begins at the same time that the initial exclusion period begins and ends 24 months later. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from another housing agency, if the individual moves between public housing and Section 8 assistance, or if there are breaks in assistance.

During the 24 month eligibility period, the NBHA will conduct an interim reexamination each time there is a change in the family member’s annual income that affects or is affected by the EID (e.g., when the family member’s income falls to a level at or below his/her prequalifying income, when one of the exclusion periods ends, and at the end of the lifetime maximum eligibility period).

6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]

Annual income includes “the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family” [24 CFR 5.609(b)(2)].

Business Expenses

Net income is “gross income less business expense” [HCV GB, p. 5-19].

To determine business expenses that may be deducted from gross income, the NBHA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

Business Expansion

HUD regulations do not permit the NBHA to deduct from gross income expenses for business expansion.
**Business expansion** is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

**Capital Indebtedness**

HUD regulations do not permit the NBHA to deduct from gross income the amortization of capital indebtedness.

*Capital indebtedness* is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means the NBHA will allow as a business expense interest, but not principal, paid on capital indebtedness.

**Negative Business Income**

If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

**Withdrawal of Cash or Assets from a Business**

HUD regulations require the NBHA to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of a tenant family provided an up-front loan of $2,000 to help a business get started, the NBHA will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation.

**Co-owned Businesses**

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family’s share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

**Overview**

- There is no asset limitation for participation in the public housing program. However, HUD requires that the NBHA include in annual income the “interest, dividends, and other net income of any kind from real or personal property” [24 CFR 5.609(b)(3)].

Exhibit 6-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b)(3)], and Exhibit 6-3 provides the regulatory definition of net family assets.

**Income from Assets**

The NBHA generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes the
NBHA to use other than current circumstances to anticipate income when (1) an imminent change in circumstances is expected (2) it is not feasible to anticipate a level of income over 12 months or (3) the NBHA believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income but the property is currently vacant, the NBHA can take into consideration past rental income along with the prospects of obtaining a new tenant.

Any time current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present information and documentation to the NBHA to show why the asset income determination does not represent the family's anticipated asset income.

**Valuing Assets**

The calculation of asset income sometimes requires the NBHA to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth (e.g., the amount a buyer would pay for real estate or the balance in an investment account).
- The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash.

Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions.

**Lump-Sum Receipts**

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements (including payments under health and accident insurance and worker's compensation), and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account). (For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.)

**Imputing Income from Assets (24 CFR 5.609(b)(3))**

When net family assets are $5,000 or less, the NBHA will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of $5,000, the NBHA will use the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by the current HUD-established passbook savings rate.

**Determining Actual Anticipated Income from Assets**

It may or may not be necessary for the NBHA to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market
value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.
Withdrawal of Cash or Liquidation of Investments

Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement fund.

Jointly Owned Assets

The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes “amounts derived (during the 12-month period) from assets to which any member of the family has access.”

If an asset is owned by more than one person and any family member has unrestricted access to the asset, the NBHA will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, the NBHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, the NBHA will prorate the asset evenly among all owners.

Assets Disposed Of for Less than Fair Market Value (24 CFR 5.603(b))

HUD regulations require the NBHA to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

Minimum Threshold

The NBHA may set a threshold below which assets disposed of for less than fair market value will not be counted [HCV GB, p. 5-27].

The NBHA shall not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than $1,000.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual recertifications, the family may request an interim recertification to eliminate consideration of the asset(s).

Assets placed by the family in nonrevocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

Separation or Divorce

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.
All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

**Foreclosure or Bankruptcy**

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

**Family Declaration**

Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. The NBHA may verify the value of the assets disposed of if other information available to the NBHA does not appear to agree with the information reported by the family.

**Types of Assets**

**Checking and Savings Accounts**

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

In determining the value of a checking account, the NBHA will use the average monthly balance for the last six months.

In determining the value of a savings account, the NBHA will use the current balance.

In determining the anticipated income from an interest-bearing checking or savings account, the NBHA will multiply the value of the account by the current rate of interest paid on the account.

**Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds**

Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

In determining the market value of an investment account, the NBHA will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g., stocks), the NBHA will calculate asset income based on the earnings for the most recent reporting period.
**Equity in Real Property or Other Capital Investments**

Equity (cash value) in a property or other capital asset 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 in selling the asset.

Equity in real property and other capital investments is considered in the calculation of asset income except for the following types of assets:

- Equity accounts in HUD homeownership programs [24 CFR 5.603(b)]
- Equity in real property when a family member’s main occupation is real estate. This real estate is considered a business asset, and income related to this asset will be calculated as described in section 6-I.F.
- Interests in Indian Trust lands [24 CFR 5.603(b)]

  Real property and capital assets that are part of an active business or farming operation

A family may have real property as an asset in two ways: (1) owning the property itself and (2) holding a mortgage or deed of trust on the property. In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

In the case of capital investments owned jointly with others not living in a family’s unit, a prorated share of the property’s cash value will be counted as an asset unless the NBHA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

**Trusts**

A trust is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

**Revocable Trusts**

If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

**Nonrevocable Trusts**

In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate [24 CFR
5.603(b)]. (Periodic payments are covered in section 6-I.H. Lump-sum receipts are discussed earlier in this section.)

**Retirement Accounts**

**Company Retirement/Pension Accounts**

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, the NBHA must know whether the money is accessible before retirement. While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset.

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

**IRA, Keogh, and Similar Retirement Savings Accounts**

IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty.

**Personal Property**

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset.

In determining the value of personal property held as an investment, the NBHA will use the family’s estimate of the value. The NBHA may obtain an appraisal if there is reason to believe that the family’s estimated value is off by $50 or more. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal.

Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets [24 CFR 5.603(b)].

Necessary personal property consists of only those items not held as an investment. It may include clothing, furniture, household furnishings, jewelry, and vehicles, including those specially equipped for persons with disabilities.

**Life Insurance**

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family’s assets. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

**6-I.H. PERIODIC PAYMENTS**
Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

**Periodic Payments INCLUDED in Annual Income**

- Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)].

- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4)]

**Lump-Sum Payments for the Delayed Start of a Periodic Payment**

Most lump sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income [CFR 5.609(b)(4)]. Additionally, any deferred disability benefits that are received in a lump sum or in prospective monthly amounts from the Department of Veterans Affairs are to be excluded from annual income.

When a delayed-start payment is received and reported during the period in which the NBHA is processing an annual reexamination, the NBHA will adjust the tenant rent retroactively for the period the payment was intended to cover. The family may pay in full any amount due or request to enter into a repayment agreement with the NBHA.

See the chapter on reexaminations for information about a family’s obligation to report lump-sum receipts between annual reexaminations.

**Treatment of Overpayment Deductions from Social Security Benefits:**

The NBHA must make a special calculation of annual income when the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from his or her benefit amount until the overpayment is paid in full. The amount and duration of the withholding will vary depending on the amount of the overpayment and the percent of the benefit rate withheld. Regardless of the amount withheld or the length of the withholding period, the PHA must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount [Notice PIH 2010-3]

**Periodic Payments EXCLUDED from Annual Income**

- 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) [24 CFR 5.609(c)(2)] Kinship care payments are considered equivalent to foster care payments and are also excluded from annual income [Notice PIH 2008-40]

The NBHA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency. Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
• Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)]

• Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)]

• Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)]. Note: EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.

• Lump sums received as a result of delays in processing Social Security and SSI payments (see section 6-I.J.) [24 CFR 5.609(b)(4)].

6-I.I. PAYMENTS IN LIEU OF EARNINGS

Payments in lieu of earnings, such as unemployment and disability compensation, worker’s compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in section 6-I.G.)

6-I.J. WELFARE ASSISTANCE

Overview

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

The NBHA shall make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided as Exhibit 6-5. The requirements are summarized below. This rule applies only if a family was a public housing resident at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those “who receive welfare assistance or other public assistance benefits (‘welfare benefits’) from a State or other public agency (‘welfare agency’) under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance” [24 CFR 5.615(b)]
Imputed Income

When a welfare agency imposes a sanction that reduces a family’s welfare income because the family commits fraud or fails to comply with the agency’s economic self-sufficiency program or work activities requirement, the NBHA must include in annual income “imputed” welfare income. The NBHA shall request that the welfare agency inform the NBHA when the benefits of a public housing resident are reduced. The imputed income is the amount the family would have received if the family had not been sanctioned.

This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements [24 CFR 5.615(b)(2)].

For special procedures related to grievance hearings based upon the NBHA’s denial of a family’s request to lower rent when the family experiences a welfare benefit reduction, see Chapter 14, Grievances and Appeals.

Offsets

The amount of the imputed income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with a tenant family.

Alimony and Child Support

The NBHA must count alimony or child support amounts awarded as part of a divorce or separation agreement.

The NBHA will count court-awarded amounts for alimony and child support unless the NBHA verifies that (1) the payments are not being made and (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments. Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

Regular Contributions or Gifts

The NBHA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with a tenant family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

Examples of regular contributions include: (1) regular payment of a family’s bills (e.g., utilities, telephone, rent, credit cards, and car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) “in-kind” contributions such as groceries and clothing provided to a family on a regular basis.
Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by the NBHA. For contributions that may vary from month to month (e.g., utility payments), the NBHA will include an average amount based upon past history.

6-11. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

Other exclusions contained in 24 CFR 5.609(c) that have not been discussed earlier in this chapter include the following:

- Reimbursement of medical expenses [24 CFR 5.609(c)(4)]

- The full amount of student financial assistance paid directly to the student or to the educational institution [24 CFR 5.609(c)(6)]

- Regular financial support from parents or guardians to students for food, clothing, personal items, and entertainment is not considered student financial assistance and is included in annual income.

- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]

- 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) [(24 CFR 5.609(c)(8)(ii)]

- 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 [24 CFR 5.609(c)(10)]

- Adoption assistance payments in excess of $480 per adopted child [24 CFR 5.609(c)(12)]

- Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c)(15)]

- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]

- Amounts specifically excluded by any other federal statute [24 CFR 5.609(c)(17)]. HUD publishes an updated list of these exclusions periodically. It includes:
  
  (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b))

  (b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)

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

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

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

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

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

(h) The first $2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first $2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408)

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

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

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

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

(m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)

(n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j))

(o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)

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

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

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

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

6-II.A. INTRODUCTION

Overview

HUD regulations require the NBHA to deduct from annual income any of four mandatory deductions for which a family qualifies. The resulting amount is the family’s adjusted income. Mandatory deductions are found in 24 CFR 5.611.

5.611(a) Mandatory deductions. In determining adjusted income, the responsible entity (NBHA) must deduct the following amounts from annual income:

(1) $480 for each dependent;
(2) $400 for any elderly family or disabled family;
(3) The sum of the following, to the extent the sum exceeds three percent of annual income:
   (i) Unreimbursed medical expenses of any elderly family or disabled family;
   (ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. 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; and
(4) Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

This part covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 7, Verifications.

Anticipating Expenses

Generally, the NBHA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and nonschool periods and cyclical medical expenses), the NBHA will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, the NBHA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. The NBHA may require the family to provide documentation of payments made in the preceding year.

6-II.B. DEPENDENT DEDUCTION

A deduction of $480 is taken for each dependent [24 CFR 5.611(a)(1)]. Dependent is defined as any family member other than the head, spouse, or cohead who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].
6-II.C. ELDERLY OR DISABLED FAMILY DEDUCTION

A single deduction of $400 is taken for any elderly or disabled family [24 CFR 5.611(a)(2)]. An elderly family is a family whose head, spouse, cohead, or sole member is 62 years of age or older, and a disabled family is a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403].

6-II.D. MEDICAL EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i)]

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income.

The medical expense deduction is permitted only for families in which the head, spouse, or cohead is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted [VG, p. 28].

**Definition of Medical Expenses**

HUD regulations define medical expenses at 24 CFR 5.603(b) to mean “medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance.”

The most current IRS Publication 502, *Medical and Dental Expenses*, will be used to determine the costs that qualify as medical expenses.

<table>
<thead>
<tr>
<th>Summary of Allowable Medical Expenses from IRS Publication 502</th>
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</thead>
<tbody>
<tr>
<td>Services of medical professionals</td>
</tr>
<tr>
<td>Surgery and medical procedures that are necessary, legal, noncosmetic</td>
</tr>
<tr>
<td>Services of medical facilities</td>
</tr>
<tr>
<td>Hospitalization, long-term care, and in-home nursing services</td>
</tr>
<tr>
<td>Prescription medicines and insulin, but not nonprescription medicines even if recommended by a doctor</td>
</tr>
<tr>
<td>Improvements to housing directly related to medical needs (e.g., ramps for a wheelchair, handrails)</td>
</tr>
<tr>
<td>Substance abuse treatment programs</td>
</tr>
<tr>
<td>Psychiatric treatment</td>
</tr>
<tr>
<td>Ambulance services and some costs of transportation related to medical expenses</td>
</tr>
<tr>
<td>The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth)</td>
</tr>
<tr>
<td>Cost and continuing care of necessary service animals</td>
</tr>
<tr>
<td>Medical insurance premiums or the cost of a health maintenance organization (HMO)</td>
</tr>
</tbody>
</table>

**Note:** This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.
Families That Qualify for Both Medical and Disability Assistance Expenses

This policy applies only to families in which the head, spouse, or cohead is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the NBHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-I.I.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source. Earned Income Limit on the Disability Assistance Expense Deduction

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)].

The disability expense deduction is capped by the amount of "earned income received by family members who are 18 years of age or older and who are able to work" because of the expense [24 CFR 5.611(a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family’s request, the NBHA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When the NBHA determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members’ incomes [PH Occ GB, p. 124].

Eligible Disability Expenses

Examples of auxiliary apparatus are provided in the PH Occupancy Guidebook as follows: “Auxiliary apparatus: Including wheelchairs, walkers, scooters, reading devices for persons with visual disabilities, equipment added to cars and vans to permit their use by the family member with a disability, or service animals” [PH Occ GB, p. 124], but only if these items are directly related to permitting the disabled person or other family member to work.
**Eligible Auxiliary Apparatus [VG, p. 30].**

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

**Eligible Attendant Care**

The family determines the type of attendant care that is appropriate for the person with disabilities.

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, the NBHA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care shall be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

**Payments to Family Members**

No disability expenses may be deducted for payments to a member of a tenant family [23 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the tenant family may be deducted if they are reimbursed by an outside source.

**Necessary and Reasonable Expenses**

The family determines the type of care or auxiliary apparatus to be provided and shall describe how the expenses enable a family member to work. The family shall certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

The NBHA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the NBHA shall request documentation from the organization that provide services and support to persons with disabilities. A family may present, and the NBHA will consider, the family's justification for costs that exceed typical costs in the area.
Families That Qualify for Both Medical and Disability Assistance Expenses

This policy applies only to families in which the head, spouse, or cohead is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the NBHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-ILF. CHILD CARE EXPENSE DEDUCTION

HUD defines child care expenses at 24 CFR 5.603(b) 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 child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.”

Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family’s household. However, child care expenses for foster children that are living in the assisted family’s household are included when determining the family’s child care expenses.

Qualifying for the Deduction

Determining Who Is Enabled to Pursue an Eligible Activity

The family must identify the family member(s) enabled to pursue an eligible activity. The term eligible activity in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family’s request, the NBHA will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member’s efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member’s job search efforts are not commensurate with the child care expense being allowed by the NBHA.

Furthering Education

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a
full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

**Being Gainfully Employed**

If the childcare expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member’s employment during the time that child care is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

**Earned Income Limit on Child Care Expense Deduction**

When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for childcare – although the care must still be necessary and reasonable. However, when childcare enables a family member to work, the deduction is capped by “the amount of employment income that is included in annual income” [24 CFR 5.603(b)].

The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person who receives the earned income disallowance (EID) or a full-time student whose earned income above $480 is excluded, childcare costs related to enabling a family member to work may not exceed the portion of the person’s earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes $15,000 but because of the EID only $5,000 is included in annual income, childcare expenses are limited to $5,000.

If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working.

When the childcare expense being claimed is to enable a family member to work, only one family member’s income will be considered for a given period of time. When more than one family member works during a given period, the NBHA generally will limit allowable childcare expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

**Eligible Child Care Expenses**

The type of care to be provided is determined by the tenant family. The NBHA 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 child care.

**Allowable Child Care Activities**

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of childcare.

The costs of general housekeeping and personal services are not eligible. Likewise, childcare expenses paid to a family member who lives in the family’s unit are not eligible; however, payments for childcare to relatives who do not live in the unit are eligible.
If a childcare provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, the NBHA will prorate the costs and allow only that portion of the expenses that is attributable to childcare for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the childcare provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

_Necessary and Reasonable Costs_

Child care expenses will be considered necessary if: (1) a family adequately explains how the care enables a family member to work, actively seek employment, or further his or her education, and (2) the family certifies, and the child care provider verifies, that the expenses are not paid or reimbursed by any other source.

Child care expenses will be considered for the time required for the eligible activity plus reasonable transportation time. For child care that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of child care costs, the NBHA will use the schedule of child care costs from the State of Connecticut, Department of Social Services (DSS). Families may present, and the NBHA will consider, justification for costs that exceed typical costs in the area.

6-II.G. PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)]

Permissive deductions are additional, optional deductions that may be applied to annual income. As with mandatory deductions, permissive deductions must be based on need or family circumstance and deductions must be designed to encourage self-sufficiency or other economic purpose. [PH Occ GB, p. 128].

The Form HUD-50058 Instruction Booklet states that the maximum allowable amount for total permissive deductions is less than $90,000 per year.

The NBHA has opted not to use permissive deductions.

PART III: CALCULATING RENT

6-III.A. OVERVIEW OF INCOME-BASED RENT CALCULATIONS

The first step in calculating income-based rent is to determine each family’s total tenant payment (TTP). Then, if the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement, which may be paid to the family or directly to the utility company by the NBHA.
TTP Formula [24 CFR 5.628]

HUD regulations specify the formula for calculating the total tenant payment (TTP) for a tenant family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family’s monthly adjusted income (adjusted income is defined in Part II)
- 10 percent of the family’s monthly gross income (annual income, as defined in Part I, divided by 12)
- The welfare rent (in as-paid states only)
- A minimum rent between $0 and $50 that is established by the PHA

The NBHA has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-III.B.

Welfare Rent [24 CFR 5.628]

Welfare rent does not apply in this locality.

Minimum Rent [24 CFR 5.630]

The minimum rent for this locality is $50.00

Optional Changes to Income-Based Rents [24 CFR 960.253(c)(2) and PH OCC GB, pp. 131-134]

The NBHA’s minimum rent and rent choice policies still apply to affected families. Utility allowances are applied to NBHA designed income-based rents in the same manner as they are applied to the regulatory income-based rents.

The NBHA chooses not to adopt optional changes to income-based rents.

Ceiling Rents [24 CFR 960.253 (c)(2) and (d)]

Ceiling rents are used to cap income-based rents. They are part of the income-based formula. If the calculated TTP exceeds the ceiling rent for the unit, the ceiling rent is used to calculate tenant rent (ceiling rent/TTP minus utility allowance). Increases in income do not affect the family since the rent is capped. The use of ceiling rents fosters upward mobility and income mixing.

Because of the mandatory use of flat rents, the primary function of ceiling rents now is to assist families who cannot switch back to flat rent between annual reexaminations and would otherwise be paying an income-based tenant rent that is higher than the flat rent.

Ceiling rents must be set to the level required for flat rents (which will require the addition of the utility allowance to the flat rent for properties with tenant-paid utilities) [PH OCC GB, p. 135].

The NBHA chooses not to use ceiling rents.

Utility Reimbursement [24 CFR 960.253(c)(3)]

Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP.

The NBHA will make utility reimbursements to the family.
6-III.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]

Overview

The financial hardship exemption applies only to families required to pay the minimum rent. If a family’s TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If the NBHA determines that a hardship exists, the TTP is the highest of the remaining components of the family’s calculated TTP.

HUD-Defined Financial Hardship

Financial hardship includes the following situations:

A. FLAT RENT:

(1) Income reviews will be held every third year for Residents choosing the flat rent option. We will conduct a reexamination of family composition at least annually. Residents who have chosen this option will be notified at the appropriate time for their recertification. At the time of the review the resident may elect to change his or her rent choice option. If you are in a low rent project, your rent may be changed before the next regular rent determination for any of the following reasons:

(a) Your circumstances change and have continued for at least one month and seem likely to continue for some time so that a decrease in rent is justified under the schedule of rents or to avoid a hardship.

(b) You begin to get public assistance, or your public assistance ends. You must report the change to us in ten days.

(c) You misrepresented the facts to us upon which your rent is based so that your rent has been less than what you should have been paying. In this case, the rent will be raised retroactively.

(d) By governmental law or regulations.

(2) Hardship: A family paying flat rent may request a switch to income-based rent at any time that payment of flat rent becomes a financial hardship. We will review the request within thirty (30) days. If we determine that a hardship exists, we will immediately allow the switch to income-based rent.

A hardship may exist for a family who has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program if the loss of eligibility has an impact on the family’s ability to pay the minimum rent. For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following (i) implementation of assistance, if approved, or (ii) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

• The family would be evicted because it is unable to pay the minimum rent.

• Family income has decreased because of changed family circumstances, including the loss of employment.
• A death has occurred in the family. In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member’s income).

• The family has experienced other circumstances determined by the NBHA.

If you switch to income-based rent due to a financial hardship, you must wait until your next annual reexamination to switch back to flat rent.

(3) Residents must promptly report to us any of the following changes in Household circumstances when they occur between Annual Rent recertification:

(a) A member has been added to the family through birth, adoption, or court-awarded custody.

(b) A Household member is leaving or has left the family unit.

B. INCOME-BASED RENT:

(1) We will have rental determinations each year for residents who are paying rent based on their income. In addition, residents paying rent based on a percentage of income may report the following activities that occur between the Annual Rent Re-certifications:

(a) A decrease in annual income;

(b) Childcare expenses for children under the age of 13 that are necessary to enable a member of the Household to be employed or to go to school;

(c) Handicapped assistance expenses, which enable a family member to work;

(d) Medical expenses of elderly, disabled, or handicapped-headed Households that are not covered by insurance; or

(e) Other family changes that impact their adjusted income.

(2) If you are in a low rent project, your rent may be changed before the next regular rent determination for any of the following reasons:

(a) Your circumstances change and have continued for at least one month and seem likely to continue for some time so that a decrease in rent is justified under the schedule of rents or to avoid a hardship.

(b) You begin to get public assistance, or your public assistance ends. You must report the change to us in ten days.

(c) You misrepresented the facts to us upon which your rent is based so that your rent has been less than what you should have been paying. In this case, the rent will be raised retroactively.

(d) By governmental law or regulations.

(3) Residents must promptly report to us any of the following changes in Household circumstances when they occur between Annual Rent recertification:

(a) A member has been added to the family through birth, adoption, or court-awarded custody.

(b) A Household member is leaving or has left the family unit.

(4) Hardship:
A hardship may exist for a family who has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program if the loss of eligibility has an impact on the family's ability to pay the minimum rent. For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following (i) implementation of assistance, if approved, or (ii) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

- The family would be evicted because it is unable to pay the minimum rent.
- Family income has decreased because of changed family circumstances, including the loss of employment.
- A death has occurred in the family. In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).
- The family has experienced other circumstances determined by the NBHA.

Notwithstanding the provisions listed above, a Resident's rent shall not be reduced if the decrease in the family's annual income is caused by a reduction in the welfare or public assistance benefits received by a family that is a result of the Resident's failure to comply with the conditions of the assistance program requiring participation in an economic self-sufficiency program or other work activities. In addition, if the decrease in the family's annual income is caused by a reduction in welfare or public assistance benefits received by the family that is a result of an act of fraud, such decrease in income shall not result in a rent reduction. In such cases, the amount of income to be attributed to the family shall include what the family would have received had they complied with the welfare requirements or had not committed an act of fraud.

For the purposes of rent adjustments, the reduction of welfare or public assistance benefits to a family that occurs as a result of the expiration of a time limit for the receipt of assistance will not be considered a failure to comply with program requirements. Accordingly, a Resident's rent will be reduced as a result of such a decrease.

(5) If we change your rent, we will mail or deliver to you a "Notice of Rent Adjustment".

(a) The notice shall state the new amount, the date from which the new amount takes effect, and the deadline to request a grievance hearing.

(b) You may ask us for an explanation stating the specific grounds for the rental redetermination. If you do not agree with the rental redetermination, you have the right to request a grievance hearing, if you give us notice in accordance with Section XIV of this lease.

(c) If we decrease your rent, the change will have effect from the first of the following month, if you give us written notice with written verification by your employer or other source by the 15th of the previous month. If we increase your rent, the change will have effect from the first day of the second following month, unless the increase results from your misrepresentation of the facts to us.

F. The NBHA may conduct an interim reexamination at any time in order to correct an error in a previous
G. If we decide that your apartment is no longer the right size for you, we shall notify you of this. Then, you must sign a new lease in the same form as this lease, for another apartment. You must transfer to the right sized apartment within seven days after you receive our notice that a unit is available. You may ask for an explanation stating the specific grounds for the transfer determination. If you do not agree with the transfer determination you have the right to request a grievance hearing, if you give us notice in accordance with Section XIV of this lease.

**Implementation of Hardship Exemption**

*Determinations of Hardship*

When a family requests a financial hardship exemption, the NBHA shall suspend the minimum rent requirement beginning the first of the month following the family’s request.

The NBHA then determines whether the financial hardship exists and whether the hardship is temporary or long-term.

The NBHA defines temporary hardship as a hardship expected to last 90 days or less. Long term hardship is defined as a hardship expected to last more than 90 days.

The NBHA may not evict the family for nonpayment of minimum rent during the 90-day period beginning the month following the family’s request for a hardship exemption.

When the minimum rent is suspended, the TTP reverts to the highest of the remaining components of the calculated TTP. The example below demonstrates the effect of the minimum rent exemption.

<table>
<thead>
<tr>
<th>Example: Impact of Minimum Rent Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assume the PHA has established a minimum rent of $35.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TTP – No Hardship</th>
<th>TTP – With Hardship</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 30% of monthly adjusted income</td>
<td>$0 30% of monthly adjusted income</td>
</tr>
<tr>
<td>$15 10% of monthly gross income</td>
<td>$15 10% of monthly gross income</td>
</tr>
<tr>
<td>N/A Welfare rent</td>
<td>N/A Welfare rent</td>
</tr>
<tr>
<td>$35 Minimum rent</td>
<td>$35 Minimum rent</td>
</tr>
<tr>
<td>Minimum rent applies.</td>
<td>Hardship exemption granted.</td>
</tr>
<tr>
<td>TTP = $35</td>
<td>TTP = $15</td>
</tr>
</tbody>
</table>

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family’s ability to pay the minimum rent.

The NBHA will make the determination of hardship within 30 calendar days.
No Financial Hardship

If the NBHA determines there is no financial hardship, the NBHA will reinstate the minimum rent and require the family to repay the amounts suspended.

For procedures pertaining to grievance hearing requests based upon the NBHA’s denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

The NBHA will require the family to repay the suspended amount within 30 calendar days of the NBHA’s notice that a hardship exemption has not been granted.

Temporary Hardship

If the NBHA determines that a qualifying financial hardship is temporary, the NBHA shall reinstate the minimum rent from the beginning of the first of the month following the date of the family’s request for a hardship exemption.

The family must resume payment of the minimum rent and must repay the NBHA the amounts suspended. HUD requires the NBHA to offer a reasonable repayment agreement, on terms and conditions established by the NBHA. The NBHA also may determine that circumstances have changed and the hardship is now a long-term hardship.

For procedures pertaining to grievance hearing requests based upon the NBHA’s denial of a hardship exemption, see Chapter 14, Grievances and Appeals. Long-Term Hardship

If the NBHA determines that the financial hardship is long-term, the NBHA shall exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family’s request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

The hardship period ends when any of the following circumstances apply:

(1) At an interim or annual reexamination, the family’s calculated TTP is greater than the minimum rent.

(2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a $60/month child support payment, the hardship will continue to exist until the family receives at least $60/month in income from another source or once again begins to receive the child support.

(3) For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

6-III.C. UTILITY ALLOWANCES [24 CFR 965, Subpart E]

Overview
Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent. When determining a family’s income-based rent, the NBHA shall use the utility allowance applicable to the type of dwelling unit leased by the family.

**Reasonable Accommodation [24 CFR 8]**

On request from a family, the NBHA shall approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability [PH Occ GB, p. 172].

Residents with disabilities 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 [PH Occ GB, p. 172].

See Chapter 2 for policies related to reasonable accommodations.

**Utility Allowance Revisions [24 CFR 965.507]**

The NBHA shall review its schedule of utility allowances each year. Between annual reviews, the NBHA may revise the utility allowance schedule if there is a rate change that by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which such allowances were based. Adjustments to resident payments as a result of such changes shall be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective [PH Occ GB, p. 171].

The tenant rent calculations shall reflect any changes in the NBHA’s utility allowance schedule [24 CFR 960.253(c)(3)].

Unless the NBHA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family’s rent calculations at the first annual reexamination after the allowance is adopted.

**6-III.D. PRORATED RENT FOR MIXED FAMILIES [24 CFR 5.520]**

HUD regulations prohibit assistance to ineligible family members. A mixed family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. The NBHA must prorate the assistance provided to a mixed family. The NBHA will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, the NBHA shall:

1. Subtract the TTP from a maximum rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible.

2. Divide the family maximum subsidy by the number of persons in the family to determine the maximum subsidy per each family member who is eligible (member maximum subsidy).

3. Multiply the member maximum subsidy by the number of eligible family members.

4. Subtract the subsidy calculated in the last step from the maximum rent. This is the prorated TTP.

5. Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family.
Revised public housing maximum rents will be applied to a family’s rent calculation at the first annual reexamination after the revision is adopted.

6-III.E. FLAT RENTS AND FAMILY CHOICE IN RENTS [24 CFR 960.253]

Flat Rents [24 CFR 960.253(b)]

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

There is no utility allowance or reimbursement with flat rents. When the family elects to pay the flat rent, the flat rent amount quoted to the family by the NBHA is the amount the family pays. Changes in family income, expenses, or composition will not affect the flat rent amount because it is outside the income-based formula.

For units where utilities are tenant-paid, the NBHA must adjust the flat rent downward by the amount of a utility allowance for which the family might otherwise be eligible under 24 CFR part 965, subpart E.

Policies related to the reexamination of families paying flat rent are contained in Chapter 9,
Family Choice in Rents [24 CFR 960.253(a) and (e)]

Once each year, the NBHA shall offer families the choice between a flat rent and an income-based rent. The family may not be offered this choice more than once a year. The NBHA shall document that flat rents were offered to families under the methods used to determine flat rents.

The annual NBHA offer to a family of the choice between flat and income-based rent will be conducted upon admission and upon each subsequent annual reexamination.

The NBHA will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual reexamination process.

The NBHA shall provide sufficient information for families to make an informed choice. This information includes’ the NBHA’s policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year the NBHA is required to provide an income-based rent amount only in the year that a reexamination of income is conducted or if the family specifically requests it and submits updated income information.

Switching from Flat Rent to Income-Based Rent Due to Hardship [24 CFR 960.253(f)]

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. If the NBHA determines that a financial hardship exists, the NBHA shall immediately allow the family to switch from flat rent to the income-based rent.

Upon determination by the NBHA that a financial hardship exists, the NBHA will allow a family to switch from flat rent to income-based rent effective the first of the month following the family’s request.

Reasons for financial hardship include:

- The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance
- The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items
- Such other situations determined by the NBHA to be appropriate

The NBHA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent [PH Occ GB, p. 137].

Change in Flat Rents

Changes to flat rents, up or down, will not affect families paying flat rent until their next annual flat rent offer, at which time the family will be given the choice of switching back to income-based rent or of remaining on flat rent at the current (most recently adjusted) flat rent for their unit [PH Occ GB, pp. 137-138].
Flat Rents and Earned Income Disallowance [A&O-FAQs]

Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred.

A family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their 48 month period would have the 12 cumulative months of full (100 percent) and phase-in (50 percent) exclusion continue while paying flat rent as long as the employment that is the subject of the exclusion continues, and the 48-month lifetime limit would continue uninterrupted. A family paying flat rent could therefore see a family member’s 48-month lifetime limit expire while the family is paying flat rent.

Flat Rents and Mixed Families [A&O-FAQs]

Mixed families electing to pay flat rent must first have a flat rent worksheet completed to see if the flat rent must be prorated. The worksheet is located in Appendix III of the Form HUD-50058 Instruction Booklet.

If the flat rent is greater than or equal to the public housing maximum rent, there is no proration of flat rent and the family pays the flat rent for the unit.

If the flat rent is less than the maximum rent, the worksheet will calculate a prorated flat rent. The mixed family will pay the prorated flat rent.
24 CFR 5.609

(a) Annual income means all amounts, monetary or not, which:

(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or

(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

(3) Which are not specifically excluded in paragraph (c) of this section.

(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) Annual income includes, but is not limited to:

(1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

(2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;

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

(4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);

(5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);

(6) Welfare assistance payments.

(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 the TANF program definition at 45 CFR 260.31; and

(B) Are not otherwise excluded under paragraph (c) of this section.

| Text of 45 CFR 260.31(Dept. of Health of Services) follows (next page). |
(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 for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph 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).

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****HHS DEFINITION OF "ASSISTANCE"****

**45 CFR: GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES**

**260.31 What does the term “assistance” mean?**

(a)(1) The term “assistance” includes cash, payments, vouchers, and other forms of benefits designed to meet a family’s ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(ii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).

(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

(b) [The definition of “assistance”] excludes:

(1) Nonrecurring, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

(ii) Are not intended to meet recurrent or ongoing needs; and

(iii) Will not extend beyond four months.

(2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);

(3) Supportive services such as child care and transportation provided to families who are employed;

(4) Refundable earned income tax credits;

(5) Contributions to, and distributions from, Individual Development Accounts;

(6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and

(7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance.
24 CFR 5.609

(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 Sec. 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 person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;

(v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

(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) [Reserved]

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

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

(17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) 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. [See the following chart for a list of benefits that qualify for this exclusion.]

Sources of Income Excluded by Federal Statute from Consideration as Income for Purposes of Determining Eligibility or Benefits

- a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b));
- b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
- c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
- d) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
- e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
- f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);
- g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub.L- 94-540, 90 Stat. 2503-04);
- h) The first $2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first $2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);
- i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
- j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));
- k) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent-product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
- l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
- m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));

o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);

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

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

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

s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).
EXHIBIT 6-3: TREATMENT OF FAMILY ASSETS

24 CFR 5.603(b) Net Family Assets

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

(2) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Sec. 5.609.

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

(4) For purposes of determining annual income under Sec. 5.609, the term "net family assets" does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.
24 CFR 5.617 Self-sufficiency incentives for persons with disabilities—Disallowance of increase in annual income.

(a) Applicable programs. The disallowance of increase in annual income provided by this section is applicable only to the following programs: HOME Investment Partnerships Program (24 CFR part 92); Housing Opportunities for Persons with AIDS (24 CFR part 574); Supportive Housing Program (24 CFR part 583); and the Housing Choice Voucher Program (24 CFR part 982).

(b) Definitions. The following definitions apply for purposes of this section.

Disallowance. Exclusion from annual income.

Previously unemployed includes a person with disabilities 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.

Qualified family. A family residing in housing assisted under one of the programs listed in paragraph (a) of this section or receiving tenant-based rental assistance under one of the programs listed in paragraph (a) of this section.

(1) Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;

(2) Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

(3) Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six 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 responsible entity 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.

(c) Disallowance of increase in annual income—

(1) Initial twelve month exclusion. During the cumulative twelve month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income (as defined in the regulations governing the applicable program listed in paragraph (a) of this section) of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.
(2) Second twelve month exclusion and phase-in. During the second cumulative twelve month period after the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity 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.

(3) Maximum four year disallowance. The disallowance of increased income of an individual family member who is a person with disabilities as provided in paragraph (c)(1) or (c)(2) is limited to a lifetime 48 month period. The disallowance only applies for a maximum of twelve months for disallowance under paragraph (c)(1) and a maximum of twelve months for disallowance under paragraph (c)(2), during the 48 month period starting from the initial exclusion under paragraph (c)(1) of this section.

(d) Inapplicability to admission. The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).
EXHIBIT 6-5: THE EFFECT OF WELFARE BENEFIT REDUCTION

24 CFR 5.615

Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.

(a) Applicability. This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant-based assistance (part 982 of this title).

(b) Definitions. The following definitions apply for purposes of this section:

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

Economic self-sufficiency program. See definition at Sec. 5.603.

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

Specified welfare benefit reduction.

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

(2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

(i) at expiration of a lifetime or other time limit on the payment of welfare benefits;

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

(iii) because a family member has not complied with other welfare agency requirements.

(c) Imputed welfare income.

(1) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the PHA by the welfare agency), plus the total amount of other annual income as determined in accordance with Sec. 5.609.

(2) At the request of the PHA, the welfare agency will inform the PHA in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the PHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA will use this information to determine the amount of imputed welfare income for a family.

(3) A family's annual income includes imputed welfare income in family annual income, as determined at the PHA's interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the PHA by the welfare agency).
(4) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed amount of imputed welfare income. Such notice shall also state that if the family does not agree with the PHA determination, the family may request an informal hearing on the determination under the PHA hearing procedure.

(5) The PHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

(d) Review of PHA decision.

(1) Public housing. If a public housing tenant claims that the PHA has not correctly calculated the amount of imputed welfare income in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the tenant written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. The PHA notice shall also state that if the tenant does not agree with the PHA determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The tenant is not required to pay an escrow deposit pursuant to Sec. 966.55(e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the PHA determination.

(2) Section 8 participant. A participant in the Section 8 tenant-based assistance program may request an informal hearing, in accordance with Sec. 982.555 of this title, to review the PHA determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the family written notice of such denial, with a brief explanation of the basis for the PHA determination.

(e) PHA relation with welfare agency.

(1) The PHA must ask welfare agencies to inform the PHA of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PHA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(2) The PHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA. However, the PHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

(3) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.
Chapter 8

LEASING AND INSPECTIONS

[24 CFR 5, Subpart G; 24 CFR 966, Subpart A]

INTRODUCTION

It is the NBHA's policy that all units must be occupied pursuant to a dwelling lease agreement that complies with HUD's regulations (24 CFR Part 966). This chapter describes pre-leasing activities and the NBHA's policies pertaining to lease execution, security, other charges, and additions to the Lease.

HUD rules also require the NBHA to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, the NBHA may require additional inspections in accordance with NBHA policy.

8.1.4. LEASE REQUIREMENTS

The initial term of the lease will be for a period of 12 months. The lease will be renewed automatically for another 12-month term, except for noncompliance with the community service requirements, as described in the chapter on community services. [24 CFR 966.4(a)(2)].

Provision for Modification

Changes to the Lease, other than changes in resident's rent amount, (shall be written by addendum to, this Admissions and Continued Occupancy Policy (ACOP), Schedule of Fees and Charges, Schedule of Utility Allowances, Grievance Procedure, etc.) are all incorporated into the lease by reference and may be changed from time-to-time by the NBHA. The resident shall be given at least thirty (30) days written notice setting forth the proposed changes, the reasons for them, and providing the resident with an opportunity to make written comments.

Ability to Comply with Lease Terms

If during the term of the lease, the resident, due to a physical or mental disability covered by the Americans with Disabilities Act (ADA), is no longer able to comply with the provisions of the lease and cannot make arrangements for someone to aid him/her in complying with the lease, and the NBHA cannot make reasonable accommodations that would enable the resident to comply with the lease, then the lease will terminate.
8-I.B. LEASE ORIENTATION

After unit acceptance but prior to occupancy, a NBHA representative will provide a lease orientation to the family head and spouse or co-head. The head of household or spouse is required to attend. The family must attend an orientation before taking occupancy of the unit.

Orientation Agenda

When families attend the lease orientation, they will be provided with:

- A copy of “Is Fraud Worth It”? (form HUD1141-OIG), which explains the types of action a family must avoid and the penalties for program abuse.
- A copy of the lease
- A copy of the house rules
- A copy of the pamphlet Protect Your Family From Lead in Your Home
- A copy of Things You Should Know (HUD-1140-OIG)
- A copy of What You Should Know about EIV, a guide.
- Parking Policy
- Pet Policy

Topics to be discussed will include, but not limited to:

- A copy of the NBHA’s grievance procedure
- Applicable deposits and other charges
- Review and explanation of lease provisions
- Unit maintenance and work orders
- A copy of the NBHA’s schedule of maintenance charges
- Explanation of occupancy forms
- Community service requirements
- Family choice of rent
- Term of Occupancy
- Orientation to the community

8-I.C. EXECUTION OF LEASE

The lease shall be executed by the head of household, co-head, spouse and all other adult members of the household will be required to sign the public housing lease prior to admission. An appointment will be scheduled for the parties to execute the lease. The Head of Household will be provided a copy of the executed lease and the NBHA will retain a copy in the resident’s file. [24 CFR 966.4(a)(3)].
The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

The lease must state the composition of the household as approved by the NBHA (family members and any NBHA-approved live-in aide) [24 CFR 966.4(a)(1)(v)]. See Section 8-I.D. for policies regarding changes in family composition during the lease term.

Files for households that include a live-in aide will contain file documentation signed by the live-in aide, that the live-in aide is not a party to the lease and is not entitled to NBHA assistance. The live-in aide is only approved to live in the unit while serving as the attendant for the participant family member.

The following provisions govern lease execution and amendments:

- A lease is executed at the time of admission for all new residents
- A new lease is executed at the time of transfer of a resident from one NBHA unit to another
- If, for any reason, any signer of the lease ceases to be a member of the household, a new lease will be executed
- Lease signers must be persons legally eligible to execute contracts
- The names and date of birth of all household members are listed on the household member sheet at initial occupancy and at each subsequent recertification. Only those persons listed on the most recent certification shall be permitted to occupy a dwelling unit
- Changes to Resident rents are made upon the preparation and execution of a Notice of rent Adjustment by the NBHA, which becomes an attachment to the Lease. Documentation will be included in the resident file to support proper notice
- Households that include a live-in aide will contain file documentation that the live-in aide is not party to the lease and is not entitled to NBHA assistance, with the exception of occupancy while serving as the attendant for the participant family member.

8-I.D. MODIFICATIONS TO THE LEASE

The lease may be modified at any time by written agreement of the tenant and the NBHA [24 CFR 966.4(a)(3)].

Modifications to the Lease Form

The NBHA may modify its lease from time to time. However, the NBHA shall give residents at least 30 days advance notice of the proposed changes and an opportunity to comment on the changes. The NBHA must also consider any comments before formally adopting the new lease [24 CFR 966.3].

After proposed changes have been incorporated into the lease and approved by the Board, each family must be notified at least 60 days in advance of the effective date of the new lease or lease revision. A resident's refusal to accept permissible and reasonable lease modifications that are
made in accordance with HUD requirements, or are required by HUD, is grounds for termination of tenancy [24 CFR 966.4(l)(2)(iii)(E)].

The family will have 30 days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30 day timeframe, the family’s tenancy will be terminated for other good cause in accordance with the policies in Chapter 13.

Schedules of special charges and rules and regulations are subject to modification or revision. Because these schedules are incorporated into the lease by reference, residents and resident organizations must be provided at least thirty days written notice of the reason(s) for any proposed modifications or revisions, and must be given an opportunity to present written comments. The notice must be delivered directly or mailed to each tenant; or posted in at least three conspicuous places within each structure or building in which the affected dwelling units are located, as well as in a conspicuous place at the project office, if any, or if none, a similar central business location within the project. Comments must be taken into consideration before any proposed modifications or revisions become effective [24 CFR 966.5].

After the proposed revisions become effective they must be publicly posted in a conspicuous manner in the project office and must be furnished to applicants and tenants on request [24 CFR 966.5].

When the NBHA proposes to modify or revise schedules of special charges or rules and regulations, the NBHA will post a copy of the notice in the central office, and will mail a copy of the notice to each resident family. Documentation of proper notice will be included in each resident file.

**Other Modifications**

The lease will be amended to reflect all changes in family composition.

If, for any reason, any member of the household ceases to reside in the unit, the lease will be amended by drawing a line through the person's name. The head of household and PHA will be required to initial and date the change.

If a new household member is approved by the NBHA to reside in the unit, the person’s name and birth date will be added to the lease. The head of household and NBHA will be required to initial and date the change. If the new member of the household is an adult, s/he will also be required to sign and date the lease.

Policies governing when and how changes in family composition must be reported are contained in Chapter 9, Reexaminations.

**8-I.E. SECURITY DEPOSITS [24 CFR 966.4(b)(5)]**

New residents must pay a security deposit. The amount of the security deposit cannot exceed one month’s rent or a reasonable fixed amount as determined by the NBHA. The NBHA may allow for incremental payments of the security depot of the family, not to exceed 3 months. The family must pay a minimum of $50 in order to enter into a payment plan. However the family may be required to pay the security deposit in full prior to occupancy.

Gradual accumulation, not to exceed three months, of the security deposit by the family, or the family may be required to pay the security deposit in full prior to occupancy. *Interest earned*
on security deposits may be refunded to the tenant in accordance with applicable laws, annually and after vacating the unit.

Residents must pay a security deposit to the NBHA at the time of admission. The amount of the security deposit will be equal to the family’s monthly rent (TTP) at the time of move-in, and must be paid in full prior to occupancy or paid: in installments over time, not to exceed three months.

The NBHA will hold the security deposit for the period the family occupies the unit. Rent will continue to accrue until the keys have been received or the unit has been determined as abandon. The NBHA will not use the security deposit for rent or other charges while the resident is living in the unit.

All keys to the unit must be returned to the management offices upon vacating the unit. The resident must leave the dwelling unit in a clean and undamaged condition not exceeding normal wear and tear and must furnish a forwarding address to the NBHA. Within 30 days of receipt of the forwarding address, the NBHA will provide the resident with a written list of any charges against the security deposit. The NBHA will refund to the resident the amount of the security deposit (including interest earned on the security deposit), less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease.

If the resident disagrees with the amount charged, the NBHA will provide a meeting to discuss the charges.

If the resident transfers to another unit, the NBHA will transfer the security deposit to the new unit. The tenant will be billed for any maintenance or other charges due for the “old” unit.

8-I.F. PAYMENTS UNDER THE LEASE

Rent Payments [24 CFR 966.4(b)(1)]

The resident’s rent is due and payable at the NBHA-designated location on the first of every month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

If a family’s rent changes, the NBHA will notify the family of the new amount and the effective date by sending a "Notice of Rent Adjustment" which will become an attachment to the lease.

Late Fees and Nonpayment [24 CFR 966.4(b)(3)].

If the family fails to pay their rent by the tenth day of the month, and the NBHA has not agreed to accept payment at a later date, a 15 day Notice to Vacate will be issued to the resident for failure to pay rent, demanding payment in full or the surrender of the premises.

In addition, if the resident fails to make payment by the end of office hours on the tenth day of the month, a late fee of $25.00 will be charged. Notices of late fees will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the NBHA may not take action for nonpayment of the fee until the conclusion of the grievance process. If the resident can document financial hardship, the late fee may be waived on a case-by-case basis.
When a check is returned for insufficient funds or is written on a closed account, the rent will be considered unpaid and a returned check fee of $25.00 will be charged to the family. The fee will be due and payable 15 days after billing.
Excess Utility Charges [24 CFR 966.4(b)(2)].

When applicable, families will be charged for excess utility usage according to the NBHA’s current posted schedule. Notices of excess utility charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 15 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the NBHA may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of excess utility charges is a violation of the lease and is grounds for eviction.

Maintenance and Damage Charges [24 CFR 966.4(b)(2)].

When applicable, families will be charged for maintenance and/or damages according to the NBHA’s current schedule. Work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable). Notices of maintenance and damage charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 14 15 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the NBHA may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for eviction.

PART II: INSPECTIONS

8-II.A. OVERVIEW

HUD rules require the NBHA to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, the NBHA may require additional inspections, in accordance with NBHA Policy.

8-II.B. TYPES OF INSPECTIONS

Move-In Inspections [24 CFR 966.4(i)]

The NBHA and the family will inspect the dwelling unit prior to occupancy in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by the NBHA and the resident, must be provided to the tenant and be kept in the resident file.

Any adult family member may attend the initial inspection and sign the inspection form for the head of household.

Initial 30-Day Inspection:

An Initial 30-Day Inspection will be conducted for new move-ins for the purpose of quality control in accordance with the NBHA Plan.
**Move-Out Inspections [24 CFR 966.4(i)]**

The NBHA must inspect the unit at the time the resident vacates the unit and must allow the resident to participate in the inspection if he or she wishes, unless the tenant vacates without notice to the NBHA. The NBHA must provide to the tenant a statement of any charges to be made for maintenance and damage beyond normal wear and tear.

The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear.

When applicable, the NBHA will provide the tenant with a statement of charges to be made for maintenance and damage beyond normal wear and tear, within 30 business days of conducting the move-out inspection.

**Annual Inspections**

The NBHA will inspect all units at least annually using HUD's Uniform Physical Condition Standards (UPCS) [24 CFR 902.43(a)(4)]. All inspections will include a check of all smoke alarms to ensure proper working order.

**Quality Control Inspections**

The purpose of quality control inspections is to assure that all defects were identified in the original inspection, and that repairs were completed at an acceptable level of craftsmanship and within an acceptable time frame.

The quality control inspections will be conducted in accordance with the NBHA’s maintenance plan.

**REAC Inspections; Quality Control Inspection Conducted by HUD Annually; Residents who are cited by HUD being unprepared, will be assessed a $50.00 charge.**

**Special Inspections**

NBHA staff may conduct a special inspection for any of the following reasons:

- Housekeeping
- Unit condition
- Suspected lease violation
- Preventive maintenance
- Routine maintenance

There is reasonable cause to believe an emergency exists

**Other Inspections**

Building exteriors, grounds, common areas and systems will be inspected according to the NBHA’s maintenance plan.
8-II.C. NOTICE AND SCHEDULING OF INSPECTIONS

Initial 30-day

An Initial 30-day inspection will be conducted for new move-ins, for the purpose of quality control in accordance with the NBHA Plan.

Non-emergency Entries [24 CFR 966.4(j)(1)]

The NBHA may enter the unit, with reasonable advance notification to perform routine inspections and maintenance, make improvements and repairs, or to show the unit for re-leasing.

The NBHA will notify the resident in writing at least 24 hours prior to any non-emergency inspection.

For regular annual inspections, the family will receive at least 1 weeks written notice of the inspection to allow the family to prepare the unit for the inspection.

Entry for repairs requested by the family will not require prior notice. Verbal Consent is sufficient for the NBHA to enter the unit.

Emergency Entries [24 CFR 966.4(j)(2)]

The NBHA may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists. If no adult household member is present at the time of an emergency entry, the NBHA must leave a written statement showing the date, time and purpose of the entry prior to leaving the dwelling unit.

Scheduling of Inspections

Inspections will be conducted during business hours. If a family needs to reschedule an inspection, they must notify the NBHA at least 24 hours prior to the scheduled inspection. The NBHA will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection. The NBHA may request verification of such cause.

Attendance at Inspections

Residents are required to be present for move-in inspections [24 CFR 966.4(i)]. There is no such requirement for other types of inspections.

Except at move-in inspections, the resident is not required to be present for the inspection. The resident may attend the inspection if he or she wishes.

If no one is at home, the inspector will enter the unit and conduct the inspection of the unit. A copy of the inspection report will be provided upon request in writing.

8-II.D. INSPECTION RESULTS [24 CFR 966.4(e)].

Emergency Repairs [24 CFR 966.4(h)]

If the unit is damaged to the extent that conditions are created which are hazardous to the life, health, or safety of the occupants, the tenant must immediately notify the NBHA of the damage, and the NBHA must make repairs within a reasonable time frame.
If the damage was caused by a household member or guest, the NBHA must charge the family for the reasonable cost of repairs. The NBHA may also take lease enforcement action against the family.

If the NBHA cannot make repairs quickly, the NBHA must offer the family standard alternative accommodations. If the PHA can neither repair the defect within a reasonable time frame nor offer alternative housing, rent shall be abated in proportion to the seriousness of the damage and loss in value as a dwelling. Rent shall not be abated if the damage was caused by a household member or guest, or if the resident rejects the alternative accommodations.

When conditions in the unit are hazardous to life, health, or safety, the NBHA will make repairs or otherwise abate the situation within 24 hours.

Defects hazardous to life, health or safety include, but are not limited to, the following:

- Any condition that jeopardizes the security of the unit
- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
- Natural or LP gas or fuel oil leaks
- Any electrical problem or condition that could result in shock or fire
- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit
- Utilities not in service, including no running hot water
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit
- Absence of a functioning toilet in the unit
- Inoperable smoke detectors

**Non-emergency Repairs**

The NBHA will correct non-life threatening health and safety defects within 15 business days of the inspection date. If the NBHA is unable to make repairs within that period due to circumstances beyond the NBHA's control (e.g. required parts or services are not available, weather conditions, etc.) the NBHA will notify the family of an estimated date of completion.

The family must allow the NBHA access to the unit to make repairs.

**Resident-Caused Damages**

Damages to the unit beyond wear and tear will be billed to the tenant in accordance with the policies in 8-I.F., Maintenance and Damage Charges.

Repeated or excessive damages to the unit beyond normal wear and tear will be considered a serious or repeated violation of the lease.
**Housekeeping**

Residents whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease. In these instances, the NBHA will provide proper notice of a lease violation.

A reinspection will be conducted to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a reinspection is considered a violation of the lease and may result in termination of tenancy in accordance with Chapter 13.

Notices of lease violation will also be issued to residents who purposely disengage the unit’s smoke detector. Only one warning will be given. A second incidence will result in lease termination.
Chapter 9

RE-EXAMINATIONS

INTRODUCTION

In accordance with HUD requirements, the NBHA will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Annual recertifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulations. It is a HUD requirement that families report all changes in household composition, but the NBHA decides what other changes must be reported and the procedures for reporting them. This chapter defines the NBHA’s policy for conducting annual recertifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

Policies governing reasonable accommodation, family privacy, required family cooperation and program abuse, as described elsewhere in this ACOP, apply to annual and interim reexaminations.

PART I: ANNUAL REEXAMINATIONS FOR FAMILIES PAYING INCOME BASED RENTS [24 CFR 960.257]

9-1.A. OVERVIEW

For those families who choose to pay income-based rent, the NBHA must conduct a reexamination of income and family composition at least annually [24 CFR 960.257(a)(1)]. For families who choose flat rents, the NBHA must conduct a reexamination of family composition at least annually, and must conduct a reexamination of family income at least once every 3 years [24 CFR 960.257(a)(2)].

For all residents of public housing, whether those residents are paying income-based or flat rents, the NBHA must conduct an annual review of community service requirement compliance. This annual reexamination is also a good time to have residents sign consent forms for criminal background checks in case the criminal history of a resident is needed at some point to determine the need for lease enforcement or eviction.

The NBHA is required to obtain information needed to conduct reexaminations. Families are required to provide current and accurate information on income, assets, allowances and deductions, family composition and community service compliance as part of the reexamination process [24 CFR 960.259].
9-I.B. SCHEDULING ANNUAL REEXAMINATIONS [24 CFR 960.257(a)(1)].

Generally, the NBHA schedule annual reexaminations by development. The NBHA will begin the annual reexamination process approximately 120 days in advance of the scheduled effective date.

If the family transfers to a new unit, the NBHA will perform a new annual reexamination, and the anniversary date will be changed.

The NBHA may also schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

**Notification of and Participation in the Annual Reexamination Process**

Families generally are required to participate in an annual reexamination interview, which must be attended by the head of household, spouse, or cohead. If participation in an in-person interview poses a hardship because of a family member’s disability, the family should contact the NBHA to request a reasonable accommodation.

Notification of annual reexamination interviews will be sent by first-class mail and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview.

If the family is unable to attend a scheduled interview, the family should contact the NBHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend the scheduled interview the NBHA will send a second notification with a new interview appointment time.

If a family fails to attend two scheduled interviews without NBHA approval, the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

An advocate, interpreter, or other assistant may assist the family in the interview process.

9-I.C. CONDUCTING ANNUAL REEXAMINATIONS

The terms of the public housing lease require the family to furnish information necessary for the redetermination of rent and family composition [24 CFR 966.4(c)(2)].

Families will be asked to bring all required information (as described in the reexamination notice) to the reexamination appointment. The required information will include a NBHA-designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documentation related to the family’s income, expenses, and family composition.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 10 business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

The information provided by the family generally must be verified in accordance with the policies in Chapter 7. Unless the family reports a change, or the NBHA requests verification
because it has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social security numbers
- A person’s disability status
- Citizenship or immigration status

**Change in Unit Size**

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. The NBHA may use the results of the annual reexamination to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

**Criminal Background Checks**

Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)(1)(ii)]. Criminal background checks of residents will be conducted in accordance with the policy in Chapter 13-IV.B. The CT Judicial website www.jud.ct.gov will be reviewed for all pending charges for anyone household member over the age 18.

Each household member age 18 and over will be required to execute a consent form for a criminal background check as part of the annual reexamination process.

**Compliance with Community Service**

For families who include nonexempt individuals at re-examination, the NBHA must determine compliance with community service requirements once each 12 months [24 CFR 960.257(a)(3)].

**9-I.D. EFFECTIVE DATES**

As part of the annual reexamination process, the NBHA must make appropriate adjustments in the rent after consultation with the family and upon verification of the information [24 CFR 960.257(a)(1)].

In general, an increase in the tenant rent that results from an annual reexamination will take effect on the family’s anniversary date, and the family will be notified at least 30 days in advance.

If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.

If the NBHA chooses to schedule an annual reexamination for completion prior to the family’s anniversary date for administrative purposes, the effective date will be determined by the NBHA, but will always allow for the 30-day notice period.

If the family causes a delay in processing the annual reexamination, increases in the family share of the rent will be applied retroactively, to the scheduled
effective date of the annual reexamination. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the NBHA policies.

In general, a decrease in the rent that results from an annual reexamination will take effect on the family’s anniversary date.

If the NBHA chooses to schedule an annual reexamination for completion prior to the family’s anniversary date for administrative purposes, the effective date will be determined by the NBHA.

If the family causes a delay in processing the annual reexamination, decreases in the family share of the rent will be applied prospectively, from the first day of the month following completion of the reexamination processing.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by the NBHA by the date specified, and this delay prevents the NBHA from completing the reexamination as scheduled.

PART II: REEXAMINATIONS FOR FAMILIES PAYING FLAT RENTS
[24 CFR 960.257(2)]

9-II.A. OVERVIEW

HUD requires that the NBHA offer all families the choice of paying income-based rent or flat rent at least annually.

For families who choose flat rents, the NBHA must conduct a reexamination of family composition at least annually, and must conduct a reexamination of family income at least once every 3 years [24 CFR 960.257(a)(2)]. The NBHA is only required to provide the amount of income-based rent the family might pay in those years that the NBHA conducts a full reexamination of income and family composition, or upon request of the family after the family submits updated income information [24 CFR 960.253(e)(2)].

As it does for families that pay income-based rent, on an annual basis, the NBHA must also review community service compliance and should have each adult resident consent to a criminal background check.

9-II.B. FULL REEXAMINATION OF FAMILY INCOME AND COMPOSITION

Frequency of Reexamination

For families paying flat rents, the NBHA will conduct a full reexamination of family income and composition once every 3 years.
Reexamination Policies

In conducting full reexaminations for families paying flat rents, the NBHA will follow the policies used for the annual reexamination of families paying income-based rent as set forth in Sections 9-1.B through 9-1.D.

HARDSHIP: A family paying flat rent may request a switch to income-based rent at any time that payment of flat rent becomes a financial hardship. We will review the request within thirty (30) days. If we determine that a hardship exists, we will immediately allow the switch to income-based rent.

A hardship may exist for a family who has lost eligibility for, or is awaiting an eligibility determination for a federal, state, or local assistance program if the loss of eligibility has an impact on the family’s ability to pay the minimum rent. For a family waiting for a determination of eligibility, the hardship period will end as of the first of the following: (i) implementation of assistance, if approved, or (ii) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardships.

• The family would be evicted because it is unable to apply the minimum rent.
• Family income has decreased because of changes in family circumstances, including the loss of employment.
• A death has occurred in the family. In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g. because of funeral-related expenses, or the loss of the family member’s income).
• The family has experienced other circumstances verified by the NBHA.

9-II.C. REEXAMINATION OF FAMILY COMPOSITION ("ANNUAL UPDATE")

Conducting Annual Updates

The terms of the public housing lease require the family to furnish information necessary for the redetermination of rent and family composition [24 CFR 966.4(c)(2)].

Generally, the family will not be required to attend an interview for an annual update. However, if the NBHA determines that an interview is warranted, the family may be required to attend.

Notification of the annual update will be sent by first-class mail or hand delivered and will inform the family of the information and documentation that must be provided to the NBHA. The family will have 10 business days to submit the required information to the NBHA. If the family is unable to obtain the information or documents within the required time frame, the family may request an extension. The NBHA will accept required documentation by mail, by fax, or in person.

If the family’s submission is incomplete, or the family does not submit the information in the required time frame, the NBHA will send a second written notice to the family. The family will have 10 business days from the date of the second notice to provide the missing information or documentation to the NBHA.
If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

**Change in Unit Size**

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. The NBHA may use the results of the annual update to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

**Criminal Background Checks**

Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)]. Criminal background checks of residents will be conducted in accordance with the policy in Chapter 13.

Each household member age 18 and over will be required to execute a consent form for criminal background check as part of the annual update process. The CT Judicial website www.jud.ct.gov will be reviewed for all pending charges for anyone household member over the age 18.

**Compliance with Community Service**

For families who include nonexempt individuals, the NBHA must determine compliance with community service requirements once each 12 months [24 CFR 960.257(a)(3)].

**PART III: INTERIM REEXAMINATIONS [24 CFR 960.257; 24 CFR 966.4]**

**9-III.A. OVERVIEW**

Family circumstances may change throughout the period between annual reexaminations. HUD and NBHA policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances the NBHA must process interim reexaminations to reflect those changes.

**9-III.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION**

All families, those paying income-based rent as well as flat rent, must report all changes in family and household composition that occur between annual reexaminations (or annual updates) within ten (10) business days.

The NBHA will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

**New Family Members Not Requiring Approval**

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

The family must inform the NBHA of the birth, adoption or court-awarded custody of a child within 10 business days and provide the documentation of the court awarded custody and adoption paperwork.
New Family and Household Members Requiring Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request NBHA approval to add a new family member [24 CFR 966.4(a)(1)(v)] or other household member (live-in aide or foster child) [24 CFR 966.4(d)(3)].

Families must request NBHA approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than 15 calendar days during any 12 month calendar period, and therefore no longer qualifies as a “guest.” Requests must be made in writing and approved by the NBHA prior to the individual moving into the unit.

The NBHA will not approve the addition of new family or household members other than by birth, adoption, court-awarded custody, or marriage, if it will require the family to transfer to a larger size unit (under the transfer policy in chapter 12), unless the family can demonstrate that there are medical needs or other extenuating circumstances, including reasonable accommodation, that should be considered by the NBHA. Exceptions will be made on a case-by-case basis.

The NBHA will not approve the addition of a new family or household member unless the individual meets the NBHA’s eligibility criteria (see Chapter 3) and documentation required.

If the NBHA determines that an individual does not meet the NBHA’s eligibility criteria or documentation required, the NBHA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

The NBHA will make its determination within 10 business days of receiving all information required to verify the individual’s eligibility.

Departure of a Family or Household Member

If a family member ceases to reside in the unit, the family must inform the NBHA 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 the NBHA in writing within 10 business days.

Documentation must be provided as to where the family member moved to in the form of a lease, rental receipt, name and address of new landlord and current mail received at new address.

9-III.C. CHANGES AFFECTING INCOME OR EXPENSES

Interim reexaminations can be scheduled either because the NBHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, the NBHA may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

This section only applies to families paying income-based rent. Families paying flat rent are not required to report changes in income or expenses.
**PHA-initiated Interim Reexaminations**

NBHA-initiated interim reexaminations are those that are scheduled based on circumstances or criteria defined by the NBHA. They are not scheduled because of changes reported by the family.

The NBHA will conduct interim reexaminations in each of the following instances:

- For families receiving the Earned Income Disallowance (EID), the NBHA will conduct an interim reexamination at the start, to adjust the exclusion with any changes in income, and at the conclusion of the second 12 month exclusion period (50 percent phase-in period).
- If the family has reported zero income, the NBHA will conduct an interim reexamination every 3 months as long as the family continues to report that they have no income.
- 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), the NBHA will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.
- If at the time of the annual reexamination, tenant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the NBHA will conduct an interim reexamination.
- The NBHA may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

**Family-Initiated Interim Reexaminations**

The NBHA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 960.257(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)].

**Required Reporting**

HUD regulations give the NBHA the freedom to determine the circumstances under which families will be required to report changes affecting income.

Families are required to report all increases in earned income, including new employment, within 10 business days of the date the change takes effect.

**Optional Reporting**

An interim reexamination will take place any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)]. The NBHA must process the request if the family reports a change that will result in a reduced family income [PH Oes GB, p. 159].

If a family reports a decrease in income from the loss of welfare benefits due to fraud or noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family’s share of the rent will not be reduced [24 CFR 5.615].
9-IId. Processing the Interim Reexamination

Method of Reporting

The family may notify the NBHA of changes either orally or in writing. If the family provides oral notice, the NBHA may also require the family to submit the changes in writing on the appropriate NBHA form.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if the NBHA determines that an interview is warranted, the family may be required to attend.

Based on the type of change reported, the NBHA will determine the documentation the family will be required to submit. The family must submit any required information or documents within 10 business days of receiving a request from the NBHA. This time frame may be extended for good cause with NBHA approval. The NBHA will accept required documentation by mail, by fax, or in person. The family is required to sign all necessary paperwork to complete the re-examination process.

Effective Dates

The NBHA must make the interim reexamination within a reasonable time after the family request [24 CFR 960.257(b)].

If the family share of the rent is to increase:

The increase generally will be effective on the first of the month following 30 days’ notice to the family.

If a family fails to report a change within the required time frames, or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

If the family share of the rent is to decrease:

The decrease will be effective on the first day of the month following the month in which the change was reported. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

PART IV: Recalculating Tenant Rent

9-Iv.a. Overview

For those families paying income-based rent, the NBHA must recalculate the rent amount based on the income information received during the reexamination process and notify the family of the changes [24 CFR 966.4, 960.257].

The tenant rent calculations must reflect any changes in the NBHA's utility allowance schedule [24 CFR 960.253(c)(3)].

Unless the NBHA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

9-IV.C. NOTIFICATION OF NEW TENANT RENT

The public housing lease requires the NBHA to give the tenant written notice stating any change in the amount of tenant rent, and when the change is effective [24 CFR 966.4(b)(1)(ii)].

When the NBHA redetermines the amount of rent (Total Tenant Payment or Tenant Rent) payable by the tenant, not including determination of the NBHA's schedule of Utility Allowances for families in the NBHA's Public Housing Program, or determines that the tenant must transfer to another unit based on family composition, the NBHA must notify the tenant that the tenant may ask for an explanation stating the specific grounds of the NBHA determination, and that if the tenant does not agree with the determination, the tenant shall have the right to request a hearing under the NBHA's grievance procedure [24 CFR 966.4(c)(4)].

The notice to the family will include the annual and adjusted income amounts that were used to calculate the tenant rent.

9-IV.D. DISCREPANCIES

During an annual or interim reexamination, the NBHA may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, the NBHA may discover errors made by the NBHA. When errors resulting in the overpayment or underpayment of rent are discovered, corrections will be made in accordance with the policies in Chapter 15.

The tenant rent calculations must reflect any changes in the NBHA's utility allowance schedule [24 CFR 960.253 (c) (3)].

Unless the NBHA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.
Chapter 14

GRIEVANCES AND APPEALS

INTRODUCTION

It is the policy of the NBHA to ensure that all families have the benefit of all protections due to them under the law. Therefore, the NBHA has established a grievance procedure which affords all residents the opportunity to be heard when a resident disputes, within a reasonable time, any NBHA action or failure to act involving the resident’s lease with the NBHA or NBHA regulations which adversely affect the individual resident’s rights, duties, welfare or status.

Grievances shall be handled in accordance with the authority’s approved grievance procedures. The written grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals.

Grievance procedures are not applicable to the following issues:

- Disputes with non-residents
- Disputes between residents not involving the NBHA
- Disputes between a live-in aide and the NBHA
- Disputes not involving the NBHA
- Certain disputes in due process states
- Class grievances

PART I: INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS

14-I.A. INFORMAL HEARING PROCESS [24 CFR 960.208(a) and PH OCC GB, p. 58]

Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to public housing are not entitled to the same hearing process afforded tenants in the NBHA grievance procedure [24 CFR 966.53(a) and PH OCC GB, p. 58].

Informal hearings provide the applicant a means to hear the details of the reasons for rejection, and an opportunity to present evidence to the contrary if available, and to claim mitigating circumstances if possible.

Informal Review Procedures for Applicants

Preference Denials

When the NBHA denies a preference to an applicant, the family will be notified in writing of the specific reasons for the denial and offered the opportunity for a meeting with the NBHA staff to discuss the reasons for the denial and to dispute the NBHA’s decision.
Assistance Denials [24 CFR 960.208(a)]

Informal reviews are provided for applicants who are denied assistance. The exception is that when an applicant is denied assistance for citizenship or eligible immigrant status, the applicant is entitled to a formal hearing.

When the NBHA determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

- The reason(s) they are ineligible
- The procedure for requesting a review if the applicant does not agree with the decision
- The time limit for requesting a review

When denying admission for criminal activity as shown by a criminal record or sexual offender, the NBHA will provide the subject with the opportunity to dispute the decision and review any documents or evidence in the possession of the NBHA.

The NBHA must provide applicants with the opportunity for an informal review of decisions denying:

- Qualification for preference
- Listing on NBHA’s waiting list
- Participation in the program

Informal reviews are not required for established policies and procedures and NBHA determinations such as:

- Discretionary administrative determinations by the NBHA
- General policy issues or class grievances
- A determination of the family unit size under the NBHA subsidy standards
- Determination that the unit is not in compliance with UPCS
- Determine that the unit is not in accordance with HQS due to family size or composition

Scheduling an Informal Hearing

A request for an informal hearing must be made in writing and delivered to the NBHA either in person or by first class mail, by the close of the business day, no later than fifteen (15) business days from the date of the NBHA’s notification of denial of admission.
The informal review will be held within thirty (30) days from the date the request is received.

**Conducting an Informal Hearing [PH Occ GB, p. 58]**

The informal hearing will be conducted by a person other than the one who made the decision under review, or a subordinate of this person.

The applicant will be provided an opportunity to present written or oral objections to the decision of the NBHA. Both the NBHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

The person conducting the informal hearing will make a recommendation to the NBHA, but the NBHA is responsible for making the final decision as to whether admission should be granted or denied.

**Informal Hearing Decision [PH Occ GB, p. 58]**

The NBHA will notify the applicant of the NBHA’s final decision, including a brief statement of the reasons for the final decision within fifteen (15) days after the review. It shall include the decision of the reviewer, and the explanation of the reasons for the decision.

All requests for a review, supporting documentation and a copy of the final decision will be retained in the family’s file.

If the family fails to appear for their informal hearing, the denial of admission will stand and the family will be so notified.

**Reasonable Accommodation for Persons with Disabilities [24 CFR 966.7]**

Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and the NBHA must consider such accommodations. The NBHA must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person’s disability. See Chapter 2 for more detail pertaining to reasonable accommodation requests.

**PART II: INFORMAL HEARINGS WITH REGARD TO NONCITIZENS**

**14-II.A. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]**

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the NBHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the NBHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.
Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

As discussed in Chapters 3 and 13, the notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with the NBHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

INS Determination of Ineligibility [24 CFR 5.514(e)]

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the NBHA notifies the applicant or resident within ten days of their right to appeal to the INS within thirty (30) days to request an formal hearing with the NBHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the NBHA a copy of the appeal and proof of mailing or the NBHA may proceed to deny or terminate. The time period to request an appeal may be extended by the NBHA for good cause.

The request for a hearing must be made to the NBHA within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen (14) days of receipt of that notice.

After receipt of a request for a formal hearing, the hearing is conducted as described in the “Formal Hearing” section of this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the NBHA will:

- Deny the applicant family
- Defer termination if the family is a participant and qualifies for deferral
- Terminate the participant if the family does not qualify for deferral
If there are eligible members in the family, the NBHA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

- If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide documentation.

- Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of the resident’s Total Tenant Payment (TTP).

- Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS

INTRODUCTION

It is the policy of The Housing Authority of the City of New Britain ("NBHA") to ensure that all families have the benefit of all protections due to them under the law. Therefore, the NBHA has established this grievance procedure which affords all residents the opportunity to be heard when a resident disputes, within a reasonable time, any NBHA action or failure to act involving the resident's lease with the NBHA or NBHA regulations which adversely affect the individual resident's rights, duties, welfare or status.

14.111 A. DEFINITIONS

Grievance shall mean any dispute that a resident may have with respect to a NBHA action or failure to act in accordance with the individual resident's lease or NBHA regulations which adversely affect the individual resident's rights, duties, welfare or status.

Complainant shall mean any resident whose grievance is presented to the NBHA or at the project management office in accordance with 24 CFR 966.54 and 966.55(a).

Elements of due process shall mean an eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required.
1. Adequate notice to the resident of the grounds for terminating the tenancy and for eviction;
2. Right of the resident to be represented by counsel;
3. Opportunity for the resident to refute the evidence presented by the NBHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the resident may have; and
4. A decision on the merits.

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

_Resident_ shall mean the adult person(s) (other than a live-in aide):

1. Who resides in the unit, and who executed the lease with the NBHA as lessee of the dwelling unit, or, if no such person now resides in the unit,
2. Who resides in the unit, and who is the remaining head of household of the family residing in the dwelling unit.

14. III. B NOTICE OF PROPOSED ADVERSE ACTION

When the NBHA takes an action or makes a decision that may affect the resident's rights, duties, welfare or status, the resident must be notified in writing. The NBHA will give the family prompt notice of such determinations that will include:

1. The proposed action or decision of the NBHA
2. The date the proposed action or decision will take place
3. The family's right to an explanation of the basis for the NBHA's decision
4. The procedure(s) for requesting a hearing if the family disputes the action or decision
5. The time limit for requesting the hearing
6. To whom the hearing request should be addressed
7. A copy of the NBHA's hearing procedures

The NBHA Grievance Procedure must be included, or incorporated by reference in, the lease.

14. III. C. SITUATIONS WHEN GRIEVANCE PROCEDURE IS NOT APPLICABLE

Grievance procedures are not applicable to the following issues:

- Disputes with non-residents
- Disputes between residents not involving the NBHA
- Disputes between a live-in aide and the NBHA
- Disputes not involving the NBHA
- Certain disputes in due process states *
- Discretionary administrative determinations by the NBHA
- A determination of the family unit size under the NBHA subsidy standards
- A determination that the unit is not in compliance with UPCS
- Determine that the unit is not in accordance with HQS due to family size or composition
- Class grievance
- General policy issues

* HUD has determined that Connecticut’s eviction procedure provide the opportunity for a hearing in court that contains the following basic elements of due process. The following lease terminations are therefore not subject to the grievance procedure:
  - Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the NBHA;
  - Any violent or drug-related criminal activity on or off such premises; or
  - Any criminal activity that resulted in felony conviction of a household member

Note: The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of residents and the NBHA’s Board of Commissioners.

14.III.D. INFORMAL SETTLEMENT (24 CFR § 966.54)

A resident may present the grievance initially either orally or in writing to the following, within fifteen (15) working days after the event that triggered the grievance:

Mary E. Royce, Executive Director
Housing Authority of the City of New Britain
16 Armistice Street
New Britain, CT 06053
860.225.3534 x 202

The grievance will be reviewed to ensure that it is not a matter excluded from the grievance process. If it is not excluded,
  - The grievance will be referred to the department or office responsible for the activity being grieved;
  - Within fifteen (15) working days a meeting will be arranged at a mutually agreeable time;
• The Property Managers will conduct the informal hearing for each other’s property. If needed the Housing Choice Voucher Program supervisor may conduct the hearing.

• At the meeting, the resident will present the grievance and the NBHA staff person responsible for the area will attempt settlement.

• If settlement is not reached, within five (5) working days the resident will receive a written summary of the informal hearing, which will include the following information:
  a) The names of the participants, the date(s) of the meeting(s),
  b) The nature of and the reasons for the proposed disposition, and
  c) the procedures for obtaining a formal hearing if the complainant is not satisfied.
  d) A copy of the summary will be placed in the resident’s file.

14.III.E. FORMAL GRIEVANCE HEARING (24 CFR § 966.55 (a))

If the complainant is not satisfied with the results of the informal hearing, the complainant must submit a written request for a formal grievance hearing within five (5) working days after receipt of the informal hearing summary to the following:

   Mary E. Royce, Executive Director
   Housing Authority of the City of New Britain
   16 Armistice Street
   New Britain, CT 06053

The request must include:
• The reason(s) for the grievance; and
• The action sought from the NBHA.

If the complainant does not request a formal hearing within the timeframe specified herein, the decision made during the informal hearing becomes final, unless the resident can show good cause why s/he failed to request a formal hearing in accordance with the grievance procedure.

Failure to request a formal hearing, however, does not affect the tenant’s right to contest the final decision in court.

14.III.F. SELECTING THE HEARING OFFICER (24 CFR § 966.5 (b))

The formal grievance hearing will be conducted by an impartial person or persons appointed by the NBHA, who is someone other than the person who made or approved the NBHA’s action being grieved.

The hearing officer will be chosen by one of the following methods:

• The NBHA shall maintain a list of impartial attorneys that the applicant/tenant may choose from to conduct the hearing. The selected attorney shall not conduct the hearing if they are familiar with or transacted business with the applicant/tenant.
• Appointment by the Executive Director of a person or persons (who may be an officer or employee of the NBHA).

• The NBHA Executive Director may appoint a staff member who did not participate in the decision making process and who is not supervised by the person who made the decision to deny the applicant or who made the decision regarding the tenant.

14.III.G. ESCROW DEPOSITS (24 CFR § 966.5 (e))

If a grievance involves the amount of rent payable by the resident, the complainant must pay a deposit to the NBHA in the amount of rent NBHA states is due and payable as of the first of the month preceding the month in which the act/failure to act occurred. The same amount must be deposited monthly until the grievance is resolved by decision of the hearing officer. These payments will be held in escrow by NBHA. Failure to make the escrow deposit terminates the grievance procedure, but does not waive the resident's right to contest the action in an appropriate judicial proceeding.

NOTE: The NBHA will waive this requirement if the resident is paying minimum rent and the grievance is based on a request for hardship exemption or imputed welfare income.

14.III.H. SCHEDULING HEARINGS (24 CFR § 966.55 (f))

The formal hearing will be held within fifteen (15) working days of receiving the request. A written notification specifying the time, place and procedures governing the hearing will be delivered to the complainant and appropriate NBHA officials.

14.III.I. PROCEDURES GOVERNING THE HEARING (24 CFR § 966.56)

Hearing Notice:

The hearing notice will advise the resident that s/he has the following rights:

• The opportunity to examine any NBHA documents before the hearing, including records and regulations that are relevant to the hearing;

• The opportunity to copy documents relevant to the hearing at the resident’s expense [Any documents not made available upon request of the tenant may not be used in the course of the hearing];

• To be represented by counsel or other person chosen as his/her representative, who may make statements on the resident’s behalf;

• To a private hearing unless s/he requests a public hearing; and
• To present evidence and arguments in support of the complaint, to controvert evidence relied on by the NBHA, and to confront and cross-examine all witnesses upon whose testimony or information the NBHA relies; and
• A decision based solely and exclusively upon the facts presented at the hearing.

Note: The hearing panel or officer may render a decision without proceeding with the hearing, if it is determined that the issue was previously decided in another proceeding.

Hearing Conduct:
• Resident first must demonstrate that s/he is entitled to the relief sought
• NBHA must justify its action or failure to act on the issue on which the grievance was filed
• The hearing will be informally, and both oral and written evidence being permitted
• All participants must conduct themselves in an orderly fashion or the hearing officer may exclude the disorderly party from the proceedings and grant or deny relief as appropriate
• The rules of evidence of a judicial proceeding do not apply to the grievance hearing
• Both the NBHA and the complainant will provide the Hearing Officer with specific information on the regulation or policy on which the NBHA based its action or which demonstrates the NBHA’s failure to act
• Either party may arrange, in advance, for a transcript of the hearing to be made, and will bear the cost of the transcript
• Any person may purchase a copy of the transcript.

If either the complainant or the NBHA fails to appear at the scheduled hearing, the hearing officer may postpone the hearing for not more than five (5) working days or may decide that the absent party has waived the right to a hearing. This does not, however, affect the resident’s right to contest the matter in court.


The hearing officer is required to issue a written decision within fifteen (15) working days. The decision must include the following information:

• Introduction:
  a) Include the name of the complainant, name(s) of the hearing officer, date, time and location of hearing, name of other participants, including counsel or complainant's representative and witnesses.
  b) Include a brief summary of the grievance (preferably quoting the complainant's letter requesting the hearing). Also include the date on
which the informal hearing was held, who held the informal hearing, and summarize the results of the informal hearing. Include the date on which the complainant requested a hearing.

- **Hearing summary:** Summarize the oral and written evidence presented by both the complainant and the NBHA.

- **Decision:** In making the determination, the Hearing Officer should cite the policy or regulation provided by the complainant or the NBHA that supports the decision made.

- A copy of the decision must be placed in the resident’s file and an additional copy (with the names and dates redacted, or edited out) must be retained by the PHA and be made available for a prospective complainant, the complainant’s representative, or hearing officer.

**HEARING OFFICER’S DECISION IS BINDING**

The decision is binding on the NBHA, which must take the action or refrain from taking the action cited in the decision, unless the NBHA’s Board of Commissioners determines within thirty (30) calendar days and notifies the complainant that:

- The grievance does not concern NBHA action or failure to act in accordance with or involving the complainant’s lease or NBHA regulations which adversely affect the complainant’s rights, duties, welfare or status; or

- The decision of the hearing officer is contrary to Federal, state or local law, HUD regulations or requirements of the annual contributions contract between HUD and NBHA.

A decision by the hearing officer or Board of Commissioners in favor of the NBHA’s action or failure to act or which denies the relief requested in whole or in part does not constitute a waiver of any rights the complainant may have to a subsequent trial or judicial review in court.

**14.III.K. REASONABLE ACCOMMODATION IN THE GRIEVANCE PROCEDURE**

Reasonable accommodation will be provided throughout the grievance process for persons with disabilities, including, but not limited to, the following:

- accepting grievances at alternate sites or by mail
- having NBHA staff reduce an oral request for a grievance to writing for a resident with a disability who cannot write due to his or her disability, and
- providing accommodations in the grievance hearing itself by providing qualified sign language interpreters, readers, accessible locations or attendants
HCV ADMINISTRATIVE PLAN
PROPOSED EDITS
08/05/2022

- Chapter 4 Establishing Preferences & Maintaining the Waiting List
- Chapter 10 Housing Quality Standards & Inspections
- Chapter 15 Denial or Termination of Assistance
- Chapter 18 Special Programs
- Chapter 22 Addendum – Violence Against Women Act Policy (VAWA)
Chapter 4

ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST
[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

INTRODUCTION

It is the NBHA's objective to ensure that families are placed on the waiting list in the proper order and selected from the waiting list for admissions in accordance with the policies in this Administrative Plan.

This chapter explains the local preferences that the NBHA has adopted to meet local housing needs, defines the eligibility criteria for the preferences, and explains the NBHA's system of applying them.

By maintaining an accurate waiting list, the NBHA will be able to perform the activities which ensure an adequate pool of qualified applicants will be available so program funds are used in a timely manner.

A. WAITING LIST MANAGEMENT [24 CFR 982.204]

Cross-Listing of Different Housing Programs and Housing Choice Voucher

If an applicant is placed on a waiting list, they shall be given the option to apply for all other Housing Authority-administered housing programs that also have an open waiting list.

Other Housing Assistance

The NBHA may not take any of the following actions because an applicant has applied for, received, or refused other housing assistance:

- Refuse to list the applicant on the NBHA waiting list for tenant-based assistance;
- Deny any admission preference for which the applicant is currently qualified;

Other housing assistance means a federal, state or local housing subsidy, as determined by HUD including public housing.

When the NBHA issues an applicant a Housing Choice Voucher, the applicant’s name will be removed from all tenant-based voucher waitlists, but will remain on all other waitlists unless the family makes a written request to withdraw from a particular waitlist.

B. WAITING LIST PREFERENCES [24 CFR 982.207]

Except for special admissions, applicants will be selected from the NBHA- Housing Choice Voucher Program waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan.

The waiting list contains the following information for each applicant listed:

- Applicant name
- Social Security Number
- Date of Birth
- Family unit size (number of bedrooms family qualifies for under NBHA subsidy standards)
- Date and time of application
- Racial or ethnic designation of the head of household
- Annual (gross) family income
- Targeted program qualifications
- Qualification for any local preference

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the waiting list. Every applicant must meet the NBHA’s selection criteria as defined in this Plan. An applicant’s certification that they qualify for a preference will be accepted without verification during their pre-application period. When the family is selected from the waiting list for the determination of eligibility, the preference will be verified at the full application.

**Local Preferences**

Local preferences will be used to select families from the waiting list. Each preference will receive an allocation of points so that the computer software can put an order to the families on the waiting list. The applicant’s cumulative points will determine the preference status and position on the wait list.

**First:**  
**Preference for Victim(s) of Domestic Violence and Human Trafficking (40 points):**

The NBHA will offer a preference to families that include Victims of Domestic Violence and Human Trafficking, in accordance with NBHA Policies and Procedures. (See Addendum #1, found in last chapter of this policy)

**Second:**  
**Preference for those who are involuntarily displaced or homeless (30 points):**

The NBHA will offer a preference for admission for persons who are involuntarily displaced or homeless [24 CFR 960.206(b)(5)]. Families are considered involuntarily displaced if they are, or have been required to vacate housing as a result of (i) a disaster that has caused the unit to be uninhabitable; (ii) victims of domestic violence; (iii) government action; (iv) action by the housing owner which is beyond the applicant’s ability to control.

**Third:**  
**Preference for Veterans (1 point):**

The NBHA has a preference for Veterans. Proper documentation must be provided.

Among applicants with equal preference status, and among applicants with no preferences, the waiting list will be organized by date and time of the application.
The NBHA's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the Administrative Plan.

Preference for Working Families (5 points):

In order to bring higher income families into the Section 8 Housing Choice Voucher Program, the NBHA has a preference for "working" families, where the head, spouse, co-head, or sole member is employed at least 20 hours per week.

As required by HUD, families where the head, spouse, co-head, or sole member is a person age 62 or older, or a person with disabilities will also be given the benefit of the working preference [24 CFR 960.206(b)(2)].

Fourth: Preference for Veterans (1 point):

The NBHA has a preference for Veterans. Proper documentation must be provided.

Among applicants with equal preference status, and among applicants with no preferences, the waiting list will be organized by date and time of the application.
The NBHA's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the Administrative Plan.

C. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION [24 CFR 982.207]

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the local preference, and will be notified in writing of the determination.

If the NBHA denies a preference, the NBHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review (see Chapter--Complaints and Appeals). If the preference denial is upheld, as a result of the review, or the applicant does not request a meeting, the applicant will be placed on the waiting list without the benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or knowingly makes false statements in order to qualify for any preference, they will be removed from the waiting list. The NBHA will notify the applicant in writing of the reasons why they were removed from the waiting list and offer the applicant an opportunity for a meeting with designated staff through the informal review process.

Changes in an applicant's circumstances, while on the waiting list may affect the family's eligibility for a preference. Applicants are required to notify the NBHA, in writing, of relevant changes in their circumstances within 30 days of the change. When an applicant claims an additional preference, the applicant will be placed on the waiting list in the proper order of their newly claimed preference.

D. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]

The waiting list will be purged approximately once a year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond within thirty days, the applicant will be removed from the waiting list. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice and the envelope and letter will be maintained in the file. If a letter is returned with a forwarding address it will be re-mailed to the address indicated. If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a person is granted Reasonable Accommodation for inability to reply within a prescribed period.

Persons on the wait list will be notified that it is their responsibility to notify the NBHA with any address changes.

E. INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the NBHA will reserve seventy-five percent of its Housing Choice Voucher Program new admissions for families whose income does not exceed 30 percent of the area median income (AMI). HUD refers to these families as "extremely low-income families." The NBHA will admit families who are extremely low income to meet the income-targeting requirement.
income targeting requirement does not apply to low-income families continuously assisted as
provided for under the 1937 Housing Act. The NBHA is also exempted from this requirement
where the NBHA is providing assistance to low-income or moderate-income families entitled to
preservation assistance under the tenant-based program as a result of a mortgage prepayment or
opt-out.

To the extent that the NBHA’s admission of extremely low-income families in the tenant-based
assistance program exceeds seventy-five percent of all admissions during the fiscal year, the
NBHA may choose to admit less than the minimum forty percent of its extremely low-income
families in a fiscal year to its public housing program under QHWRA “fungibility provisions.”

F. TARGETED FUNDING [24 CFR 982.203]

When HUD awards special funding for certain family types, families who qualify are placed on
the regular waiting list. When a specific type of funding becomes available, the waiting list is
searched for the first available family (based on date and time of application) meeting the
targeted funding criteria.

Applicants who are admitted under targeted funding which are not identified as a
special admission are identified by codes in the automated system.

G. SPECIAL ADMISSIONS [24 CFR 982.54(d)(e), 982.203]

If HUD awards the NBHA program funding that is targeted for families living in specific units,
the NBHA will admit these families under a special admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do
not have to qualify for any preferences, nor are they required to be on the program waiting list.
The NBHA maintains separate records of these admissions.

1. Current residents of public housing who; (1) need to move to address their
   medical or physical needs of the family; and (2) need to move as their
   family is over-housed and public housing cannot accommodate the
   family.

   This option will only be used when appropriate public units are not
   available, or cannot reasonably be expected to be available within one
   year. A voucher would have to be available for use. The Executive
   Director must give final approval.

2. The following are examples of types of program funding that may be
designated by HUD for families living in a specified unit:

   • A family displaced because of demolition or disposition of a public or Indian
     housing project;

   • A family residing in a multifamily rental housing project when HUD sells,
     forecloses or demolishes the project;

   • For housing covered by the Low-Income Housing Preservation and Resident Home-
     Ownership Act of 1990;

   • A Family residing in a project covered by a project-based Section 8 HAP contract at
• or near the end of the HAP contract term; and
• A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

Special admissions include a special local needs exception authority for up to ten percent of the admissions for families who meet specific criteria as determined by the Housing Authority Director, or his/her designee.

Applicants who are admitted under the above special admissions, rather than from the waiting list, are identified by codes in the automated system.
CHAPTER 10

HOUSING QUALITY STANDARDS AND INSPECTIONS
[24 CFR 982.401]

INTRODUCTION:

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract. HQS consists of the following twelve (12) performance requirements:

1. Sanitary facilities
2. Food preparation and refuse disposal
3. Space and Security
4. Thermal environment
5. Illumination and electricity
6. Structure and materials
7. Water supply
8. Lead-based paint
9. Access
10. Site and neighborhood
11. Sanitary condition and
12. Smoke/CO detectors

The NBHA will inspect each unit under contract at least annually. The NBHA will also have an inspection supervisor perform quality control inspections on the number of files required for file sampling by SEMAP annually to maintain the NBHA’s required standards and to assure consistency in the NBHA’s program. This chapter describes the NBHA’s procedures for performing HQS inspection and explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term “HQS” in this Administrative Plan refers to the combination of both HUD and NBHA requirements.

A. GUIDELINES/TYPES OF INSPECTIONS:
[24 CFR 982.401(a), 982.405]

Effort will be made at all times to encourage owners to provide housing above HQS minimum standards. The NBHA will not promote any additional acceptability criteria which are likely to adversely affect the health and safety of participant families, or severely restrict housing choice.

All utilities must be in service prior to the inspection. If the utilities are not in service at the time of inspection it will be deemed as cancelled or not ready for inspection. The inspector will notify the tenant or owner (whoever is responsible for the utilities according to the RFTA that the utilities must be connected in order for the unit to be inspected.

NBHA-HCV ADMINISTRATIVE PLAN
REVISED: 7/20/98/2022

CHAPTER 10
If the tenant is responsible for supplying the stove and/or the refrigerator, the NBHA will allow the stove and refrigerator to be placed in the unit after the unit has passed all other HQS. The family must then certify after move-in that the appliances are in the unit and working. The NBHA will not conduct a re-inspection.

If any inspection cannot be completed because of the existence of a unit that appears to be illegal the inspection will fail and the violation will be reported to city officials. Re-inspection will not take place unless/until proof of legality is provided or the illegal unit is vacated.

There are five basic types of inspections:

1. Initial/Move-in: Conducted upon receipt of Request for Tenancy Approval.
2. Annual: Will be conducted within twelve months of the last annual inspection.
3. Re-inspection: Will be conducted as a follow up after initial or annual inspections. (if needed)
4. Special/complaint: conducted at the request of the owner, family or an agency/third party.
5. Quality Control: conducted periodically to ensure the inspectors are consistently meeting HQS requirements.

B. INITIAL HQS INSPECTION: [24 CFR 982.401(a), 982.305(b)(2)]

Timely Initial HQS Inspection:

To the extent practicable, the NBHA will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within fifteen days after the family and owner submit a request for tenancy approval. If a Supervisor determines that the inspection is unable to be performed within the stated timeframe, the file will be appropriately documented.

The NBHA will include “date unit available for inspection” on the RFTA form. The fifteen-day clock is suspended during any period when the unit is not available for inspection.

The NBHA will make every reasonable effort to conduct initial HQS inspection for the family and owner in a manner that is time-efficient and indicative of good customer service. The NBHA will review the average time required for a family and owner to have a unit inspected from the time the RFTA is submitted by the family and owner to the NBHA.

The Initial Inspection will be conducted to:

- Determine if the unit and property meet the HQS defined in this Plan.
• Document the information to be used for determination of rent-reasonableness.

• Verify RTFA utility and water selections, should the participants pay utilities, the NBHA will verify the owners meter. If no owners meter, all utilities must be included in the contract rent, or the unit will not meet HQS Standards.

On an initial lease-up inspection the landlord or his/her authorized representative must meet the inspector at time of inspection. The landlord will be notified of outcome of inspection promptly. If the unit does not pass inspection no follow-up inspection will be performed until the Landlord contacts and informs the NBHA that all deficiencies have been corrected. No contracts from this Authority will be executed until the unit passes inspection. If the voucher participants decide to move—in prior to contract execution they will be responsible for any and all rents and charges they might incur.

C. **ANNUAL HQS INSPECTIONS:** [24 CFR 982.405(a)]

The NBHA conducts an inspection in accordance with Housing Quality Standard at least annually. Special inspection may be scheduled between anniversary dates. The NBHA will notify the family and the owner of the special inspection date and time in writing or by phone.

“Reasonable Hours to Conduct an Inspection”, are defined as the hours between 9:00 a.m. and 6:00 p.m.

Inspections will be conducted only on business days unless authorized by the Executive Director.

Inspection: The family and owner are notified of the date and time of the inspection appointment by mail or phone. If the family is unable to be present or have an authorized adult representative who is 18 years or older, they must reschedule the appointment so that the inspection is completed within seven days of the date originally scheduled for the inspection. The inspector will not enter the premises if a minor is left as the representative.

If the family does not contact the NBHA to reschedule the inspection, or if the family misses two inspection appointments, the NBHA will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the plan.

The family must allow the NBHA to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.551(d)].

The landlord must correct HQS deficiencies that cause a unit to fail, unless the tenant is responsible for the fail.

**Re-inspection:**

One follow-up inspection will be scheduled based on the time standards listed above. The voucher holder and landlord will receive notification of the date and
time of the follow-up inspection. If the unit meets standards as of the follow-up inspection, no further action will be taken. If the unit fails to meet standards as of the follow-up inspection, or if the NBHA cannot gain access to the unit to determine if the unit meets standards, or if no landlord certification is received for non-major items in failed status within five (5) business days of the scheduled re-inspection date, both the landlord and tenant will be notified of the failure to meet housing quality standards and the following actions will be taken: a) If the failure is solely the responsibility of the owner, HAP payments will be suspended and the voucher holder (if in good standing) will be issued a voucher to move to a new unit; b) If the failure is solely the responsibility of the voucher holder, then proceedings will continue to terminate the voucher holders participation in the HCV program; c) If both the owner and the voucher holder have responsibility for the failure, then HAP payments will be suspended and proceedings will continue to terminate the voucher holder’s participation in the HCV program. If, upon further inspection, the unit is found to be in compliance with HQS, payments will be resumed to the owner. If the household has not relocated or if the household has not submitted an active Request for Tenancy Approval (RTTA) prior to the unit being found in compliance with HQS then any voucher to move issued as a result of a previous HQS failure will be cancelled. The participant may then request a move voucher according to standard NBHA procedures (see Chapter 13, Moves with Continued Assistance/Portability).

HQS Re-inspection Fee: As of the second re-inspection, it is at the discretion of the NBHA to make additional follow-up inspections after notification by the owner of correction of the failed item(s) and written request for a reinspection.

NBHA will reserve the right to impose a reasonable fee of $35 upon owners for these additional follow-up inspections and all other inspections following the second inspection, not to exceed four (4) total re-inspections. The fee will be deducted directly from the upcoming HAP. The owner’s inspection letters will include details regarding this fee. The re-inspection fee will be deducted from the HAP, not to exceed two (2) times, at which time NBHA will take steps to cancel the HAP contract if the unit has not passed inspection. This fee will be imposed under two circumstances: (1) if an owner notifies NBHA that a deficiency cited in the previous inspection has been repaired and a reinspection reveals that it has not and/or (2) if the allotted time for repairs has elapsed and a reinspection reveals that any deficiency cited in the previous inspection that the owner is responsible for repairing has not been corrected.

Re-inspection process: (1) Initial Inspection (no fee) – (2) Re-inspection (no fee) – (3) Owner requested 2nd Re-inspection (fee may be charged) – (4) Owner requested 3rd Re-Inspection (fee may be charged)($35.00 will be charged).

NBHA must not apply the fee to an owner for:
- deficiencies caused by the participant family;
- initial inspections;
- regularly scheduled inspections;
- an instance in which an inspector was unable to gain access to a unit; or
- new deficiencies identified during a reinspection. If new deficiencies are uncovered during reinspection, NBHA will follow normal procedures to address these newly identified deficiencies.

An owner who is assessed a fee may not pass the fee on to a family.
Time Standards for Repairs:

Emergency items which endanger the family’s health or safety must be corrected by the owner or family (whomever is responsible) within twenty-four hours of notification.

Repairs for non-emergency items must be corrected by the owner or family (whomever is responsible) within thirty-days of the inspection fail date.

At the discretion of the Executive Director, an extension beyond thirty-days for major repairs may be approved if documentation is provided by the landlord. (see self-certification provision in this chapter)

Rent Increases:

Increases in the rent to owners may not be approved if the unit is in a failed condition.

D. SPECIAL/COMPLAINT INSPECTIONS: [24 CFR 982.405(c)]

If, at any time the family or owner notifies the NBHA that the unit does not meet Housing Authority Standards, the NBHA will conduct an inspection.

The NBHA may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The NBHA will inspect only the items which were reported, but if the inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the annual inspection date is within one hundred twenty days of a special inspection, and as long as all items are inspected that are included in an annual inspection, the special inspection will be categorized as annual and all annual procedures will be followed.

E. QUALITY CONTROL INSPECTIONS: [24 CFR 982.405(b)]

Quality control inspections will be performed by designated staff on the number of files required by SEMAP. The purpose of quality control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

The sampling of files will include recently completed inspections (within the prior 3 months), a cross-section of neighborhoods, and a cross-section of inspectors.

F. ACCEPTABILTY CRITERIA AND EXCEPTIONS

The NBHA adheres to the acceptability criteria in the program regulations, local codes described below in “Additions”:
Sanitary Facilities:

- Worn or cracked toilet seats must be replaced.
- Any room used for sleeping must have a window or a door leading to the exterior.
- Bedrooms in basements or attics are not allowed unless they comply with local codes and be inspected and approved by the City. Adequate ventilation, emergency exit capability and a properly finished room will be required.
- All doors leading in or out of the unit to the exterior or a common hall or a shared basement must be of exterior grade and have the proper fire rating by code. They also must be weather proofed to avoid any air or water infiltration, be lockable with a single key positive locking device with no more than 2 motions to exit. The door can have no holes in it unless it is part of the design and does not compromise the fire rating, all trim has to be intact and have a threshold.

G. THERMAL ENVIRONMENT:

CO producing appliance/equipment within the interior environment of the unit must comply with local code and be subject to inspection by a licensed professional if warranted and documentation be provided to the NBHA. Chimneys must be cleaned on an annual basis and be ready to provide documentations if required by the NBHA.

H. ADDITIONAL LOCAL REQUIREMENTS:

The PHA may impose variations to the HQS as long as the additional criteria are not likely to adversely affect the health of safety of participant families or severely restrict housing choices for families. HUD approval is required for variation to the HQS. HUD approval is not required if the variations are clarifications of HUD’s acceptability criteria or performance standards [24 CFR 982.401 (a)(4)].

NBHA Policy:

All units must also meet the local housing, Building, Health and Fire codes as set forth by the ordinances of the City of New Britain. In cases of inconsistency between the Codes and HQS, the stricter of the two shall prevail.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards.
ADDITIONS:

WALLS:

• In areas where plaster or drywall is sagging, severely cracked or otherwise damaged, it must be repaired.

• Any exterior or interior surfaces with peeling or chipping paint must be remedied according to City Housing Codes.

WINDOWS:

• All window sashes must be in good condition, solid and intact, and fit properly in the window frame.

• Damaged or deteriorated sashes must be replaced.

• Windows must be weather-stripped as needed to ensure a watertight seal.

• Window screens must be in good working condition. Screens are seasonal and may not be required to be in place at certain times but they must be on the premises and available for inspection.

• Any room for sleeping must have a window.

DOORS:

• All doors leading in or out of the unit to the exterior or a common hall or a shared basement must be of exterior grade and have the proper fire rating by code. They also must be weather proofed to avoid any air or water infiltration, be lockable with a single key positive locking device with no more than 2 motions to exit. The door can have no holes in it unless it is part of the design and does not compromise the fire rating, all trim has to be intact and have a threshold.

• All interior doors must have no holes, have all trim intact and be operable. Interior doors cannot have the ability to be locked from the outside without the ability to be opened from the inside without the assistance of a key. Interior doors cannot be locked exclusively from the outside.

FLOORS:

• All floors must be in finished state (no plywood).

• All floors should have some type of base trim, or sealing for a “finished look”.

• Vinyl base may be used for kitchens and bathrooms.
**SINKS:**

- All sinks and commode water lines must have shut-off valves.
- All cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.
- All sinks must have functioning stoppers.

**SECURITY:**

- If window security bars or security screens are present on emergency exit window, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.
- Owners are responsible for providing and replacing old batteries for battery powered unit’s smoke/CO detectors. Tenants will be instructed not to tamper with smoke/CO detectors or remove batteries.

**BEDROOMS:**

- Bedrooms in basements or attics are not allowed unless they comply with local codes and be inspected and approved by the City. Adequate ventilation, emergency exit capability and a properly finished room will be required.
- Minimum bedroom ceiling height is 7’ 6” or local code, whichever is greater. Sloping ceilings may not slope to lower than five feet in the 70 square foot area.

**Illumination and Electricity:**

Any electrical outlets found to have reversed connections, will be required to be corrected.

**H. EMERGENCY REPAIR ITEMS:** [24 CFR 982.404(a)]

The following items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within twenty-four hours of notice by the inspector:

- Lack of security for the unit.
- Waterlogged ceiling in imminent danger of falling.
- Major plumbing leaks (such as those causing flooding or significant hazards)
- Natural gas leak or fumes
• Electrical problem which could result in shock or fire.
• No heat when outside temperature is below fifty degrees Fahrenheit and temperature inside unit is below sixty-five degrees.
• Utilities not in service.
• No running hot water.
• Broken glass where someone could be injured.
• Obstacle which prevents tenant’s entrance or exit.
• Lack of a functioning toilet in the unit.
• Lack of working and/or missing smoke CO detectors in required areas.
• Other condition, which pose an immediate threat to health and safety.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by the NBHA.

If the emergency repair item(s) are not corrected in the time period required by the NBHA, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the NBHA, and it is an HQS breach that is a family obligation, the NBHA will terminate the assistance to the family.

Smoke CO Detectors:

The NBHA will require all Section 8 Landlord/owners to comply with NFPA 74 and that there also be smoke CO detectors located thru out the property.

Smoke CO detectors will be placed in, or in close proximity to bedrooms, no more than 3 feet from a supply register, forced air heating or cooling systems. Smoke CO detectors must be placed on each level of the unit including basements and attics.

If the unit is occupied by a hearing impaired individual, smoke CO detectors with visual signal must be installed in the bedroom and outside the unit doors in the hall if multilevel.

Multi-families must have smoke CO detectors in the hall just outside the unit door on every level front and rear

All smoke CO detectors shall meet the requirements prescribed in Connecticut Law, which includes either being hard-wired or battery smoke CO detectors. Inoperable smoke CO detectors are a serious health threat and will be treated by the NBHA as an emergency (24-hour) failed items.
If the smoke/CO detector is not operating properly the NBHA will contact the owner by phone and request the owner to repair the smoke/CO detector within twenty-four hours. The NBHA will re-inspect the unit the following day.

If the NBHA determines that the family has purposely disconnected the smoke/CO detector (by removing batteries or other means), the family will be required to repair the smoke/CO detector within twenty-four hours and the NBHA will re-inspect the unit the following business day.

The NBHA will issue a written warning to any family determined to have purposely disconnected/removed the unit’s smoke/CO detector. Warning will state that deliberate disconnection of the unit’s smoke/CO detector is a health and fire hazard and is considered a violation of the HQS.

I. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS) [24 CFR 982.404, 982.453]

When it has been determined that a unit on the program fails to meet Housing Quality Standards (HQS), and the owner is responsible for completing the necessary repair(s) in the time period specified by the NBHA. The NBHA must take prompt action to enforce owner obligations. NBHA remedies for such breach of the HQS may include abatement or termination of the HAP contract.

Abatement:

A notice of abatement of the housing assistance payment will be sent to the owner, and the abatement will be effective from the day after the date of the failed inspection. The housing assistance payment will be abated for no more than a period of sixty (60) days at which time the contract will be terminated if the required repairs are not made and cleared by an inspection.

The NBHA will inspect abated units within thirty days of the owner’s notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

The NBHA will advise owners of their responsibility to notify the tenant of when the re-inspection will take place. No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible for the NBHA’s portion of rent that is abated.

Extensions on Abatements:

The NBHA may grant an extension in lieu of abatement in the following cases:

- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.

- The owner has a good history of HQS compliance.

- The repairs must be delayed due to climate conditions.
Requested extensions for failed items:

The extension will be made for a period of time not to exceed thirty days. At the end of that time, if the work is not completed, the NBHA will begin the abatement.

Termination of Contract:

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Termination Notice. The abatement will remain in effect until the HAP contract/lease terminates.

If repairs are completed before the effective termination date, the termination will be rescinded by the NBHA if the tenant chooses to remain in the unit.

J. DETERMINATION OF RESPONSIBILITY:
[24 CFR 982.404, 982.54(d)(14)]

Certain HQS deficiencies are considered the responsibility of the family:

- Tenant-paid utilities not in service
- Failure to provide or maintain tenant-supplied appliances
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear ("normal wear and tear" is defined as items which could not be charged against the tenant security deposit under state law or court practice).

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation, even if cause by the family’s living habits, owners may seek restitution from families. If such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The NBHA may terminate the family’s assistance on that basis.

The inspector will make a determination of owner or family responsibility during the inspection.

The family is responsible, but the owner carries out the repairs, the owner may bill the family for the cost of the repairs and the family’s file will be noted.

K. CONSEQUENCES IF FAMILY IS RESPONSIBLE
[24 CFR 982.404(b)]

If emergency (24-Hours) or non-emergency violations of HQS are determined to be the responsibility of the family, the NBHA will require the family make any repair(s) or correction(s) are not made in this time period, the NBHA will terminate assistance to the family, after providing an opportunity for an informal hearing. The owner’s rent will not be abated for items, which are the family’s responsibility.

If the tenant is responsible and corrections are not made, the HAP contract will terminate when assistance is terminated.
L. **OWNER SELF-CERTIFICATION:**

At the discretion of the Authority, owners will be permitted to self-certify in writing that remaining items have been completed.

Owners cannot self-certify their initial inspections.

The following items are excluded from self-certification:

- Any 24-hour item(s)
- Painting requirements (due to lead paint)
- Heating and plumbing issues
- Mold issues

Completion of self-certified items will be verified at the next scheduled inspection. If completion cannot be verified, the unit will be placed on abatement pending completion.
CHAPTER 15
DENIAL OR TERMINATION OF ASSISTANCE
[24 CFR 5.902, 5.902, 5.903, 5.905, 982.4, 982.54, 982.552, 982.553]

INTRODUCTION:
The NBHA may deny or terminate assistance for a family because of the family’s action or failure to act. The NBHA will provide families with a written description of the family obligations under the program, the grounds under which the NBHA can deny or terminate assistance, and the NBHA’s informal hearing procedures. This chapter describes when the NBHA is required to deny or terminate assistance, and the NBHA’s policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

A. GROUNDS FOR DENIAL/TERMINATION:
[24 CFR 982.54, 982.552, 982.553]

If denial or termination is based upon behavior resulting from a disability, the NBHA will delay the denial or termination in order to determine if there is an accommodation that would negate the behavior resulting from the disability.

Denial of assistance for an applicant may include (but is not limited to) any or all of the following:

- Denial for placement on the NBHA waiting list.
- Denying or withdrawing a voucher.
- Refusing to enter into a HAP contract or approve a lease.
- Refusing a process or provide assistance under portability procedures.

Termination of assistance for a participant may include (but is not limited to) any or all of the following:

- Refusing to or failure to enter into a HAP contract or approve a lease.
- Terminating housing assistance payments under an outstanding HAP contract.
- Refusing to process or provide assistance under portability procedures.
Mandatory Denial and termination:
[24 CFR 982.54 (d); 982.552 (b); 982.553 (a); 982.553 (b)]

The NBHA must terminate assistance for participants if the family is under contract and 180 days have elapsed since the NBHA’s last housing assistance payment was made. (See “Contract Terminations”).

The NBHA must permanently deny assistance to applicants, and terminate the assistance of persons convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.

The NBHA must deny admission to the program for applicants, and terminate assistance for program participants if the NBHA determines that any household member is currently engaging in the use of illegal drugs. See Section B of this chapter for the NBHA’s established standards.

The NBHA must deny admission to the program for applicants, and terminate assistance for program participants if the NBHA determines that it has reasonable cause to believe that a household member’s illegal drug use or a pattern of illegal drug use may threaten the health, safety, or rights to peaceful enjoyment of the premises by other residents. See Section B of this chapter for the NBHA’s established standard.

The NBHA must deny admission to an applicant if the NBHA determines that any member of the household is subject to a lifetime registration requirement under a State Sex Offender Registration Program. See Section B of this chapter for the NBHA’s established standards regarding criminal background investigation and determining whether a member of the household is subject to a lifetime registration requirement under a State Sex Offender Registration program.

The NBHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.

The NBHA must deny admission to the program for an applicant or terminate program assistance for a participant if any member of the family fails to sign and submit consent forms for obtaining information in accordance with part 5, subparts B and F.

The NBHA must deny admission or terminate assistance when required under the regulations to establish citizenship or eligible immigration status.
Grounds for Denial or Termination of Assistance: [24 CFR 982.552 (c)]

The NBHA may deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons.

- If any family member violates any family obligation under the program as listed in 24 CFR 982.551, including but not limited to complying with the lease.

- If any family member has violated the family obligation under 24 CFR 982.551 not to engage in any drug-related criminal activity.

- If any family member has violated the family obligation under 24 CFR 982.551 not to engage in any violent criminal activity.

- If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

- If family currently owes rent or other amounts to the NBHA or to another PHA in connection with Section 8 or Public Housing Assistance under the 1937 Act.

Any member of the family has been evicted from federally assisted housing in the last five years:

- The family has not reimbursed any HA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

- The family breaches an agreement with a HA to pay amounts owed to a HA, or amounts paid to an owner by a HA. The NBHA at its discretion may offer the family the opportunity to enter into a repayment agreement. The NBHA will prescribe the terms of the agreement. (See “Repayment Agreements” chapter).

- The family has engaged in or threatened abusive or violent behavior toward NBHA personnel.

- Threatening, abusive or violent behavior towards NBHA personnel or contractors”, includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial. “Threatening” refers to oral or
• written threats or physical gestures that communicate the intent to abuse or commit violence.

• Physical abuse or violence will always be cause for termination.

• If any member of the family engages in, or has engaged in drug or alcohol abuse that interferes with the health, safety or peaceful enjoyment of other residents. See Section B of this chapter.

• If any member of the family commits drug-related criminal activity, or violent criminal activity. (See Section B of this chapter and 982.553 of the regulations).

• If the entire family is absent from the assisted unit for more than 60 consecutive days, the unit will be considered to be vacated and the assistance will be terminated.

Refer to “Eligibility for Admission” chapter of this plan for further information.

**Notice of Termination of Assistance:**

In any case where the NBHA decides to terminate assistance to the family, the NBHA must give the family written notice which states:

• The reason(s) for the proposed termination.

• The family’s right, if they disagree, to request an Informal Hearing to be held before termination of assistance.

• The date by which a request for an informal hearing must be received by the NBHA.

If the NBHA proposes to terminate assistance for criminal activity as shown by a criminal record, the NBHA will provide the subject of the record and the tenant with a copy of the criminal record.

The NBHA will provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance.

**Confidentiality of Criminal Records:**

The NBHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.
All criminal reports, while needed by staff for screening for criminal behavior, will be housed in a locked file with access restricted to individuals responsible for such screening.

Misuse of the above information by any employee will be grounds for termination of employment. Penalties for misuse are contained in Personnel Policies.

If the family is determined eligible for initial or continued assistance, the NBHA’s copy of the criminal report shall be shredded as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family’s assistance is denied or terminated, the criminal record information shall be shredded immediately upon completion of the review or hearing procedures and a final decision has been made.

The NBHA will document in the family’s file that the family was denied admission or the tenancy was terminated due to findings in the Criminal History Report.

B. SCREENING AND TERMINATION FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY:

Purpose:

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of the NBHA to fully endorse and implement a policy designed to:

- Help create and maintain a safe and drug-free community.

- Keep our program participants free from threats to their personal and family safety.

Administration:

All screening and termination of assistance procedures shall be administered fairly and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sex, or other legally protected groups.
The privacy policy will be posted on the bulletin boards of the NBHA’s Administrative Office lobby area and copies will be made readily available to applicants upon request.

To the maximum extent possible, the NBHA will encourage other community and governmental entities in the promotion and enforcement of this policy.

**Screening of Applicants:**

Criminal Background screening will apply to any member of the household who is 18 years of age or older, or an emancipated minor.

**Disclosure of Criminal Records to the Family:**

If the NBHA takes any adverse action based on a criminal conviction record, the applicant or participant will be notified of the criminal record and an opportunity to dispute the record.

Applicants will be provided an opportunity to dispute the record at an informal review.

**Standard for Violation:**

The NBHA will deny participation in the program to applicants where the NBHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abused alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the NBHA determines that there is a pattern of illegal use of controlled substance or a pattern of alcohol abuse.

The NBHA will consider the illegal use of a controlled substance or alcohol abuse to be a pattern if there is more than one arrest or conviction, during the previous 18 months.

“Engaged in or Engaging in” violent criminal activity means any act within the past five-seven (5-7) years by an applicant or participant or household member which involved 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, which resulted in the arrest and/or conviction of the applicant, participant, or household member.
In evaluating evidence of negative past behavior, the NBHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

Applicants will be denied assistance if they have been convicted of violent criminal activity within the last five-seven (§7) years prior to the date of the certification interview.

If an applicant is denied admission to the program for the reasons detailed in this section, the applicant retains the right to appeal. (See “Complaints and Appeals” Chapter of this Admin Plan).

**Denial of Assistance for Sex Offenders:**

The NBHA will deny admission if any member of the household is subject to a lifetime registration requirement under a State sex Offender Registration Program. In screening applicants, the NBHA will perform criminal history background checks using CT Sex Offenders and Drusjodin Website to determine whether any household member is subject to a lifetime Sex Offender Registration Requirements.

**Denial and Termination of Assistance for Drug-related Criminal Activity or Violent Criminal Activity:**

**Denial:** Persons evicted from federally assisted housing because of drug-related criminal activity are ineligible for admission to the Section 8 Program for a five-seven (§7) year period beginning on the date of such eviction.

However, the household may be admitted if, after considering the individual circumstances of the household, the NBHA determines that:

- The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the NBHA.

- The circumstances leading to eviction no longer exist because the criminal household member has died or is imprisoned.

**Termination:** Under the family obligations listed at 24 CFR 982.551, the member of the household must not engage in drug-related criminal activity or violent criminal activity, or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. HUD regulations at 24 CFR 982.553(b)
requires the NBHA to establish standards for termination of assistance when this family obligation is violated. The NBHA has established the following standards for termination of assistance for the family when a household member has violated the family obligation to refrain from participating in drug-related or violent criminal activity.

The NBHA may waive the requirement regarding drug-related criminal activity if:

- The person demonstrates successful completion of a credible rehabilitation program approved by the NBHA, or
- In appropriate cases, the NBHA may permit the family to continue receiving assistance provided that family members determined to have engaged in the prescribed activities will not reside in the unit. If the violating member is a minor, the NBHA may consider individual circumstances with the advice of Juvenile Court officials.

Terminating Assistance for Alcohol abuse by Household Members under the family obligations listed at 24 CFR 982.551, the members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. Assistance will be terminated due to violation of a family obligation if the NBHA determines that a member of the household has demonstrated a pattern of alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

C. **FAMILY OBLIGATIONS: [24 CFR 982.551]**

Department of Housing and Urban Development regulations for the Housing Choice Voucher Program permits NBHA to terminate assistance to participants in these programs if any household members or guests do not abide by the following family obligations once the unit is approved and the HAP contract has been executed.

1. **The Family MUST:**

   a. Supply any information that NBHA or HUD determines to be necessary in the administration of the program, including submission of required evidence of citizenship, or eligible immigration status. Information includes any requested certification, release, or other documentation. This also includes information for use in regularly scheduled reexamination or interim reexamination of family income, composition and criminal history. Appointments with the Authority must be kept as scheduled, complete paperwork, return forms, and sign documents by the deadline imposed by the Housing Authority staff. Provide current, reliable
b. mailing address if different from assisted dwelling to help ensure receipt of NBHA correspondence.
Two missed appointments to supply NBHA with this information is considered a breach of a family responsibility. Change in household income and criminal history must be reported in writing within 30 days of the change (such as, hire date of new job – not first paycheck).

c. Disclose and verify social security numbers and sign and submit consent forms for obtaining information.

d. Supply any information requested by NBHA to verify that the family is living in the unit or information related to family absence from the unit.

e. Notify NBHA in writing within 30 days if any family member no longer lives in the unit.

f. Notify NBHA in writing within 10 days when the family or a family member is away from the unit for an extended period of time (10 days or more) in accordance with NBHA policies.

g. Notify NBHA and the owner in writing before moving out of the unit or terminating the lease.

h. Allow NBHA to inspect the unit at reasonable times and after reasonable notice. Two missed appointments for inspection are considered a breach of this family responsibility.

i. Use the assisted unit for residence by the family. The unit must be the family’s only residence.

j. The compositor of the assisted family must be approved by the NBHA. The family must notify the NBHA in writing within 30 days of the birth, adoption, or court awarded custody of a child. The family must request in writing NBHA approval to add any other family member as an occupant of the unit, (landlord must give permission first). Additional family members must not move into the unit until the NBHA has given written approval.

k. Promptly give NBHA a copy of all notices including any owner eviction notice.

l. Pay utility bills and supply appliances that the owner is not required to supply under the lease.

m. You may have guests, but such guests may not occupy the premises for more than 30 consecutive days or more than 60 non-consecutive days in any 12-month period. You may not have any series of guests who exceed these limits without our approvals. The assistance you receive is for your immediate family, not for your friends and relatives. A guest is considered to occupy the unit if they conduct normal daily functions in the assisted unit (such as: bathing, eating, sleeping, storing clothing or other personal belongings, etc.) Must get NBHA approval prior to allowing additional family member(s) to move in.

n. Any information supplied by the family must be true and complete.

o. The family is responsible for a HQS breach caused by the family.
The Family (including Each Family Member) MUST NOT:

a. Own or have any interest in the unit (other than in a cooperative, or the owner of a manufactured home leasing a manufactured home space).
b. Commit any serious or repeated violation of the lease. Under 24 CFR 5.2005 (c) (i) any incident(s) of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated lease violation by the victim, or threatened victim of the domestic violence, dating violence, or stalking, or as a good cause to terminate the tenancy, occupancy rights, or assistance to the victim. Serious or repeated violations, i.e. (non-payment or late payment of rent, poor housekeeping, disturbing the peaceful enjoyment of neighbors.
c. Commit fraud, or bribery or any other corrupt or criminal act in connection with the program.
d. Participate in illegal drug or violent criminal activity.
e. Sublease or let the unit or assign the lease or transfer the unit.
f. Receive Housing Choice Program tenant-based housing assistance while receiving another housing assistance program.
g. Damage the unit or premises (other than damage from ordinary wear and tear) or permit any guest to damage the unit or premises.
h. Engaged in threatening, abusive or violent behavior toward any NBHA personnel.
i. Engage in illegal use of a controlled substance; or abuse of alcohol that threatens the health and safety or right to peaceful enjoyment of the premises by other residents.

ANY INFORMATION THE FAMILY SUPPLIES MUST BE TRUE AND COMPLETE:

By its signature, the family agrees to fulfill the program responsibilities noted above, and understands that failure to do so, BY ANY FAMILY MEMBER, may result in permanent loss of housing assistance eligibility, and criminal prosecution.

Public Housing Authority Discretion [24 CFR 982.552 (c)]

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the NBHA has discretion to consider all of the circumstances in each case, including the seriousness of the case. The NBHA will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. The NBHA may also review the family's more recent history and record of compliance and the effects that denial or termination of assistance may have on other family members who were not involved in the action or failure to act.
The NBHA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in, or were culpable for the action or failure to act, will not reside in the unit. The NBHA may permit the other members of a family to continue in the program.

**Enforcing family Obligations:**

**Explanations and Terms:**

The term “promptly” when used with the family obligations always means “within 30 days”. Denial or termination of assistance is always optional except where this Plan or the regulations state otherwise.

**Housing Quality Standards (HQS) Breach:**

The NBHA HQS Inspector will determine if any HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by the Program Supervisor, Executive Director or Designee.

**Lease Violations:**

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

- If the owner terminates tenancy for serious or repeated violations of the lease.

- If there are police reports, neighborhood complaints or other third party information, that has been verified by the NBHA.

- Non-payment of rent is considered a serious violation of the lease.

Causing intentional destruction to the property or causing excessive damage to the property due to lack of care, failure to maintain the property and/or failure to notify the owner of needed repairs that cause extensive damage due to the negligence of the tenant in not reporting needed repairs is a serious violation of the lease.

**Family Member Moves Out:**

Families are required to notify the NBHA if any family member leaves the assisted household. The notification must include at a minimum the following information:
- Notarized statement from leaseholder/head of household certifying that the person does not live with him or her.
- Copy of a current lease for the person.
- Recent mail addressed to the person at an alternate address
- Copy of a valid Drivers License/State of Connecticut ID containing the new address.

**Limitation on Profit-Making Activity in Unit:**

- If the NBHA determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a program violation.

- If the NBHA determines the business is not legal, it will be considered a program violation.

- If the NBHA determines that the business activity is not in violation of the above conditions and the landlord has given written authorization for the family to operate the profit making activity in the assisted property, the family will not be considered in violation of the lease.

**Interest in Unit:**

The owner may not reside in the assisted unit regardless of whether she/he is a member of the assisted.

In case of fraud, the NBHA will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

**D. PROCEDURES FOR NON-CITIZENS: [24 CFR 5.514; 5.516; 5.518]**

**Denial or Termination due to Ineligible Immigrant Status:**

Applicant or participant families in which all members are neither U. S. Citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. The NBHA must offer the family an opportunity for a hearing. (See “Eligibility for Admission”, section on Citizenship/Eligible Immigration Status).

Assistance may not be terminated while verification of the participant family’s eligible immigration status is pending.
Procedure for Denial or Termination:

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verification failed to document the status, the family may make an appeal to the INS and request a hearing with the NBHA either after the INS appeal or in lieu of the INS appeal.

After the NBHA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

E. **ZERO ($) ASSISTANCE TENANCIES:**

**HAP Contracts On or After 10/2/95:** [24 CFR 982.455(a)]

The family may remain in the unit at $0 assistance for 180 days after the last HAP payment and then the assistance will be terminated. If, within the 180-days timeframe, the NBHA receives notice that the family incurs a decrease in their income, which would cause the family to be eligible for a housing assistance payment, the NBHA will resume assistance payments for the family.

In order for a family to move to another unit during the 180 days of receiving zero assistance, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

F. **OPTION NOT TO TERMINATE FOR MISREPRESENTATION:**

[24 CFR 982.551, 982.552 9(c)]

If the family has misrepresented any facts that caused the NBHA to overpay assistance, the NBHA may choose not to terminate and may offer to continue assistance provided that the family executes a Repayment Agreement and makes payments in accordance with the agreement.

G. **MISREPRESENTATION IN COLLUSION WITH OWNER:**

[24 CFR 982.551, 982.552 (c)]

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other illegal scheme with the owner, the NBHA will deny or terminate assistance.
H. **MISSED APPOINTMENTS AND DEADLINES:**
[24 CFR 982.551, 982.552 (c)]

It is a Family Obligation to supply information, documentation, and certification as needed for the NBHA to fulfill its responsibilities. The NBHA schedules appointments and sets deadlines in order to obtain the required information. The obligation also requires that the family allows the NBHA to inspect the unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the NBHA, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the NBHA to inspect the unit.

The family will be given information about the requirement to keep appointments and the number of times appointments will be rescheduled, as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Eligibility for Admissions
- Verification Procedures
- Voucher Issuance and Briefings
- Housing Quality Standards and Inspections
- Recertifications
- Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

- Medical Emergency
- Emergency, not including incarceration

**Procedure when Appointments are Missed or Information Not Provided:**

For most purposes in this Plan, the family will be given two opportunities before being issued a notice of termination or denial for breach of a family obligation. After issuance of the termination notice, if the family offers to correct the breach within the time allowed, the termination will be rescinded when the family cures the breach.
The family may also request, in writing, an Informal Hearing within the time allowed.

The notice will not be rescinded even if the family offers to cure the breach if this is a repeat offense.

The notice will be rescinded if the family offers to cure and the family does not have a history of non-compliance.
CHAPTER 18
SPECIAL PROGRAMS

A. Family Unification Program (FUP):

NBHA will provide rental assistance to families eligible under the Family Unification Program (FUP). FUP is a program under which vouchers are provided to families for whom the lack of adequate housing is a primary factor in the imminent placement of the family’s child, or children, in out-of-home care; or the delay in the discharge of the child, or children, to the family from out-of-home care; or the delay in the discharge of the child, or children, to the family from out-of-home care. Youths at least 18 years old and not more than 21 years old, who left foster care at age 16 or older and who do not have adequate housing, are also eligible to receive housing assistance under FUP. A FUP voucher issued to such a youth may only be used to provide housing assistance for the youth for a maximum of 18 months. NBHA shall administer the funding awarded for the FUP in accordance with a Memorandum of Understanding between the NBHA and DCF.

The Department of Children and Families (DCF) will identify and ensure certification of FUP eligible families and youth that may be on the waiting list, ensuring that they maintain their original position on the waiting list after certification. If the FUP applicant is on the NBHA’s waiting list, that applicant will be assisted in accordance with the NBHA’s Housing Choice Voucher (HCV) admission policies otherwise; FUP applicants will be placed on the NBHA’s CV waiting list regardless of the NBHA’s HCV waiting list closure, and processed according to plan.

The NBHA may also refer any families or youth 18 through 21 that are on the NBHA’s HCV waiting list living in temporary shelters or on the street and may qualify for FUP to DCF.

B. HCV - FAMILY SELF-SUFFICIENCY PROGRAM

1. PURPOSE:

The purpose of the Family Self-Sufficiency (FSS) Program is to promote the development of local strategies to coordinate the use of Department of Housing and Urban Development (HUD), Section 8 Housing Choice Voucher, Family Self-Sufficiency Program public and private resources to enable families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency.

2. PROGRAM OBJECTIVE:

The objective of the Family Self-Sufficiency Program is to reduce the dependency of low-income families on welfare assistance, Section 8 Housing Assistance, and other Federal, State and Local subsidies.
The FSS Program links participants to high-quality, comprehensive supportive services including education, job training, counseling, and other forms of social service assistance necessary to achieve self-sufficiency. A successful FSS Program in New Britain will enhance the standard of living and self-esteem of the participants as they become more productive members of the community and are no longer dependent on governmental assistance.

C.  **PROJECT-BASE VOUCHER PROGRAM:**

**General Requirements: [24 CFR 983.5]:**

The Project-Based Voucher (PBV) program allows PHAs that already administer a tenant-based voucher program under an annual contributions contract (ACC) with HUD to take up to 20 percent of its voucher program budget authority and attach the funding to specific units rather than using it for tenant-based assistance [4 CFR 983.6]. PHAs may only operate a PBV program if doing so is consistent with the PHAs Annual Plan, and the goal of deconcentrating poverty and expanding housing and economic opportunities [42 U.S.C. 1437f(o)(13)].

The NBHA will operate a project-based voucher program using up to 20 percent of its budget authority for project-based assistance. PBV assistance may be attached to existing housing, or for project-based assistance either under an agreement to enter into HAP Contract (Agreement) or a HAP contract, the NBHA is not required to reduce the number of these units if the amount of budget authority is subsequently reduced. However, the NBHA is responsible for determining the amount of budget authority that is available for project-based vouchers and ensuring that the amount of assistance that is attached to units is within the amounts available under the ACC [24 CFR 983.6].

D.  **Non-Elderly Disabled (NED) Vouchers**

**Program Information**

NED HCVs enable non-elderly disabled families to lease affordable private housing of their choice. NED vouchers also assist persons with disabilities who often face difficulties in locating suitable and accessible housing on the private market. When an eligible NED family comes to the top of the PHA’s HCV waiting list and a voucher becomes available, the PHA issues a voucher to the family. NED vouchers are considered part of the HCV program and are governed by the same federal rules and regulations, with the only difference being the target population. NED vouchers must be used by people with disabilities in households that qualify as “disabled households” according to HUD regulations. HUD has specific definitions for a person with a disability and for disabled households.
NBHA has been awarded 75 NED Vouchers to house non-elderly disabled families in New Britain, CT

Who is Eligible

- Must meet Housing Choice Voucher (HCV) program eligibility requirements.
- Only income eligible families whose head of household, spouse or co-head is non-elderly (under age 62) and disabled may receive a NED voucher. Families with only a minor child with a disability are not eligible.
- Applicants are drawn from the current NBHA HCV Waitlist.

How it works:

- The NED programs provide Section 8 tenant-based vouchers to non-elderly disabled families and individuals.
- NED vouchers are issued to eligible households selected from the standard HCV waiting list. All conventional Section 8 HCV program requirements apply.
VIOLENCE AGAINST WOMEN ACT POLICY (VAWA)

1.0 PURPOSE: The purpose of this Policy is to reduce domestic violence, dating violence, and stalking and to prevent homelessness by:

   a. protecting the safety of victims;
   b. creating long-term housing solutions for victims;
   c. building collaborations among victim service providers; and
   d. assisting NBHA to respond appropriately to the violence while maintaining a safe environment for NBHA, employees, tenants, applicants, Section 8 participants, public housing program participants and others.

The Policy will assist the NBHA in providing rights under the Violence Against Women Act to its applicants, public housing residents, Section 8 participants and other program participants.

2.0 MISSION STATEMENT: NBHA’s policy is to comply with the 2005 VAWA Pub. L. 109-162; Stat.2960 signed into law on January 5, 2006 and codified at 42 U.S.C. § 1437d (1) and 1437 (d), (o) & 1 and (u). NBHA shall not discriminate against an applicant, public housing resident, Section 8 program participant or other program participant on the basis of the rights or privileges provided under the VAWA.

This Policy is incorporated into NBHA’s “Statement of Policies Governing Admissions to Continuing Occupancy of Low Rent Housing” and “Section 8 Program Administrative Plan”.

3.0 DEFINITIONS: The definitions in this Section apply only to this Policy:

3.1: Confidentiality: All information provided to the NBHA about resident(s) of domestic violence, dating violence, stalking involving tenant or a member of the household will be held by NBHA in confidence and not shared without tenants consent, except that this information may be disclosed in an eviction proceeding or otherwise as necessary to meet the requirements of law.

3.2: Dating Violence: Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the
type of relationship; (iii) the frequency of interaction between the persons involved in the relationship. 42 U.S.C. § 1437d (u) (3) (A).

3.3: **Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, committed by a person with whom the victim shares a child in common, committed by a person who is cohabitating with or has cohabitated with the victim as a spouse, committed by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Connecticut, or committed by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Connecticut. 42 U.S.C. § 1437d (u) (3) (B).

3.4: **Homeless, Homeless Individual and Homeless Person:** A person who lacks a fixed, regular and adequate nighttime resident. Also includes: (a) a person who is sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; (b) a person living in a motel, hotel, trailer park, or campground due to lack of alternative adequate accommodations; (c) a person living in emergency or transitional shelter; (d) a person abandoned in a hospital; (e) a person awaiting foster care placement; or (f) a person who has a primary nighttime resident that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings. VAWA of 2005 § 41403.

3.5: **Involuntary Displacement:** Occurs when a victim has vacated or will have to vacate their housing unit because of domestic violence, dating domestic violence or stalking against the victim.

3.6: **Immediate Family Member:** A spouse, parent, brother or sister, or child of a victim or an individual to who the victim stands in loco parenti; or any other person living in the household of the victim and related to the victim by blood and marriage. 42 U.S.C. § 1437d (u) (3) (D).

3.7: **Long-term Housing:** Is housing that is sustainable, accessible, affordable and safe for the foreseeable future which: (a) the person rents or owns; (b) is subsidized by a voucher or other program as long as the person meets the eligibility requirements of the program; (c) directly provided by NBHA, is not time limited and the person meets the eligibility requirements of the program.

3.8: **Perpetrator:** A person who commits an act of domestic violence, dating domestic violence or stalking against a victim.

3.9: **Stalking:** (a) to follow, pursue or repeatedly commit acts with the intent to kill, injure, harass or intimidate the victim; (b) to place under surveillance with the intent to kill, injure, harass or intimidate the victim; (c) in the course of, or as a result of such following, pursuit, surveillance, or repeatedly committed acts, to place the victim in reasonable fear of the death of, or serious bodily injury to the
victim; or (d) to cause substantial emotional harm to the victim, a member of the immediate family of the victim or the spouse or intimate partner of the victim. 42 U.S.C. § 1437d (u)(3)(C).

3.10:  **Victim:** Is a person who is the victim of domestic violence, dating violence, or stalking under this Policy and who has timely and completely completed the certification as requested by NBHA.

3.11:  **Sexual assault, “Human trafficking”**
Definition of Human trafficking - The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations define human trafficking as:

a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(9)).

4.0  **CERTIFICATION AND CONFIDENTIALITY:**

4.1:  **Failure to Provide Certification Under 4.2 and 4.3:** The person shall provide complete and accurate certifications to NBHA owner or property manager within 14 business days after the party requests in writing that the person completes the certifications. If the person does not provide a complete and accurate certification within the 14 business days, NBHA, the owner or property manager may take action to deny or terminate participation or tenancy under: 42 U.S.C. § 14371 (5) & (6); 42 U.S.C. §1437 (d) (c) (3); 42 U.S.C. § 1437f (c ) (9); 42 U.S.C. § 1437f (d)(1)(B) (ii) & (iii); 42 U.S.C. § 1437f (o)(7)(C) & (D); or 42 U.S.C. § 1437f (o)(20) or for other good cause.

4.2:  **HUD Approved Certification:** For each incident that a person is claiming is abuse, the person shall certify to NBHA, owner or property manager their victim status by completing a HUD approved certification form. The person shall certify the date, time and description of the incidents, that the incidents are bona fide incidents of actual or threatened abuses and meet the requirements of VAWA and this Policy. The person shall provide information to identify the perpetrator including, but not limited to the name and, if known, all alias names, date of birth, address, contact information such as postal, e-mail or internet address, telephone or facsimile number or other information.

4.3:  **Other Certification:** A person who is claiming victim status shall provide to NBHA, an owner or manager: (a) documentation signed by the victim
and an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. § 1746) to the professional’s belief that the incident(s) in question are bona fide incidents of abuse; or (b) a federal, state, tribal, territorial, local police or court record.

4.4: **Confidentiality:** NBHA, the owner and/or property manager shall keep all information provided to NBHA under this Section confidential. NBHA, owner and/or property manager shall not enter the information into a shared database or provide to any related entity except to the extent that:

(a) the victim requests or consents to the disclosure in writing;
(b) the disclosure is required for:
   (i) eviction from public housing under 42 U.S.C. § 1437 I (5) & (6) (See Section 5 in this Policy)
   (ii) termination of Section 8 assistance under 42 U.S.C. § 1437f (c)(9); 42 U.S.C. § 1437f (d) (I)(B)(ii) & (iii); 42 U.S.C. § 1437f (O)(7)(C)&(D); or 42U.S.C. § 1437f(o)(20) (See Section 5 in this Policy; or
(c) the disclosure is required by applicable law.

4.5: **Compliance Not Sufficient to Constitute Evidence of Unreasonable Act:**

The NBHA, owner or manager compliance with Section 4.1, 4.2 and 4.3 shall alone not be sufficient to show evidence of an unreasonable act or omission by them.

5.0 **APPROPRIATE BASIS FOR DENIAL OF ADMISSION, ASSISTANCE OR TENANCY:**

5.1: NBHA shall not deny participation or admission to a program on the basis of a person’s victim status, if the person otherwise qualifies for admission of assistance.

5.2 In incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be a serious or repeated violation of the lease by victim and shall not be good cause for denying to a victim admission to a program, terminating Section 8 assistance or occupancy rights, or eviction a tenant.

5.3 Criminal activity directly related to domestic violence, dating violence, or stalking engaged in by a member of tenant’s household or any guest or other person under the tenant’s control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate
member of the tenant’s family is the victim of that domestic violence, dating violence or stalking.

5.4 Notwithstanding Section 5.1, 5.2 and 5.3 NBHA, an owner or manager may bifurcate a lease to evict, remove or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others without evicting, removing, terminating assistance to or otherwise penalizing the victim of the violence who is also a tenant or lawful occupant. 42 U.S.C. § 1437d (1)(6)(B).

5.5 Nothing in Section 5.1 and 5.3 shall limit the authority of New Britain, an owner or manager, when notified, to honor court order addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members when the family breaks up.

5.6 Nothing in Section 5.1, 5.2 and 5.3 limits NBHA, an owner or manager’s authority to evict or terminate assistance to any tenant for any violation of lease not premised on the act or acts of violence against the tenant or a member of the tenant’s household. However NBHA, owner or manager may not hold a victim to a more demanding standard.

5.7 Nothing in Section 5.1, 5.2 and 5.3 limits NBHA, an owner or manager’s authority to evict or terminate assistance, or deny admission to a program if the NBHA, owner or manager can show an actual and imminent threat to other tenants, neighbors, guests, their employees, persons providing service to the property or others if the tenant family is not evicted or terminated from assistance or denied admission.

5.8 Nothing in Section 5.1, 5.2 or 5.3 limits NBHA, an owner or manager’s authority to deny admission, terminate assistance or evict a person who engages in criminal acts including, but not limited to, acts of physical violence or stalking against family members or others.

5.9 A Section 8 recipient who moves out of a assisted dwelling unit to protect their health or safety and who: (a) is a victim under this Policy; (b) reasonably believes he or she was imminently threatened by harm from further violence if he or she remains in the unit; and (c) has complied with all other obligations of the Section 8 program may receive a voucher and move to another Section 8 jurisdiction.

5.10 A public housing tenant who wants a transfer to protect their health or safety and who: (a) is victim under this Policy; (b) reasonably believes he or she was imminently threatened by harm from further violence if he or
she remains in the units; and (3) has complied with all other obligations of
the public housing income program may transfer to another NBHA unit,
receive a Section 8 voucher and stay in Connecticut or move to another
Section 8 jurisdiction.

6.0 **ACTIONS AGAINST A PERPETRATOR:** NBHA may evict, terminate
assistance, deny admission to a program or trespass a perpetrator from its property
under this Policy. The victim shall take action to control, or prevent the domestic
violence, dating violence, or stalking. The action may include, but is not limited
to: (a) obtaining and enforcing a restraining or no contact order or order for
protection against the perpetrator; (b) obtaining and enforcing a trespass against
the perpetrator; (c) enforcing NBHA or law enforcement’s trespass of the
perpetrator; (d) preventing the delivery of the perpetrator’s mail to the victim’s
unit; (e) providing identifying information listed in 4.2; and (f) other reasonable
measures.

7.0 **NOTICE TO APPLICANTS, PARTICIPANTS, TENANTS AND SECTION
8 MANAGERS AND OWNERS:**

NBHA shall provide notice to applicants, participants, tenants, managers and
owners of their rights and obligations under Section 4.4 Confidentiality and
Section 5.0 Appropriate Basis for Denial of Admission, Assistance or Tenancy.

8.0 **REPORTING REQUIREMENTS:** NBHA shall include in its 5-year plan a
statement of goals, objectives, policies or programs that will serve the needs of
victims. NBHA shall also include a description of activities, services or programs
provided or offered either directly or in partnership with other service providers to
victims, to help victims obtain or maintain housing or to prevent the abuse or to
enhance the safety of victims.

9.0 **CONFLICT AND SCOPE:** This Policy does not enlarge NBHA’s duty under
any law, regulation or ordinance. If this Policy conflicts with the applicable law,
regulation or ordinance, the law, regulation or ordinance shall control. If this
Policy conflicts with another NBHA policy such as its Statement of Policies or
Section 8 Administration Plan, this Policy will control.

10.0 **AMENDMENT:** The Executive Director may amend this policy when it is
reasonably necessary to effectuate the Policy’s intent, purpose or interpretation.
The proposed amendment along with the rationale for the amendment shall be
submitted to the Executive Director for consideration. Where reasonably
necessary, the Executive Director may approve the amendment. The amendment
shall be effective and incorporated on the date that the Executive Director signs
the amendment.
HOUSING AUTHORITY OF THE CITY OF NEW BRITAIN

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING

Certification must be made as provided in Section A and either Section B, or Section C below:

1. Date delivered to resident: ________________________________.

2. Must complete and return form by ______________________ (14 business days after resident's receipt).

3. If cannot complete form by this date, contact________________________ at ____________________________

A. RESIDENT/APPLICANT MUST COMPLETE:

Attach completed and sign HUD Form 50066 – copy attached

B. CERTIFICATION IS MADE BY PROVIDING POLICE REPORT OR COURT RECORD:

1. Name of the victim of domestic violence, dating violence or stalking: ____________________________________________

2. Victim’s address: ____________________________________________

3. Head of Household on lease, if not the victim: ____________________________________________

4. Perpetrator’s name, if known: ____________________________________________

5. If perpetrator’s name is not known, explain why: ____________________________________________

6. Perpetrator’s relation to victim: ____________________________________________

7. Date and description of the qualifying incidents: ____________________________________________

8. Certification of the violence:

Attached is a copy of a police report, temporary, or permanent restraining order, or other police or court record relating to the violence.
I hereby certify that the description of an incident, or incidents of domestic violence, dating violence or stalking set forth in the attached police report, or court record is true and correct.

Signature of resident:______________________________ Dated:______________________________

C.  **IF CERTIFICATION IS BY AN EMPLOYEE, AGENT, OR VOLUNTEER OF A VICTIM SERVICE PROVIDER, ATTORNEY, OR MEDICAL PROFESSIONAL FROM WHOM THE VICTIM HAS SOUGHT HELP IN ADDRESSING DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING OR ITS EFFECTS:**

The SERVICE PROVIDER, OR PROFESSIONAL must complete this section:

1. Name of the victim of domestic violence, dating violence or stalking:______________________________

2. Victim’s address:_____________________________________

3. Head of Household, if not the victim:_____________________________________

4. Perpetrator’s name, if known:_____________________________________

5. If perpetrator’s name is not known, explain why:_____________________________________

6. Perpetrator’s relation to victim:_____________________________________

7. Dates and description of the qualifying incidents:_____________________________________

(attach additional sheet if necessary)

8. Certification of the violence.

A professional who helped the victim address the violence must complete the following section:

1. Name of person completing this section:_____________________________________

2. What category best describes you? __Attorney __Medical Professional __Victim Service Provider

3. Title________________________________ Phone #:________________________________

4. Agency / Business Name:________________________________

5. Address:________________________________
I hereby certify under penalty of perjury that the foregoing is true and correct and I believe that the incident(s) described above are bona fide incidents of abuse.

Signature: ______________________________  Date Signed: ______________________________

Attested to as true and correct:

Signature of victim: ______________________________  Date Signed: ______________________________
HOUSING AUTHORITY OF THE CITY OF NEW BRITAIN
16 ARMISTICE STREET NEW BRITAIN CT

New Britain Housing Authority

ANNUAL PLAN MEETING MINUTES FROM:
June 14, 2022 through July 19, 2022
Annual Plan Meeting Minutes #1

June 14, 2022

Attendance:

Jermika Cost, Director of Community Affairs Programs Manager
Maribel Aguilar, HCV Manager
Yseline Gadson, Executive Office Representative
Cheryl Thibeault, Finance Director

Admin Plan Changes/Revisions:

- Chapter 11: Payment Standards; Maribel advised to change payment standard to 105% of FMR. Our Admin Plan does not specify what it should be, she recommend a flat percentage. Permitted 90-100% HUD allows. Rent has gone up and extremely high. Maribel will ask Nelrod if they can assist with data regarding payment std. Exception payment STD only listed for accommodate for persons with disability, would like to add hard to house families on a case by case basis.

- Cheryl; All landlords to use direct deposit; only on rare occasion a check would be issue. Suggested utilities allowance check be issued on a card versus an actual check. Have an average 10 check that come back because of bad addresses. Cheryl will research options on that service.

- Special programs; did not list non elderly Disabled, Maribel would like to add to special programs. NED list under special Programs

- Preference for waiting list; include human trafficking. Ch 4 local preference under first

- Ch 4 local preference delete no 3 working reference move up vet to third.

- Chap 15 denial change 5 to 7 years B. screening and termination for drug use Sub section stad for vilation

ACOP Plan Changes/Revisions:

- Set up meeting with Property Manager to discuss changes they would like to see in ACOP.

- Cheryl would like to incorporate card access for utility allowance pay outs.

- Educate resident on how to use the portal getting them comfortable using computer access.
• Get updated 4350 handbook for PH Notices. Jermika advises to get the book. Forwarded link to purchase $500.00 through Nan mckay. Change language in ACOP reflect 4350. Last update is from 2015 chapter 7 thoroughly compare to 4350. Update Income verification

• Grievance Chpt. 14 update johns name as director in acop

• Chapt 4 remove working families form chat 4 ;preferences for waiting list; include human traffic as it related to preferences. Revise; Utilities can be in any adult that lives and on lease. Ch 4 3b selection method replace with lauguage from amin plan vawa , human trafficking and replace selection method

• Chapter. 9; we do not currently do pending criminal background checks, which we should just to keep on our radar. Section conducitong annual reexacmination; criminal background checks; addthe ct judicial website www.jud.ct.gov will be reviewed for all pending charges for anyone household member over the age 18.

• Chapter 3; screening eligibility.
  Chap 3 require denial of admin
  Change 5 years to 7 years all chapter 3 under criminal section

  We need to review most recent guidelines from HUD reason for denial for criminal convictions for chapters . Remove house inspection of applicant to access their living. Page 20; update mission statement 2.0 to reflect current vawa guidelines effective 2022.

• Chapt 17 &18: update maintenance service charges and schedule of legal charges. include ac and annual pet fee in direct debit.

  Stipend worker policy.
June 21, 2022

Admin plan:

Vawa addendum section 2.0 under mission statement eliminate "2005-info"... VAWA 2022.
3.0 Definition, Sexual assault, "Human trafficking"

Add 3.11 Definition of Human trafficking - The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations define human trafficking as:

a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(9)).

ACOP plan:

Grievance Chapter 14 Retype:

Add- 1411D. Informal settlement
143D- 3rd bullet add the public housing director or designee will conduct... if needed the housing choice voucher manager
143E- Change director information
14.II.D under Introduction. Add this to the end of the paragraph: Included but not limited to terminations, denial for family household composition, denial of transfers, rent determination, fees and charges.

Chapter 4 Applications

3.0 Definition, Sexual assault, "Human trafficking"

Add 3.11 Definition of Human trafficking - The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations define human trafficking as:

a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

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Part 3 4-IIIB Remove Working preference and add Vawa language and addendum Admin plan addendum

Per PIH Notice 2019-26 Add new language for VAWA with this:

3.0 Definition, Sexual assault, "Human trafficking"

Add 3.11 Definition of Human trafficking - The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations define human trafficking as:
June 28, 2022

Admin Plan Changes:

NED Category 1 and 2 just needs to be enacted.

Chapter 10 HQS Added number to 12. / CO Detectors. Create an addendum to
Chapter 10 Page 4 3rd paragraph change NBHA may to “NBHA will impose a fee of $35”.... Changed not
to exceed 4 total inspections to 3 total reinsertions.
Chapter 10 Page 4 Remove the (fee may be charged) Owner 2nd inspect change to (5$5 will be charged)
Chapter 10 under additions section h- Smoke detectors should be smoke and carbon monoxide. Page
10-9
“everywhere there is smoke detector add smoke detectors/carbonmo
Chapter 10-6 after section Gadd Section H- Additional local requirements. Copy the verbiage from
newhavens version in the Admin Plan per Maribel.

Chapter 15 Denial or termination. “Standard for Violation” remove the word arrest from this chapter.
15-7 Add at th top of Violent and or drug related criminal activity

ACOP
Chapter 8 Leasing and inspections Section 8-IE Security Deposits remove NBHA may allow for gradual.....
sentence.
Page 8.-5 first paragraph add “to the families monthly rent (TTP) at the time of move-in.
Section 8-4 add the end of the 2nd sentence. “no less than $50.00 the minimum TTP”.
Section 8-4 Insert after Must be paid in full prior to occupancy. “If not paid in ful minimum payment of
$50 is required of which the balance can be paid over time not to exceed 3 months.
Page 5 add after 1st sentence 2nd paragraph “ All keys must be returned and rent will cease the day all
key’s are returned.”

Recertification:
Chapter 6
61C
Insert the seasonal language specifically from HCV Admin plan 12-2 Calculated anticipated annual
income . And use that working to add to Chapter 6
Replace 6-1.C Anticipating annual income all the way to the bottom. Replace with HCV calculating
anticipated annual income section. [Tenants needs to be informed before hand with examples and
budgeting recommendations fo them to comply.]
July 12, 2022

Admin Plan Changes:

- ACOP

Chapter 8 Leasing and inspections Section 8-1E Security Deposits remove NBHA may allow for gradual.... sentence.

Page 8.-5 first paragraph add “to the families monthly rent (TTP) at the time of move-in.
Section 8-4 add the end of the 2nd sentence. “no less than $50.00 the minimum TTP”.
Section 8-4 Insert after Must be paid in full prior to occupancy. “If not paid in full a minimum payment of $50 is required of which the balance can be paid over time not to exceed 3 months.

Section security deposit;
NBHA may allow for incremental payments of the security depot of the family, not to exceed 3 months. The family must pay a minimum of $50 in order to enter into a payment plan. However the family may be required to pay the security deposit in full prior to occupancy.

Page 5 add after 1st sentence 2nd paragraph “All keys must be returned and rent will cease the day all key’s are returned.”
Rent will continue u to accrue until the key have been received or the unit has been determined as abandon.

Recertification:
Chapter 6
61C

Replacing 6-1C basis of annual income the first sentence and first bullet.
Calculating anticipating annual income then third bullets] Move content from 3 bullet to the beginning. Add paragraph from johns email.

Delete first paragraph.
a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(9)).
July 19, 2022

Admin Plan Changes:
- NED language
- FSS Updates

ACOP:
- No changes to maint charges
- Lawyer fees still the same? 25.00? yes still 25.00
- ROSS Updates