

HUDSON HOUSING AUTHORITY

ADMISSION AND CONTINUED OCCUPANCY POLICY

August 2021

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ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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

1.0 FAIR HOUSING

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

The HHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin. The HHA will not discriminate on the basis of marital status, gender identity, or sexual orientation.

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

The Hudson Housing Authority will assist any family that believes it may have suffered illegal discrimination by providing to the family copies of the appropriate housing discrimination forms. The Hudson Housing Authority will also assist them in completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity and the Massachusetts Commission against Discrimination.

2.0 REASONABLE ACCOMMODATION

2.1 POLICY

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

The HHA adopted the current Reasonable Accommodation in Housing Policy on October 6, 2016 which is incorporated herein by reference.

2.2 PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require the HHA to take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to the HHA's programs and services.

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available.

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with HHA staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation, having material explained orally by staff, or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

3.0 LIMITED ENGLISH PROFICIENCY

Limited English Proficient (LEP) persons are defined by HUD as, persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write or understand English. The HHA has prepared a Four Factor Analysis and Language Access Plan (LAP) to assist the agency to ensure meaningful access to individuals with Limited English Proficiency (LEP) in relation to its housing programs.

The HHA adopted a Language Access Plan on May 3, 2018 which is incorporated herein by reference.

4.0 VIOLENCE AGAINST WOMEN

The Violence against Women Act of 2013 (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault and stalking. The HHA's current VAWA Policy which contains the Notice, associated forms and Emergency Transfer Plan is incorporated herein by reference. The HHA's VAWA policy addresses definitions, general VAWA requirements and HHA policies with regard to notification, documentation, and confidentiality.

5.0 FAMILY OUTREACH

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

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

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

Contact information for the Hudson Housing Authority is on websites of the Department of Housing and Urban Development and the Department of Housing and Community Development.

6.0 RIGHT TO PRIVACY

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

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

7.0 POSTINGS

In each of its offices, the Hudson Housing Authority will post, in a conspicuous place and at a height easily read by all persons, important information relative to program administration.

8.0 TAKING APPLICATIONS

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

**8 Brigham Circle
Hudson, MA 01749**

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

Completed applications will be accepted from all applicants and the Hudson Housing Authority will verify the information.

Applications may be submitted in person on **Monday through Friday, between the hours of 8:30 a.m. and 4:00 p.m.** Applications will be mailed to interested families upon request.

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

Persons with disabilities who require a reasonable accommodation in completing an application may call the Hudson Housing Authority to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available for the deaf. The TDD telephone number is **1-800-545-1833 Ext. 145**.

Upon receipt of the family's application, the Hudson Housing Authority will make a preliminary determination of eligibility. The Hudson Housing Authority will notify the family in writing of the date and time of placement on the waiting list, and the approximate wait before housing may be offered. If the Hudson Housing Authority determines the family to be ineligible, the notice will state the reasons therefore and will offer the family the opportunity for an informal review of the determination.

The applicant may at any time report changes in the family's applicant status including changes in family composition, income, or preference factors. The Hudson Housing Authority will annotate the applicant's file and will update the family's place on the waiting list. Confirmation of the changes will be confirmed with the family in writing.

When the application nears the top of the waiting list, the Hudson Housing Authority will ensure that verification of all preferences, eligibility, suitability and selection factors are current in order to determine the family's final eligibility for admission into the Public Housing Program.

9.0 ELIGIBILITY FOR ADMISSION

9.1 INTRODUCTION

There are five eligibility requirements for applicant admission to public housing: qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security numbers, and signs

consent authorization documents. In addition to the eligibility criteria, families must also meet the Hudson Housing Authority screening criteria in order to be admitted to public housing.

9.2 ELIGIBILITY CRITERIA

- A. Each applicant for assistance under the housing choice voucher program must meet the HHA's definition of family.

A family is either a single person or a group of persons, with or without children, a family includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status and is defined below:

1. A Single Person Family is:

An elderly person, (a person that is at least 62 years of age);

A displaced person, (a person displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized by federal disaster relief laws);

A person with a disability as defined in 24 CFR 5.403. Subject to any other legal limitations, individuals may not be considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence;

A remaining member of a tenant family (a family member of an assisted tenant family who remains in the unit when other members of the family have left the unit); or

Any other single person (not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family).

2. A Group of Persons Family is:

(i) Regulatory Definition

An elderly family, which is defined as a family whose head, co-head, spouse, is at least 62 years of age; or two or more persons, each of whom are at least

62, living together; or one or more persons who are at least 62 living with one or more live-in aides;

A disabled family, which means a family whose head, co-head, spouse, is a person with disabilities; or two or more persons with disabilities; or one or more persons with disabilities with one or more live-in aides; and

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

(ii) Other Policy

For a group of persons, a Family is also defined as: two or more persons sharing residency, whose income and resources are available to meet family needs. The group must provide evidence of a significant relationship determined to be stable by the Housing Authority.

The Housing Authority generally defines a stable relationship as a relationship that has been in existence for a minimum of 6 months, and the parties provide financial support for each other.

Acceptable documentation of a stable relationship includes lease agreements indicating that the parties have lived together for at least 6 months, utility bills, other joint bills and/or bank account(s) (need to provide for a 6-month period), and, on a case-by-case basis, letters from a social service provider or religious organization confirming the relationship. The Housing Authority will consider other evidence of stable relationship presented by the family on a case by case basis.

The HA recognizes that a variety of relationships exist, which are not necessarily relationships of ancestry or marriage. Each family must identify the individuals to be included in the family and provide evidence that there is a stable relationship.

B. Income Eligibility

1. To be eligible for admission to developments or scattered-site units, the family's

annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area.

2. Income limits apply only at admission and are not applicable for continued occupancy.
3. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income requirements of the Hudson Housing Authority.
4. If the Hudson Housing Authority acquires a property for Federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing tenants.
5. Income limit restrictions do not apply to families transferring within our Public Housing Program.
6. The Hudson Housing Authority may allow police officers who would not otherwise be eligible for occupancy in public housing to reside in a public housing dwelling unit. Such occupancy must be needed to increase security for public housing residents. Their rent shall at least equal the cost of operating the public housing unit. They are not subject to income limits for the program.
7. If there are no eligible families on the waiting list and the Hudson Housing Authority has published a 30-day notice of available units in at least one newspaper of general circulation, families above the applicable income limit may be housed. They must vacate the unit if an eligible family applies.
8. Income limits for continued occupancy are addressed elsewhere in this document.

C. Citizenship/Eligibility Status

1. To be eligible each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)).

2. Family eligibility for assistance.

- a. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
- b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance (See Section 13.6 for calculating rents under the non-citizen rule).
- c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation

The applicant and all members of the applicant's household¹ must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN.

In addition, each participant who has not previously disclosed an SSN, has previously disclosed an SSN that HUD or the SSA determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next interim or annual reexamination or recertification. Participants age 62 or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit.

Documentation shall consist of:

- An original SSN card issued by the Social Security Administration (SSA)
- An original SSA-issued document, which contains the name and SSN of the individual
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

The HHA may only reject documentation of an SSN provided by an applicant or resident if the document is not an original document, if the original document has been altered, mutilated, is illegible, or if the document appears to be forged.

In such instances the HHA will explain to the applicant or resident the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the HHA within 90 days.

Finally, if the applicant family contains a household member who is under the age of 6 which has been added to the household within the past six months and has not been assigned a social security number, the applicant shall be provided with a 90 day extension to disclose and verify the child's SSN. The HHA will allow an additional 90 days if it determines that failure to comply was outside the control of the family, or was due to unforeseen circumstances. The HHA must include the child as part of the household during this period and must provide the family with any related benefits such as allowances and deductions.

E. Signing Consent Forms

The family must supply any information that the HHA or HUD determines is necessary to the administration of the program and must consent to HHA verification of that information. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.

It is required that all adult applicants and tenants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and the HHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA).

Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

Massachusetts Criminal Offender Record Information acknowledgement form which will be required for all household members age 17 and over.

¹ This does not apply to members that do not contend to have eligible immigration status

If any family member who is required to sign a consent form fails to do so, the HHA will deny admission to applicants and terminate the lease of tenants. The family may request a hearing in accordance with the HHA's grievance procedures.

9.3 SUITABILITY

- A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. The Hudson Housing Authority will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, Hudson Housing Authority employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.
- B. The Hudson Housing Authority will consider objective and reasonable aspects of the family's background, including the following:
 - 1. History of meeting financial obligations, especially rent;
 - 2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
 - 3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other tenants or staff or cause damage to the property;
 - 4. History of disturbing neighbors or destruction of property;
 - 5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and
 - 6. History of abusing alcohol in a way that may interfere with the health, safety, or

right to peaceful enjoyment by others.

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

1. A credit check of the head, spouse and co-head;
2. A rental history check of all adult family members;
3. A criminal background check on all adult household members, including live-in aides. This check will be made through the DCJIS in accordance with the HHA's CORI Policy. The HHA's current CORI Policy was adopted on May 3, 2018 and is incorporated herein by reference. CORI may also be requested from a similar entity in another state if available, if the applicant has not been residing in Massachusetts for the past two (2) years and the HA has the legal authority to request said information. The policies herein shall apply to said requests unless laws governing said requests differ (i.e. the HA will utilize the applicable release form for CORI when applicable to an out of state request.)
4. A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity; and
5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.

9.4 GROUND S FOR DENIAL

The Hudson Housing Authority is not required or obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;

- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Have a history of not meeting financial obligations, especially rent;
- E. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants;
- F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other tenants or staff or cause damage to the property;
- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
- I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- J. Were evicted from assisted housing within five years of the projected date of admission because of drug-related criminal. The HHA may waive this requirement if:
 - (i) The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the HHA; or
 - (ii) The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
- L. Are currently illegally using a drug;
- M. The HHA determines that it has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;

- N. The HHA determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
- O. Have engaged in or threatened abusive or violent behavior towards any Hudson Housing Authority staff member or resident;
- P. Have a household member who has ever been evicted from public housing;
- Q. Have a family household member who has been terminated under the housing choice or project based Section 8 voucher program;
- R. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property;
- S. **Denied for Life:** Has a lifetime registration under a State sex offender registration program.

9.5 INFORMAL HEARINGS

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

The informal hearing may be conducted by any person designated by the Hudson Housing Authority, other than a person who made or approved the decision under review or subordinate of this person. The applicant must be given the opportunity to present written or oral objections to the Hudson Housing Authority's decision. The Hudson Housing Authority must notify the applicant of the final decision within 14 calendar days after the informal hearing, including a brief statement of the reasons for the final decision.

If the HHA 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 HHA can move to deny the application.

- B. The Hearings set forth in Paragraph B above may be provided remotely. The following apply in cases of remote Informal Hearings:

Requests for a remote hearing must be made in advance to the Housing Authority and the family must demonstrate why it is necessary as a reasonable accommodation or for extenuating circumstances. The Housing Authority will make the sole determination as to whether the circumstances warrant a remote hearing as a reasonable accommodation or extenuating circumstances.

Remote hearings may be the phone, via video conferencing, or through other virtual platforms. The HHA may use Zoom or a similar platform for electronic hearings but will also offer telephonic remote hearings when the zoom platform is unavailable to the family.

Accessibility. Under Section 504, the ADA, and the Fair Housing Act, PHAs may need to make reasonable accommodations and take appropriate steps to ensure effective communication with individuals with disabilities. The Housing Authority will work with families on a case by case basis to ensure that remote hearings are accessible to them. The Zoom platform has the following accessibility features: Ability to add live closed captions; Ability to Produce an automated transcript; Keyboard Accessibility including specific keyboard shortcuts; and Screen Reader support

Technology Barriers. If the family does not have proper technology access which will allow the individual to fully participate and this cannot be remedied, then the remote informal hearing will be postponed, or an in-person alternative will be provided.

Materials. All materials being presented, whether paper or electronic, will be provided to the family prior to the remote hearing or remote briefing.

Privacy Protection. The HHA will not transmit sensitive PII via an unsecured information system (e.g., electronic mail, Internet, or electronic bulletin board) without first encrypting the information. In the alternative the HHA may send this information via first class mail.

Communications. All families will be afforded the opportunity to communicate ask questions and question witnesses as applicable.

Notification of Remote Informal Hearing. When a remote informal hearing is scheduled, the letter notifying the family of the remote hearing will indicate: The manner in which the remote informal hearing will be held including information as to how to access the remote hearing; That the family may contact the HA if they have barriers to participation due to technical issues. If that is the case the HA will postpone the remote informal hearing if necessary and attempt to address the technical issues. Other options will be discussed including the option of an in person hearing if that is necessary under the circumstances; That the HA will provide technical assistance during the remote hearing; and The manner for family and HA receipt of documents for the remote hearing.

Technical Issues During the Remote Hearing. If any family, family representative, advocate, witness, HHA representative, or the hearing officer is unable to effectively utilize the videoconferencing platform, the remote hearing will be conducted by telephone conferencing call-in. If that does not resolve the issued the matter will be continued to a new date.

10.0 MANAGING THE WAITING LIST

10.1 OPENING AND CLOSING THE WAITING LIST

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

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

other waiting lists when they apply for public housing. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

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

10.2 ORGANIZATION OF THE WAITING LIST

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

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

10.3 FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears to nearing the top of the waiting list, the family will be invited to an interview and the verification process will begin. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. The Hudson Housing Authority must notify the family in writing of this determination and give the family the opportunity for an informal hearing.

At this time the family will present Social Security number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms and any other applicable forms.

10.4 PURGING THE WAITING LIST

The Hudson Housing Authority will update and purge its waiting list on an as needed basis to ensure that the pool of applicants reasonably represents the interested families for whom the Hudson Housing Authority has current information, i.e. applicant's address, family composition, income category, and preferences.

10.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST

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

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

10.6 MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment with the Hudson Housing Authority will be sent a notice informing them that their name will be removed from the waiting list.

The Hudson Housing Authority will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing an appointment, the Hudson Housing Authority will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal hearing before being removed from the waiting list.

11.0 TENANT SELECTION AND ASSIGNMENT PLAN

11.1 PREFERENCES

The Hudson Housing Authority will apply the following preferences within each bedroom size category based on our local housing needs and priorities:

- A. Applicants with an adult family member who either lives or works (employment must be for at least twenty (20) hours per week.) in the county or municipality for Hudson Massachusetts and an adult family member who is a Veteran.

B. Applicants with an adult family member who either lives or works or has been hired to work (employment must be for at least twenty (20) hours per week.) in the county or municipality for Hudson Massachusetts or an adult family member who is a Veteran.

C. All other applicants.

Based on the above preference(s), all families in preference A will be offered housing before any families in preference B and all families in Preference B will be offered housing before all other applicants.

The date and time of application will be noted and utilized to determine the sequence within the above prescribed preferences.

The use of this residency preference will not have the purpose or effect of delaying or otherwise denying member of an applicant family.

Definition of Veteran is that set forth in Massachusetts General Laws Chapter 4 Section 7.

Notwithstanding the above, families who are elderly, disabled, or displaced will be offered housing before other single persons.

Buildings Designed for the Elderly and Disabled: Preference will be given to elderly and disabled families. If there are no elderly or disabled families on the list, preference will then be given to near-elderly families. If there are no near-elderly families on the waiting list, units will be offered to families who qualify for the appropriate bedroom size using these priorities. All such families will be selected from the waiting list using the preferences as outlined above.

Accessible Units: Accessible units will be first offered to families who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above. If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, must sign a release form stating they will accept a transfer (at their own expense) if, at a future time, a family requiring an accessible feature applies. Any family required to transfer will be given a 30-day notice.

11.2 ASSIGNMENT OF BEDROOM SIZES

A. Generally

The following guidelines will determine each family's unit size without overcrowding or over-housing:

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

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Zero bedroom units will only be assigned to one-person families. Two adults will share a bedroom unless related by blood.

In determining bedroom size, the Hudson Housing Authority will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children who are temporarily away at school, or children who are temporarily in foster care.

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

1. Children of the same sex will share a bedroom.
2. Children of the opposite sex will not share a bedroom.
3. Adults and children will not be required to share a bedroom.
4. Live-in aides will get a separate bedroom.

B. Temporarily Absent Family Members

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.

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 HHA 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.

11.3 SELECTION FROM THE WAITING LIST

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

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

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

- A. Ten percent of public housing waiting list admissions during the Hudson Housing Authority fiscal year;
- B. Ten percent of waiting list admissions to the Hudson Housing Authority's Section 8 tenant-based assistance program during the HHA fiscal year; or
- C. The number of qualifying low-income families who commence occupancy during the fiscal year of Hudson Housing Authority public housing units located in census tracts with a poverty rate of 30% or more. For this purpose, any low-income family other than an extremely low-income family qualifies.

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

11.4 DECONCENTRATION POLICY

It is the Hudson Housing Authority's policy to provide for de-concentration of poverty.

The Hudson Housing Authority will affirmatively market its housing to all eligible income groups. All of the HHA developments are located in area of low poverty concentration.

The HHA will analyze the income levels of families residing in each of its developments and the income levels of the families on the waiting list. Based on this analysis, the HHA determines the level of marketing strategies and/or de-concentration incentives to implement.

The HHA's developments have fewer than 100 public housing units and house only elderly persons or persons with disabilities and therefore they are not covered developments pursuant to 24 CFR 903.2 (b) (2)

11.5 OFFER OF A UNIT

When the Hudson Housing Authority discovers that a unit will become available, it will contact the first family on the waiting list who has the highest priority for this type of unit or development.

The Hudson Housing Authority will contact the family first by letter to make the unit offer. The family will be given seven (7) business days from the date of the letter to contact the Hudson Housing Authority regarding the offer.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have two (2) business days to accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, the Hudson Housing Authority will send the family a letter documenting the offer and the rejection.

11.6 REJECTION OF UNIT

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

If the Hudson Housing Authority did not skip over other families on the waiting list to reach this family, did not offer any other de-concentration incentive, and the family rejects the unit without good cause, the family will forfeit their application's date and time. The family will keep their preferences, but the date and time of application will be changed to the date and time the unit was rejected.

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

11.7 ACCEPTANCE OF UNIT

The family will be required to sign a lease that will become effective no later than three (3) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later. In the event that the tenant must give a thirty-day notice to the previous landlord, the Authority will mutually agree upon a move-in date which should not exceed fifteen days.

The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute

the lease prior to admission. One executed copy of the lease will be furnished to the head of household and the Hudson Housing Authority will retain the original executed lease in the tenant's file. A copy of the grievance procedure will be attached to the resident's copy of the lease.

If it is needed as a reasonable accommodation or due to extenuating circumstances or because it is otherwise determined necessary by the HHA, this may be handled via remote meeting. All of the procedures set forth in the Informal Hearing section governing remote informal hearings (see Informal Hearings at 9.5 B of this ACOP) shall apply in these circumstances unless they are inapplicable (i.e., such as discovery and questioning of witnesses).

12.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME

To determine annual income, the Hudson Housing Authority adds the income of all family members², excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the Hudson Housing Authority subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

12.1 INCOME

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

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

Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

² Including temporarily absent family members

The HHA generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes the HHA 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), or the HHA believes that past income is the best available indicator of expected future income.

Annual income includes, but is not limited to:

- A. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.

For persons who regularly receive bonuses or commissions, the HHA will verify and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, the HHA will use the prior year amounts. In either case the family may provide, and the HHA 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 HHA will count only the amount estimated by the employer. The file will be documented appropriately.

- B. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.
- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual

income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.

- D. Any imputed income from the gifting of assets, i.e. the disposing of real property, savings, stocks, bonds, and other forms of capital investments for less than fair market value during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. Imputed income shall be calculated using the passbook rate. (See Assets Section)
- E. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
- F. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as from health or accident insurance or worker's compensation are excluded.)
- G. Welfare assistance
 - 1. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
 - 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 requirement is the amount resulting from one application of the percentage.

2. Imputed welfare income

- a. 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 Hudson Housing Authority by the welfare agency) plus the total amount of other annual income.
- b. At the request of the Hudson Housing Authority, the welfare agency will inform the Hudson Housing Authority in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the Hudson Housing Authority of any subsequent changes in the term or amount of such specified welfare benefit reduction. The Hudson Housing Authority will use this information to determine the amount of imputed welfare income for a family.
- c. A family's annual income includes imputed welfare income in family annual income, as determined at an interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the Hudson Housing Authority by the welfare agency).
- d. The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.
- e. The Hudson Housing Authority will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.
- f. If a resident is not satisfied that the Hudson Housing Authority has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the Hudson Housing Authority denies the family's request to modify such amount, then the Hudson Housing Authority shall give the resident written notice of such denial, with a brief explanation of the basis for the Hudson Housing Authority's

determination of the amount of imputed welfare income. The Hudson Housing Authority's notice shall also state that if the resident does not agree with the determination, the resident may grieve the decision in accordance with our grievance policy. The resident is not required to pay an escrow deposit for the portion of the resident's rent attributable to the imputed welfare income in order to obtain a grievance hearing.

g. Relations with welfare agencies

- 1). The Hudson Housing Authority will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the Hudson Housing Authority written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.
- 2). The Hudson Housing Authority is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the housing authority. However, the Hudson Housing Authority is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.
- 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 Hudson Housing Authority shall rely on the welfare agency notice to the Hudson Housing Authority of the welfare agency's determination of a specified welfare benefits reduction.

- H. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
- I. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

12.2 ASSETS

There is no asset limitation for participation in the public housing program. However, HUD requires that the HHA include in annual income the anticipated “interest, dividends, and other net income of any kind from real or personal property.

The HHA 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 HHA 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 HHA believes that past income is the best indicator of anticipated income.

Imputing Income from Assets

When net family assets are \$5,000 or less, the HHA 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 HHA will include in annual income 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 an average passbook savings rate as determined by the HHA.

The HHA will initially set the imputed asset passbook rate at the national rate established by the Federal Deposit Insurance Corporation (FDIC).

The HHA will review the passbook rate annually. The rate will not be adjusted unless the current HHA rate is no longer within 0.75 percent of the national rate. If it is no longer within 0.75 percent of the national rate, the passbook rate will be set at the current national rate.

Jointly Owned Assets

If an asset is owned by more than one person and any family member has unrestricted access to the asset, the HHA 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 HHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by Massachusetts law, the HHA will prorate the asset evenly among all owners.

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 HHA will use the average monthly balance for the last six months.

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

In determining the anticipated income from an interest-bearing checking or savings account, the HHA 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 HHA 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 HHA will calculate asset income based on the earnings for the most recent reporting period.

Trusts

A *trust* is a legal arrangement generally in which one party transfers property to a second party who holds the property for the benefit of one or more third parties.

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.

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 HHA 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. 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 HHA will use the family's estimate of the value. The HHA 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.

12.3 EXCLUSIONS FROM ANNUAL INCOME

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses; (except payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay);
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family;
- E. Income of a live-in aide;
- F. The full amount of student financial assistance paid directly to the student or to the educational institution;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. The amounts received from the following programs:

1. Amounts received under training programs funded by HUD;

To qualify as a training program, the program must meet the definition of *training program* as follows: The HHA 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;

2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
4. 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 Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the Hudson Housing Authority governing board. No resident may receive more than one such stipend during the same period of time;
5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for

the period during which the family member participates in the employment training program;

- (i) The HHA 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.
- (ii) The HHA 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.
- (iii) In calculating the incremental difference, the HHA 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 to the HHA in writing.

- 6. Temporary, nonrecurring or sporadic income (including gifts);
- 7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- 8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- 9. Adoption assistance payments in excess of \$480 per adopted child;
- 10. The incremental earnings due to employment during a cumulative 48 month period following date of the initial hire shall be excluded.

This exclusion will not apply for any family who concurrently is eligible for exclusion for 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. (See H5 above)

Additionally, this exclusion is only available to the following families:

- a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
- b. Families whose income increases during the participation of a family member in any economic self-sufficiency or other job training program.
- c. Families who are or were, within 6 months, assisted under a State TANF or Welfare-to-Work program.

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

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

The disallowance of increased income of an individual family member is limited to a lifetime 48-month period.

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

However, for qualified families first employed or experiencing an increase in annual income attributable to employment on or after the adoption of this Admissions and Continued Occupancy Policy, there is a maximum of 2 years and these time periods run consecutively regardless of breaks in employment. The rules set forth above are modified as follows for said families:

Initial 12-month exclusion. During the 12-month period beginning on the date on which a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the HHA must exclude from the annual income of a qualified family any increase in the income of the family member as a result of employment over the baseline income of that family member.

Phase-in of rent increase. Upon the expiration of the first 12-month period and for the subsequent 12-month period, the HHA will exclude from the annual income of a qualified family 50% of any increase in income of such family member as a result of employment over the family member's baseline income.

Maximum 2-year disallowance. This disallowance of increased income of an individual family member is limited to a lifetime 24-month period.

12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
13. 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;
14. 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
15. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
 - (i) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
 - (ii) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044(f)(1), 5058);

- (iii) Certain payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
- (iv) Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
- (v) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
- (vi) Income derived from the disposition of funds to the Grand River and of Ottawa Indians (Pub. L. 94–540, section 6);
- (vii) The first \$2000 of per capita shares received from judgment funds awarded by the National Indian Gaming Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, and 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). This exclusion does not include proceeds of gaming operations regulated by the Commission;
- (viii) Amounts of scholarships funded under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070), including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
- (ix) Payments received from programs funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056g);
- (x) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund (Pub. L. 101–201) or any other fund established pursuant to the settlement in *In Re Agent Orange Liability Litigation*, M.D.L. No. 381 (E.D.N.Y.);
- (xi) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420, 25 U.S.C. 1728);
- (xii) 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);

- (xiii) Earned income tax credit (EITC) refund payments received on or after January 1, 1991, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, section 101 of the Housing and Urban Development Act of 1965, and sections 221(d)(3), 235, and 236 of the National Housing Act (26 U.S.C. 32(l));
- (xiv) 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);
- (xv) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
- (xvi) Any allowance paid under the provisions of 38 U.S.C. 1833(c) to children of Vietnam veterans born with spina bifida (38 U.S.C. 1802-05), children of women Vietnam veterans born with certain birth defects (38 U.S.C. 1811-16), and children of certain Korean service veterans born with spina bifida (38 U.S.C. 1821);
- (xvii) 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(c));
- (xviii) Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931(a)(2));
- (xix) Any amount received under the Richard B. Russell School Lunch Act (42 U.S.C. 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);
- (xx) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b));

- (xxi) Payments from any deferred U.S. Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts (42 U.S.C. § 1437a(b)(4));
- (xxii) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111–269; 25 U.S.C. 4103(9)) to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self- Determination Act (NAHASDA) (25 U.S.C. 4101 et seq.) and administered by the Office of Native American Programs;
- (xxiii) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.), for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010 (Pub. L. 111–291);
- (xxiv) Any amounts in an “individual development account” as provided by the Assets for Independence Act, as amended in 2002 (Pub. L. 107–110, 42 U.S.C. 604(h)(4));
- (xxv) Per capita payments made from the proceeds of Indian Tribal Trust Cases as described in PIH Notice 2013– 30 “Exclusion from Income of Payments under Recent Tribal Trust Settlements” (25 U.S.C. 117b(a)); and
- (xxvi) Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288, as amended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. 5155(d)).

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

12.4 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent;

Dependent is defined as any family member other than the head, spouse, or co-head 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 not considered dependents.

- B. \$400 for any elderly family or disabled family;

An *elderly family* is a family whose head, spouse, co-head, or sole member is 62 years of age or older, and a *disabled family* is a family whose head, spouse, co-head, or sole member is a person with disabilities

- C. The sum of the following, to the extent the sum exceeds three percent of annual income:

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

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 as a reference to determine the costs that qualify as medical expenses.

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

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 HHA 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 HHA 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.

Disability Expenses:

Auxiliary apparatus: Includes 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" but only if these items are directly related to permitting the disabled person or other family member to work.

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.

Attendant care: includes 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 HHA 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 must 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. 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 must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source. The HHA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the HHA will collect information from organizations that provide services and support to persons with disabilities. A family may present, and the HHA will consider, the family's justification for costs that exceed typical costs in the area.

- D. Reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education. This deduction shall not exceed the amount of employment income that is included in annual income.

Anticipating Expenses

Generally, the HHA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year, the HHA 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 HHA 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 HHA may require the family to provide documentation of payments made in the preceding year.

12.5 RECEIPT OF A LETTER OR NOTICE FROM HUD CONCERNING INCOME

- A. If a public housing resident receives a letter or notice from HUD concerning the amount or verification of family income, the letter shall be brought to the person responsible for income verification within ten (10) days of receipt by the resident.
- B. The Program Administrator shall reconcile any difference between the amount reported by the resident and the amount listed in the HUD communication. This shall be done as promptly as possible.
- C. After the reconciliation is complete, the Hudson Housing Authority shall adjust the resident's rent beginning at the start of the next month unless the reconciliation is completed during the final five (5) days of the month and then the new rent shall take effect on the first day of the second month following the end of the current month. In addition, if the resident had not previously reported the proper income, the Hudson Housing Authority shall do one of the following:
 - 1. Immediately collect the back rent due to the agency;
 - 2. Establish a repayment plan for the resident to pay the sum due to the agency;
 - 3. Terminate the lease and evict for failure to report income; or
 - 4. Terminate the lease, evict for failure to report income, and collect the back rent due to the agency.

12.6 COOPERATING WITH WELFARE AGENCIES

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

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

13.0 VERIFICATION

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

13.1 ACCEPTABLE METHODS OF VERIFICATION

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, where applicable and forms signed by the family.

Other information will be verified in the manner required by HUD utilizing the verification hierarchy as follows:

Methods of Verification and Ranking Order

Generally the HA will verify information through the six methods of verification, acceptable to HUD, in the following ranking order:

1. Enterprise Income Verification (EIV)
2. Upfront Income Verification (UIV) using non-HUD systems
3. Third-party written (may be provided by the family)
4. Third party form written
5. Third-party oral (in person or via telephone directly from the third party)
6. Certification/self-declaration

a. Enterprise Income Verification

(i) Introduction

The HA's first choice is Enterprise Income Verification (EIV) which includes sources of information taken directly from on-line systems, such as from the Tenant Assessment Subsystem (WASS). The HA is required to use the EIV system as a (primary) third-party source to verify tenant income information during all mandatory annual and interim reexaminations.

The Housing Authority has adopted as its Enterprise Income Verification Policy those requirements in the Enterprise Income Verification System User Manual and Security Administration Manual that are mandated as necessary and required by the HUD regulations relative to Earned Income Verification, and as said regulations may be amended from time to time.

The current version of the EIV User Manual and the Security and Procedures Guide serves to specify the Housing Authority's (HA) security procedures concerning the data downloaded from the Enterprise Income Verification System (EIV). The EIV system is used by the HA to verify tenant income upfront by comparing the tenant income data obtained from various sources such as:

- Tenant-supplied income data on HUD form 50058 and maintained in the Public Housing Information Center (PIC) databases;
- Wage information from the State Wage Information Collection Agencies (SWICA);
- Social Security and Supplemental Security Income from the Social Security Administration; and
- Income sources claimed by tenant in HA records.

The information is only to be used to verify a tenant's eligibility for participation in HUD's rental assistance program and to determine the level of assistance the tenant is entitled to receive. Data obtained through EIV system will be verified by a third-party only when the EIV data indicates a substantial income discrepancy and the tenant disputes the EIV information. In these cases, the HA must request written third party verification [24 CFR 5.236(3)(I)]. The HA will verify the effective dates of new and terminated income sources. The HA may not take any adverse action based solely on EIV data. Once the HA has verified and validated the income discrepancy, the HA will calculate the tenant retroactive rent due, if any, and initiate a repayment agreement and/or other corrective action.

Valid Income Discrepancies are those where the tenant failed to disclose an income source and/or under reported the amount of income that was effective as of the interview date of a mandatory re-examination of income; and/or the tenant failed to report a change of increase in an income source and/or income amount as required by the HA's interim re-examination policies.

Invalid income discrepancies are those discrepancies that are not a result of tenant error. These discrepancies may occur as a result of HA error, and/or incorrect EIV data. When HA error is the reason for the discrepancy the HA will reimburse the tenant or landlord the amount in error.

(ii) Security Personnel

The Executive Director has appointed a Security Officer to supervise and enforce the security procedures. The Security Officer's responsibilities include keeping records, logs and monitoring EIV security issues. The Security Officer reads and disseminates training materials, and trains the appropriate departmental staff concerning the handling of files containing EIV data. These materials will be disseminated prior to working with the EIV data initially as well as yearly thereafter.

Access to EIV data is limited to persons whose duties or responsibilities require access. The level of access will also be limited to the functional areas of specific users as required. Any staff member who may need access or may need to have their status revoked will be reported to the Security Officer. If there is any unauthorized use of the system, the Security Officer will notify the Executive Director immediately and secure documentation of any security violation. The

Executive Director or his designee shall notify the HUD Field Office PIH Director of any unauthorized use of the system.

(iii) Enterprise Income Verification Files

Information from Enterprise Income Verification websites will be downloaded only with a signed HUD Form 9886 Release Waiver, signed by each Household member 18 years of age or older, on file. The data pertaining to only one family will be maintained in a file. This data will be maintained in the same confidential manner as all tenant data.

Participating Family files are kept in file cabinets in an office with a door that locks. The external entrance doors to all sites are secured. During normal operating hours, a staff member greets all visitors in the office. The general public does not have access to the room where confidential data are maintained. Visitors are always escorted by HA staff in all areas that may contain confidential data.

(iv) Enterprise Income Verification Computer Files

Computerized data is handled in the following manner:

1. Data downloaded from the Enterprise Income Verification system will not be saved to a hard drive.
2. If the information is saved to a local drive (recordable disc), then it must be kept separately from all HA data.
3. Any disk must be marked "Confidential."
4. Specific computers in locked areas will be used to access EIV data.
5. When possible, one printer in each office will be designated to print EIV data.
6. Printouts of EIV data will be collected from the printer immediately.

(v) Destruction of Enterprise Income Verification Data

The EIV data is kept in the Tenant file for at least seven (7) years. EIV data will be shredded upon completion of seven years unless it is within an initial lease packet, which requires it to be kept until the tenant moves to another unit.

Any miscellaneous or duplicate copies printed that must be destroyed prior to the three year period will also be shredded.

(vi) *EIV File Documentation*

If the family does not dispute EIV employer data, and has acceptable supporting documentation, acceptable file documentation consists of:

- The EIV income details report
- Copy of tenant-provided third party verification (i.e. pay stubs)

If the family disputes the EIV employer data and has no acceptable supporting documentation, file documentation includes:

- The EIV income details report
- Written third-party verification form

b. Upfront Income Verification (UIV) using non-HUD systems

In addition to the EIV System the PHA may use other up-front income verification sources to verify participant income. UIV meets the regulatory requirement for third-party verification.

c. Third-Party Written (may be provided by the family)

Written third-party verification is an original document generated by a third-party source, dated within 60 days prior to the reexamination or HA request date.

The Housing Authority requires that documents be original and authentic. They may be supplied by the family or received from a third-party source.

Examples of acceptable third-party documents provided by the family include:

- ☐ pay stubs
- ☐ payroll summary reports
- ☐ employer notice or letters of hire or termination
- ☐ SSA benefit verification letters

- ☐ bank statements
- ☐ child support payment stubs
- ☐ welfare benefit letters or printouts
- ☐ unemployment monetary benefit notice
- ☐ Veterans Administration letters
- ☐ Retirement Benefit Letters
- ☐ Investment Company Statement
- ☐ City or County Court orders
- ☐ Life Insurance Company Statement
- ☐ Investment Group Statement

The HA reserves the right to reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible.

Information verified on the internet is considered by the HA to be written third-party verification if the HA is able to view and print web-based information from a reputable source on the computer screen.

d. Third-Party Form

A written third-party verification form is a standardized form which will be used to collect information from a third-party source when:

1. There is no UIV information available and the participant has no written third-party documentation to support their reported income, or
2. There is an unreported source of income or a substantial difference in reported income (\$2400 annually or more) and there are no UIV or third-party documents provided by the family to support the income discrepancy.

Third-party written verifications must be received directly from the third parties. The family will be required to sign an authorization for release of information to allow the third parties to release the requested information. Verifications received from the third party electronically via computer e-mail, by fax machine, via an on-line database system, or directly from the source, are considered by the HA to be written third-party verifications

e. Oral Third-Party Verification

If a PHA has requested a written third-party verification form and has not received a response within a reasonable period of time, or if written third-party verification is not possible, the PHA will attempt oral third-party verification

When a third-party oral verification is used, HA staff to note in the file:

- ☐ name of the person contacted
- ☐ date of the conversation, and the facts provided.

The HA will not delay the processing of an application beyond ten days because a third party information provider does not return the verification in a timely manner.

f. Tenant Declaration

If it is not possible to contact the third party by telephone due to either the agency's documented policy of not releasing information over the telephone, or unavailability of the third party, the HA will note the file and proceed to the next ranking verification source, Self-Certification. The HA will not delay the processing of an application beyond ten working days because a third-party information provider does not return the verification in a timely manner.

A notarized family certification will be accepted when no other form of verification is available. With this method of verification, an applicant or participant submits an affidavit or notarized statement to certify income or expenses that she or he has reported. A notarized self-certification means a family signed and dated affidavit/certification/statement under penalty of perjury in the presence of a notary public.

The family may be required to certify that they do not receive a particular benefit or type of income.

13.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought.

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
General Eligibility Items		
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Signed certification and U.S Passport, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from Pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Value of and Income from Assets		

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
Savings, checking accounts	Letter from institution	Passbook, most current statements
CDS, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth
Income		
Earned income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider,	Bank deposits, other similar evidence

Prior to being admitted, all citizens and nationals will be required to sign a declaration under penalty of perjury. Family members who claim U.S. citizenship or national status will be required to provide documentation to evidence such status such as a birth certificate, United States Passport or other appropriate document.

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

For eligible noncitizens under age 62, the HHA will require documentation as required by HUD. Further, the HHA will also initiate a primary verification of the immigration status through the USCIS Verification Information System (VIS). If the USCIS system does not verify eligible immigration status, the PHA will request secondary verification within 10 days of receiving the results of the primary verification. By forwarding copies of the original USCIS documents required for the declared immigration status, attached to the USCIS document verification request form G-845S.

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

Non-citizen students on student visas, though in the country legally, are not eligible to be admitted to public housing.

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

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

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

13.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

A. Documentation

Social security numbers must be provided and verified for every applicant and resident household member including foster children foster adults and live in

aides unless there is an exception as noted herein. Verification is performed by the HHA through HUD's automated systems. The regulations also provide penalties for failure to disclose or document social security numbers.

Exemptions are only as follows:

1. Members that are listed as non-contending family members in relation to eligible immigration status.
2. Current residents who had not previously disclosed a social security number, and who were at least 62 years old on January 31, 2010. The exemption applies at all future reexaminations, and continues if the individual transfers to a new unit or receives another form of housing assistance.

The applicant or resident family may provide any of the following as evidence of Social Security Number:

1. An original social security card issued by the Social Security Administration.
2. Documentation issued by the Social Security Administration that contains the name and SSN of the individual (e.g., a benefit award letter, Medicare card, or printout)
3. An original document showing the individual's name and social security number, issued by a Federal, State or local government agency. This could include welfare agency documents, military papers, unemployment insurance documents, or any other government-issued documentation.

The HHA may reject documents which appear to be forged, or appear to be altered, mutilated, or are not legible.

If the HHA rejects the family's documentation, the HHA will explain why the documents are not acceptable and will then request acceptable documentation within a specified time frame.

B. Timing for Documentation

1. Applicant families

For applicant families, the social security number for each household member (except noncontending persons) must be disclosed and documented when program eligibility is being determined. The family may not be admitted to the program until this requirement has been met subject to the allowance for an admittance if the family is otherwise eligible and provision of extensions as noted below.

If the applicant family contains a household member that is under the age of 6 which has been added to the household within the past six months and has not been assigned a social security number, the applicant shall be provided with a 90 day extension to disclose and verify the child's SSN. The HHA will allow an additional 90 days if it determines that failure to comply was outside the control of the family, or was due to unforeseen circumstances. The HHA must include the child as part of the household during this period and must provide the family with any related benefits such as allowances and deductions.

2. Resident families

If the new household member is at least six years old, or is under 6 and already has a social security number, the SSN must be disclosed and documented at the time of the request, or during processing of the interim reexamination to add the new member. The new member cannot be added to the household until this requirement is met.

If the new household member is under the age of 6 and has not been assigned a social security number, the resident must disclose and verify the child's SSN within 90 days of the child's addition to the household. The PHA must allow an additional 90 days if it determines that failure to comply was outside the control of the resident, or was due to unforeseen circumstances. The PHA must include the child as part of the household

during this period and must provide the family with any related benefits such as allowances and deductions.

13.5 TIMING OF VERIFICATION

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

When an interim reexamination is conducted, the Housing Authority will only verify and update those elements reported to have changed.

13.6 FREQUENCY OF OBTAINING VERIFICATION

For each family member, citizenship/eligible non-citizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible non-citizen status will be obtained and verified in the manner stated previously.

For each family member verification of Social Security number will be obtained only once. This verification will be accomplished in the manner stated previously herein.

Income will be verified annually with the exceptions noted below:

a. Streamlined annual reexamination for fixed sources of income (24 CFR §§960.257)

The HHA has adopted to conduct a streamlined income determination for any family member with a fixed source of income. Non-fixed sources of income remain subject to third-party verification. Further, upon request of the family, the PHA must perform third-party verification of all income sources. This provision pertains only to the verification of sources of income and the HHA will continue to conduct third-party verification of deductions.

The term “fixed-income” includes income from Social Security payments, to include Supplemental Security Income (SSI) and Supplemental Security

Disability Insurance (SSDI); Federal, State, local, and private pension plans; and the periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic payments.

The streamlined reexamination determination will be made by applying a verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount. The COLA or current interest rate applicable to each source of fixed income will be obtained either from a public source or from tenant-provided, third-party generated documentation. In the absence of such verification for any source of fixed income, third-party verification of income amounts must be obtained.

This provision is available for tenants only and not applicants. In the initial year in which a streamlined income determination is made, the COLA must be applied to a source of income that has been verified previously.

In the initial year of employing a streamlined income determination, the HHA will determine whether a source of income is fixed by comparing the amount of income from the source to the amount generated during the prior year. If the amount is the same or if it has changed only as a result of a COLA or due to interest generated on a principal amount that remained otherwise constant, then the source is fixed. The HHA may also make such a determination by requiring a family to identify as to which source(s) of income are fixed. The HHA will document in the tenant file how it made the determination that a source of income is fixed.

For the second income determination involving a family member whose income was adjusted previously using a streamlined income determination, the adjustment is made to the previously determined income amount.

Third-party verification of fixed income amounts for all family members will be performed at least every three years. If a family member with a fixed-income source is added to the family, the HHA may elect to obtain third-party verification of all income amounts for all family members at the next reexamination if the HHA elects to have all family members with fixed incomes on the same schedule with respect to streamlined annual reexaminations.

b. Family declaration of assets under \$5,000 (24 CFR §960.259)

The HHA must obtain third-party verification of all family assets upon admitting a family to the HCV or public housing program and then again at least every 3 years thereafter.

During the intervening annual reexaminations the HHA will accept a family's declaration that it has total net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration. If a family submits such a declaration, then the HHA will not request supporting documentation to verify the assets or the amount of income expected to be received from those assets. The family's declaration of total assets will show each asset and the amount of income expected from that asset. For this provision to apply the total amount of income expected from all assets must be less than or equal to \$5,000.

The HHA will have all family members 18 years of age and older sign the family's declaration of total assets.

Whenever a family member is added, the HHA will obtain third-party verification of that family member's assets. At the next annual reexamination of income following the addition of that family member, the HHA will obtain third-party verification of all family assets if the addition of that family member's assets puts the family above the \$5,000 asset threshold. If the addition of that family member's assets does not put the family above the \$5,000 asset threshold, then the HHA will not obtain third-party verification of all family assets at the next annual reexamination of income following the addition of the family member.

14.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

14.1 FAMILY CHOICE

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

- A. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would otherwise undergo.
- B. Families who opt for the flat rent may request to have a reexamination and return to the income-based method at any time for any of the following reasons:
 - 1. The family's income has decreased.
 - 2. The family's circumstances have changed increasing their expenses for child care, medical care, etc.
 - 3. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.
- C. Families have only one choice per year except for financial hardship cases. In order for families to make informed choices about their rent options, the HHA will provide them with the following information at annual lease renewal:
 - 1. The Hudson Housing Authority's policies on switching types of rent in case of a financial hardship; and
 - 2. The dollar amount of tenant rent for the family under each option.

14.2 THE INCOME METHOD

The total tenant payment is equal to the highest of:

- A. 10% of the family's monthly income;
- B. 30% of the family's adjusted monthly income; or
- C. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by

applying a percentage, the amount calculated under this provision is the amount resulting from one application of the percentage; or

- D. The minimum rent of \$0.00.

14.3 MINIMUM RENT

The Hudson Housing Authority has set the minimum rent at \$0.00. Therefore, the exception language below is inserted in the event a higher rent minimum rent is approved at later date.

If the family requests a hardship exemption, however, the Hudson Housing Authority will suspend the minimum rent beginning the month following the family's request until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- A. A hardship exists in the following circumstances:

1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is a non-citizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;
2. When the family would be evicted because it is unable to pay the minimum rent;
3. When the income of the family has decreased because of changed circumstances, including loss of employment; and
4. When a death has occurred in the family.

- B. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.

- C. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent

will be not be imposed for a period of 90 days from the beginning of the suspension of the minimum rent. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.

- D. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

14.4 THE FLAT RENT

The Hudson Housing Authority has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its age, condition, amenities, services, and neighborhood. The Hudson Housing Authority determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated annually and adjustments applied.

This figure is adjusted annually. No later than 90 days after HUD publishes new annual FMRs, the HHA will revise flat rents as necessary based on the rent reasonableness analysis and changes to the FMR.

The HHA will establish a flat rent for each public housing unit that is no less than 80 percent of the applicable Fair Market Rent (FMR) as determined under 24 CFR part 888, subpart A; or

HUD may permit a flat rent of no less than 80 percent of an applicable small area FMR (SAFMR) or unadjusted rent, if applicable, as determined by HUD, or any successor determination, that more accurately reflects local market conditions and is based on an applicable market area that is geographically smaller than the applicable market area than the FMR area referenced above.

If HUD has not determined an applicable SAFMR or unadjusted rent, the HHA must rely on the applicable FMR area referenced above or may apply for an exception flat rent under the regulations applicable thereto.

Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family. If the change in flat rent will require an increase in the tenant's rental payment which is greater than 35 percent, the HHA will phase in the rent increase pursuant to applicable HUD guidance.

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

There is no utility allowance for families paying a flat rent.

14.5 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE

A. Continued Assistance

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

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

B. Temporary Deferral of Termination of Assistance

For families receiving assistance on June 19, 2005, if a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible

members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three (3) years. If granted after that date, the maximum period of time for assistance under the provision is eighteen (18) months. The Hudson Housing Authority will grant each family a period of six (6) months to find suitable affordable housing. If the family cannot find suitable affordable housing, the Hudson Housing Authority will provide additional search periods up to the maximum time allowable.

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

C. Prorated Assistance

For all other families containing one or more members ineligible for assistance under the Noncitizen Rule, the family's assistance is prorated in the following manner:

Step 1. The HHA will determine the total tenant payment in accordance with 24 CFR §5.628. (Annual income includes income of all family members, including any family member who has not established eligible immigration status.)

Step 2. The family maximum rent is equal to the applicable flat rent for the unit size to be occupied by the family.

Step 3. The HHA will subtract the total tenant payment from the family maximum rent. The result is the maximum subsidy for which the family could qualify if all members were eligible ("family maximum subsidy").

Step 4. The HHA will divide the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status ("eligible family member"). The subsidy per eligible family member is the "member maximum subsidy."

Step 5. The HHA will multiply the member maximum subsidy by the number of family members who have citizenship or eligible immigration status (“eligible family members”). The product of this calculation is the “eligible subsidy.”

Step 6. The mixed family TTP is the maximum rent minus the amount of the eligible subsidy.

Step 7. The HHA will subtract any applicable utility allowance from the mixed family TTP. The result of this calculation is the mixed family tenant rent.

When the mixed family’s TTP is greater than the maximum rent, the HHA will use the TTP as the mixed family TTP.

14.6 UTILITY ALLOWANCE

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

The utility allowance will be subtracted from the family's income rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the Hudson Housing Authority. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belongs to the tenant.

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

14.7 PAYING RENT

Rent and other charges are due and payable on the first day of the month. All rents should be paid at the office, placed in the community center rent box, or by mail. Reasonable accommodations for this requirement will be made for persons with disabilities. Terms of the lease with regard to rent payments will be enforced.

15.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE

15.1 GENERAL

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities), or (2) participate in an economic self-sufficiency program, or (3) perform eight hours per month of combined activities as previously described unless they are exempt from this requirement.

15.2 EXEMPTIONS

The following adult family members of tenant families are exempt from this requirement:

- A. Family members who are 62 or older.
- B. Family members who are blind or disabled as defined under 216(I)(1) or 1614 of the Social Security Act (42 U.S.C. 416(I)(1) and who certifies that because of this disability she or he is unable to comply with the community service requirements.
- C. Family members who are the primary care giver for someone who is blind or disabled as set forth in Paragraph B above.
- D. Family members engaged in work activity 20 hours or more a week.
- E. Family members who are exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program.

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

15.3 NOTIFICATION OF THE REQUIREMENT

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

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

The notification will advise families that their community service obligation. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

All families must sign a certification, Attachment A of Notice PIH 2009-48, to indicate that they have received and read the policy and understand that if they are not exempt, failure to comply with the requirement will result in nonrenewal of their lease.

15.4 VOLUNTEER OPPORTUNITIES

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

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

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

15.5 THE PROCESS

On an annual basis, at the time of lease renewal, the PHA will notify the family in writing of the family members who are subject to the community service requirement and the family members who are exempt. If the family includes nonexempt individuals the notice will include a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which they may record the activities they perform and the number of hours contributed. The form will also have a place for a signature by an appropriate official, who will certify to the activities and hours completed.

15.6 NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

A. Initial Noncompliance

Violation of the service requirement is grounds for nonrenewal of the lease at the end of the twelve-month lease term.

If the tenant or another family member has violated the community service requirement, the HHA may not renew the lease upon expiration of the twelve-month term of the lease, unless the tenant and any other noncompliant family member enter into a written agreement with the HHA.

Under this agreement the tenant or noncompliant family member must agree to cure the noncompliance by completing the additional hours of community service or economic self-sufficiency needed to make up the total number of hours required, over the twelve-month term of the new lease. In addition, all other members of the family who are subject to the service requirement must be currently complying with the service requirement or must no longer be residing in the unit.

If the HHA determines that there is a family member who is required to fulfill a service requirement, but who has failed to comply with this obligation (noncompliant resident), the HHA will notify the tenant of this determination.

The notice to the tenant must briefly describe the noncompliance. The notice must state that the HHA will not renew the lease at the end of the twelve-month lease term unless the tenant, and any other noncompliant resident, enter into a written agreement with the HHA to cure the noncompliance, or the family provides written assurance satisfactory to the HHA that the tenant or other noncompliant resident no longer resides in the unit.

The notice will also state that the tenant may request a grievance hearing on the HHA's determination, in accordance with the HHA's grievance procedures, and that the tenant may exercise any available judicial remedy to seek timely redress for the HHA's nonrenewal of the lease because of the HHA's determination.

The family will have 10 business days from the date of the notice of noncompliance to enter into a written agreement to cure the noncompliance over the 12 month term of the new lease, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before the HHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them.

If the family does not request a grievance hearing, or does not take either corrective action required by the notice of noncompliance within the required 10 business day timeframe, the HHA will terminate tenancy.

B. Continued Noncompliance

If, after the 12-month cure period, the family member is still not compliant, the HHA will terminate tenancy of the entire family, according to the HHA's lease.

Notices of continued noncompliance will be sent at least 30 days prior to the end of the lease term and will also serve as the family's termination notice.

The family will have 10 business days from the date of the notice of non-compliance to provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before the HHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the noncompliant family member that previously resided with them.

If the family does not request a grievance hearing, or provide such documentation within the required 10 business day timeframe, the family's lease and tenancy will automatically terminate at the end of the current lease term without further notice.

15.7 CHANGE IN STATUS

If an exempt individual becomes nonexempt during the twelve-month lease term, it is the family's responsibility to report this change to the HHA within 10 business days.

Within 10 business days of a family reporting such a change, or the HHA determining such a change is necessary, the HHA will provide written notice of the effective date of the requirement, a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which the family member may record the activities performed and number of hours contributed.

The effective date of the community service requirement will be the first of the month following 30-day notice.

If a nonexempt person becomes exempt during the twelve-month lease term, it is the family's responsibility to report this change to the HHA within 10 business days. Any claim of exemption will be verified by the HHA.

15.8 PROHIBITION AGAINST REPLACEMENT OF AGENCY EMPLOYEES

In implementing the service requirement, the Hudson Housing Authority may not substitute community service or self-sufficiency activities performed by residents for work ordinarily performed by its employees, or replace a job at any location where residents perform activities to satisfy the service requirement.

16.0 RECERTIFICATIONS

At least annually, the Hudson Housing Authority will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family is housed in the correct unit size.

16.1 GENERAL

The Hudson Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination which will advise them of the information required for this annual process. If the family does not respond the HHA will contact the family again by letter or telephone. If the family still does not respond they will be sent a notice of private conference.

16.2 FLAT RENTS

The HHA will annually offer to a family of the choice between flat and income-based rent. The HHA 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 annual reexamination process. The opportunity to select the flat rent will only be available at this time.

The HHA will provide sufficient information for families to make an informed choice and the dollar amount of the rent under each option.

16.3 THE INCOME METHOD

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

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

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income;
- C. The welfare rent;
- D. The minimum rent.

16.4 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

The new rent will generally be effective September 1st unless extenuating circumstances apply, with thirty (30) days' notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount.

If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on September 1st.

If the family caused the delay, then any increase will be effective on September 1st and any reduction will be effective the first of the month after the rent amount is determined.

16.5 INTERIM REEXAMINATIONS

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified.

Families are required to report the following changes to the Hudson Housing Authority between regular reexaminations. If the family's rent is being determined under the income method, these changes will result in an interim reexamination. The family shall report these changes within ten (10) days of their occurrence.

- A. Any increase in income or decrease in allowable expenses between annual reexaminations.
- B. A member has been added to the family through birth or adoption or court-awarded custody.

C. A household member is leaving or has left the family unit.

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

16.6 INTERIM REEXAMINATION IN RELATION TO REQUESTED ADDITION TO THE LEASE

In order to add a household member other than through birth or adoption (including a live-in aide), the family must request that the new member be added to the lease. The HHA will approve such addition only if the individual meets all screening and eligibility criteria within this ACOP, including meeting the definition of family and the addition of such member will not result in overcrowding within the dwelling unit. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number and must verify their citizenship/eligible immigrant status. Housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family. The new family member will go through the screening process similar to the process for applicants.

The Hudson Housing Authority will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not meet the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the income method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with Section 15.8.

16.7 SPECIAL REEXAMINATIONS

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income (0 renters) or have a temporary decrease in income, the Hudson Housing Authority may schedule special reexaminations every sixty (60) days until the income stabilizes and an annual income can be determined.

16.8 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS

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

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

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the change requiring the adjustment occurred. However, this may be waived by the HHA if the HHA determines that exceptional circumstances apply such as the sickness or hospitalization of a family member, pandemic or state of emergency causing the delay in the provision of information. In such cases, the change may be made effective retroactive to the first of the month after the interim reexamination would have been completed the family provided the information in a timely manner.

16.9 OVER INCOME IN PUBLIC HOUSING RULE

For continued occupancy, after a family's income has exceeded the HUD established very low-income (VLI) level³ for the area multiplied by 2.4 for two consecutive years, the HHA will charge the family a monthly rent equal to the greater of (1) the applicable Fair Market Rent (FMR); or (2) the amount of monthly subsidy for the unit including amounts from the operating and capital fund, as determined in the manner established by HUD.

The two year time limit will begin at the first annual or interim rectification effective date (for purposes of this rule the effective date shall be the date the recertification becomes effective) where the family's income exceeds the over income limit as described above. If the effective date is retroactive because the family did not report an income increase to

³ . HUD's income limits are developed by HUD's Office of Policy Development and Research and are updated annually by HUD.

HHA in a timely manner under HHA policy the effective date shall be the retroactive effective date. The HHA will fully document in the file when the family is over income under this provision and commence tracking as required under this rule.

The HHA will notify a family of the potential changes to monthly rent after one year of the family's income exceeding the over-income limit. This notification will inform the family that their income has exceeded the over income limit for one year and that if their income continues to exceed the over income limit for the next 12 consecutive months the family will be subject to a higher rent based on HHA policy. If the family's income decreases to a level where they are below the over income limit, they are entitled to a new 2 year grace period if the income once again exceeds the applicable over income limit.

If two years after the applicable annual or interim reexamination the family's income continues to exceed the applicable over-income limit, the PHA will charge the family a rent that is equal to the greater of (1) the applicable Fair Market Rent (FMR); or (2) the amount of monthly subsidy for the unit. The HHA will notify the family in writing of their new rent amount. The new rent amount will be effective the first of the month after the month in which the family receives a 30-day notice of the amount.

17.0 UNIT TRANSFERS

17.1 OBJECTIVES OF THE TRANSFER POLICY

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- C. To facilitate a relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To eliminate vacancy loss and other expenses due to unnecessary transfers.

17.2 CATEGORIES OF TRANSFERS

Category A: Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood.

Category B: Immediate administrative transfers. These transfers are necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable modernization work to proceed.

Category C: Regular administrative transfers. These transfers are made to correct occupancy standards where the unit size is inappropriate for the size and composition of the family (i.e. overcrowded or over-housed), to allow for non-emergency but medically advisable transfers, and other transfers approved by the Hudson Housing Authority when a transfer is the only or best way of solving a serious problem.

17.3 DOCUMENTATION

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

17.4 PROCESSING TRANSFERS

Transfers on the waiting list will be sorted by the above categories and within each category by date and time.

Transfers in category A and B will be housed ahead of any other families, including those on the applicant waiting list. Transfers in category A will be housed ahead of transfers in category B.

Transfers in category C will be housed along with applicants for admission at a ratio of one transfer for every seven admissions.

Upon offer and acceptance of a unit, the family will execute all lease up documents and pay any rent and/or security deposit within two (2) days of being informed the unit is ready to rent. The family will be allowed seven (7) days to complete a transfer. The

family will be responsible for paying rent at the old unit as well as the new unit for any period of time they have possession of both. The prorated rent and other charges (key deposit and any additional security deposit owing) must be paid at the time of lease execution.

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

- A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.
- B. If the transfer is being made at the request of the Hudson Housing Authority and the family rejects two offers without good cause, the Hudson Housing Authority will take action to terminate their tenancy.

17.5 COST OF THE FAMILY'S MOVE

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

- A. When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);
- B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;
- C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or
- D. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

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

- A. When the transfer is needed in order to carry out rehabilitation activities; or
- B. When action or inaction by the Hudson Housing Authority has caused the unit

to be unsafe or inhabitable.

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

17.6 TENANTS IN GOOD STANDING

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

17.7 TRANSFER REQUESTS

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

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

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

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

17.8 RIGHT OF THE HUDSON HOUSING AUTHORITY IN TRANSFER POLICY

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

17.9 TRANSERS UNDER THE VIOLENCE AGAINST WOMEN ACT

As required by HUD the HHA has adopted an Emergency Transfer Plan to allow tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The Emergency Transfer Plan under VAWA was adopted by the HHA and is incorporated herein by reference. VAWA transfers will be considered Emergency Transfers (Category A) and will be housed before non-emergency transfers, where applicable, and before families on the applicant waiting list. Any transfer provisions not covered within the ETP will be governed by this ACOP language unless inconsistent with VAWA regulations or otherwise prohibited by law.

18.0 INSPECTIONS

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

18.1 MOVE-IN INSPECTIONS

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

18.2 ANNUAL INSPECTIONS

The Hudson Housing Authority will inspect each public housing unit annually to ensure that each unit meets HUD's Uniform Physical Condition Standards (UPCS). Work orders will be submitted and completed to correct any deficiencies.

18.3 PREVENTATIVE MAINTENANCE INSPECTIONS

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

18.4 SPECIAL INSPECTIONS

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

18.5 HOUSEKEEPING INSPECTIONS

Generally, at the time of annual reexamination, or at other times as necessary, the Hudson Housing Authority will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

18.6 NOTICE OF INSPECTION

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections, the Hudson Housing Authority will give the tenant at least two (2) days written notice.

18.7 EMERGENCY INSPECTIONS

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

19.0 PET POLICY

19.1 EXCLUSIONS

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals are allowed in all public housing facilities with no restrictions other

than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors.

19.2 PETS IN PUBLIC HOUSING

The Hudson Housing Authority allows for pet ownership in its developments with the written pre-approval of the Housing Authority. Residents are responsible for any damage caused by their pets, including the cost of fumigating or cleaning their units. In exchange for this right, resident assumes full responsibility and liability for the pet and agrees to hold the Hudson Housing Authority harmless from any claims caused by an action or inaction of the pet.

19.3 APPROVAL

Residents must have the prior written approval of the Housing Authority before moving a pet into their unit. Residents must request approval on the Authorization for Pet Ownership Form that must be fully completed before the Housing Authority will approve the request. Residents must give the Housing Authority a picture of the pet so it can be identified if it is running loose.

19.4 TYPES AND NUMBER OF PETS

The Hudson Housing Authority will allow only common household pets. This means only domesticated animals such as a dog, cat, bird, and rodent (including a rabbit) will be allowed in units. Caged animals such as fish in aquariums or a turtle are excepted from the policy. Common household pets do not include reptiles (except turtles). If this definition conflicts with a state or local law or regulation, the state or local law or regulation shall govern.

All dogs and cats must be spayed or neutered before they become six months old. A licensed veterinarian must verify this fact.

Only one (1) pet per unit will be allowed. Existing situations may be grandfathered at the discretion of the Authority, however, pets may not exceed two.

Any animal deemed to be potentially harmful to the health or safety of others, including attack or fight trained dogs, will not be allowed.

No animal may exceed twenty (20) pounds in weight projected to full adult size.

19.5 INOCULATIONS

In order to be registered, pets must be appropriately inoculated against rabies, distemper and other conditions prescribed by state and/or local ordinances. They must comply with all other state and local public health, animal control, and anti-cruelty laws including any

licensing requirements. A certification signed by a licensed veterinarian or state or local official shall be annually filed with the Hudson Housing Authority to attest to the inoculations.

19.6 *PET DEPOSIT*

Currently there is no pet deposit required.

19.7 *FINANCIAL OBLIGATION OF RESIDENTS*

Any resident who owns or keeps a pet in their dwelling unit will be required to pay for any damages caused by the pet. Also, any pet-related insect infestation in the pet owner's unit will be the financial responsibility of the pet owner and the Hudson Housing Authority reserves the right to exterminate and charge the resident.

19.8 *NUISANCE OR THREAT TO HEALTH OR SAFETY*

The pet and its living quarters must be maintained in a manner to prevent odors and any other unsanitary conditions in the owner's unit and surrounding areas.

Repeated substantiated complaints by neighbors or Hudson Housing Authority personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance may result in the owner having to remove the pet or move him/herself.

Pets who make noise continuously and/or incessantly for a period of 10 minutes or intermittently for one half hour or more to the disturbance of any person at any time of day or night shall be considered a nuisance.

19.9 *DESIGNATION OF PET AREAS*

Pets must be kept in the owner's apartment or on a leash at all times when outside the unit (no outdoor cages may be constructed). Pets will be allowed only in designated areas on the grounds of the property if the Hudson Housing Authority designates a pet area for the particular site. Pet owners must clean up after their pets and are responsible for disposing of pet waste.

With the exception of assistive animals no pets shall be allowed in the community room, community room kitchen, laundry rooms, public bathrooms, lobby, beauty shop, hallways or office in any of our sites.

To accommodate residents who have medically certified allergic or phobic reactions to dogs, cats, or other pets, those pets may be barred from certain wings (or floors) in our development(s)/(building(s)). This shall be implemented based on demand for this service.

19.10 MISCELLANEOUS RULES

Pets may not be left unattended in a dwelling unit for over ten (10) hours. If the pet is left unattended and no arrangements have been made for its care, the HA will have the right to enter the premises and take the uncared for pet to be boarded at a local animal care facility at the total expense of the resident.

Pet bedding shall not be washed in any common laundry facilities.

Residents must take appropriate actions to protect their pets from fleas and ticks.

All dogs must wear a tag bearing the resident's name and phone number and the date of the latest rabies inoculation.

Pets cannot be kept, bred or used for any commercial purpose.

Residents owning cats shall maintain waterproof litter boxes for cat waste. Refuse from litter boxes shall not accumulate or become unsightly or unsanitary. Litter shall be disposed of in an appropriate manner.

A pet owner shall physically control or confine his/her pet during the times when Housing Authority employees, agents of the Housing Authority or others must enter the pet owner's apartment to conduct business, provide services, enforce lease terms, etc.

If a pet causes harm to any person, the pet's owner shall be required to permanently remove the pet from the Housing Authority's property within 24 hours of written notice from the Housing Authority. The pet owner may also be subject to termination of his/her dwelling lease.

A pet owner who violated any other conditions of this policy may be required to remove his/her pet from the development within 10 days of written notice from the Housing Authority. The pet owner may also be subject to termination of his/her dwelling lease.

The Housing Authority's grievance procedures shall be applicable to all individual grievances or disputes arising out of violations or alleged violations of this policy.

19.11 VISITING PETS

Pets that meet the size and type criteria outlined above may visit the projects/buildings where pets are allowed for up to two weeks without Hudson Housing Authority approval. Tenants who have visiting pets must abide by the conditions of this policy regarding health, sanitation, nuisances, and peaceful enjoyment of others. If visiting pets violate this policy or cause the tenant to violate the lease, the tenant will be required to remove the visiting pet.

19.12 REMOVAL OF PETS

The Hudson Housing Authority, or an appropriate community authority, shall require the removal of any pet from a project if the pet's conduct or condition is determined to be a nuisance or threat to the health or safety of other occupants of the project or of other persons in the community where the project is located.

In the event of illness or death of pet owner, or in the case of an emergency which would prevent the pet owner from properly caring for the pet, the Hudson Housing Authority has permission to call the emergency caregiver designated by the resident or the local Pet Law Enforcement Agency to take the pet and care for it until family or friends would claim the pet and assume responsibility for it. Any expenses incurred will be the responsibility of the pet owner.

20.0 SMOKE FREE POLICY

The HHA has adopted a Smoke Free Housing Policy to promote and enforce a smoke-free living environment for the protection of all tenants of the Hudson Housing Authority.

The current HHA Smoke Free Housing Policy was adopted on June 7, 2018 and is incorporated herein by reference.

21.0 REPAYMENT AGREEMENTS

When a resident owes the Hudson Housing Authority back charges and is unable to pay the balance by the due date, the resident may request that the Hudson Housing Authority allow them to enter into a Repayment Agreement. The Hudson Housing Authority has the sole discretion of whether to accept such an agreement. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures.

22.0 TERMINATION

22.1 TERMINATION BY TENANT

The tenant may terminate the lease at any time upon submitting a 30-day written notice. If the tenant vacates prior to the end of the thirty (30) days, they will be responsible for

rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

22.2 *TERMINATION BY THE HOUSING AUTHORITY*

The Hudson Housing Authority will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin. The Hudson Housing Authority will terminate the lease for serious or repeated violations of material lease terms. Such violations include but are not limited to the following:

- A. Nonpayment of rent or other charges;
- B. A history of late rental payments;
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a safe and sanitary manner;
- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Any criminal activity on the property or drug-related criminal activity on or off the premises. This includes but is not limited to the manufacture of methamphetamine on the premises of the Hudson Housing Authority;
- K. Non-compliance with Non-Citizen Rule requirements;

- L. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of the Housing Authority; and
- M. Breach of the smoke free housing policy;
- N. Other good cause.

The Hudson Housing Authority will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program.

22.3 PROPERTY LEFT UPON VACATING; ABANDONMENT

If Resident has been evicted by court order, any personal property of Resident and members of Resident's household which has been left in the Apartment shall be removed from the Apartment, stored, and thereafter disposed of in accordance with State law. Resident will be liable for the actual costs of storage, packing, moving, and constable costs in accordance with State law;

If Resident and all members of his/her household have vacated the Apartment after giving a termination notice or after HHA has given a termination notice and personal property of Resident and members of Resident's household has been left in the Apartment, HHA may treat this property as abandoned and dispose of it;

If it appears to the HHA that Resident and all members of his/her household have abandoned the Apartment without notice, HHA shall send notice to Resident in accordance with this lease and the grievance procedure, terminating the lease based on apparent abandonment of the Apartment. Should Resident not respond to such notice prior to the termination date, HHA may treat personal property left in the apartment as abandoned and dispose of it; Before HHA disposes of Resident's personal property, HHA shall notify Resident and the emergency contact person designated by Resident, if any, to receive such notice, by first class mail, properly addressed and stamped, to the last known address for such person(s), that:

- (1) The tenancy has been terminated and Resident has left personal property in the Apartment;

- (2) Resident or Resident's designee has fifteen (15) days from the date the notice is sent in which to remove the personal property before it is disposed of as abandoned property; and
- (3) Resident is liable for use and occupancy of the Apartment for the period of time that the property remains in the premises.

The HHA may make reasonable arrangements with Resident or Resident's designee to extend the period to remove the property for good cause shown.

23.0 SIGNATURES AND SCANNED DOCUMENTS

23.1. USE OF ELECTRONIC SIGNATURES

Generally, the HHA requires original signatures on program documents and verification forms. At the discretion of the HHA the HHA may accept electronic signatures on a document unless it is precluded by HUD.

The electronic signature can take the form of either a scan of the individual's handwritten signature, an electronically inserted image intended to substitute for a signature. This electronic signature shall have the same force and effect as if the individual had affixed her or his original signature to a paper copy of the document so signed.

If at any time, the HHA has reason to believe that the signature referenced above was not made by the individual whose signature is on the document, the HHA may request additional documentation to verify the information and or require original signatures.

The HHA may also temporarily accept an electronic signature and require an original signature be provided by a certain date when circumstances warrant. In the event that the party does not provide the original signature by the date required by the HHA, the Housing Authority may take appropriate action including termination of HAP Contract or Program Participation where applicable.

23.2. ORIGINAL DOCUMENTS

Generally, the HHA requires original program documents and verification forms⁴.

⁴ See 13.0 Verification, for the for HUD requirements with regard to verification.

At the discretion of the HHA the HHA may accept a scanned document, an electronic copy, facsimile copy, photostatic copy or picture of a document sent through a cellular phone or similar device unless it is precluded by HUD.

If at any time, the HHA has reason to believe that documents have been altered or contain fraudulent information, the HHA may request additional documentation to verify the information and or require original documents.

The HHA may also temporarily accept a scanned document, an electronic copy, facsimile copy, photostatic copy or picture of a document sent through a cellular phone or similar device and require and original document be provided by a certain date when circumstances warrant. In the event that the party does not provide the original signature by the date required by the HHA, the Housing Authority may take appropriate action including termination of HAP Contract or Program Participation where applicable.

GLOSSARY

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

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

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

Adult: A household member who is 18 years or older or who is the head of the household, or spouse, or co-head.

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

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

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

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

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

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

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

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

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

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

Ceiling Rent: Maximum rent allowed for some units in public housing projects.

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

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

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

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

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

Consent Form: Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participant to determine eligibility or level of benefits. (24 CFR 5.214)

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

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

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

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

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

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

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

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

Disabled Person: See "person with disabilities."

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

Displaced Person: A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. *[1937 Act]*

Drug-Related Criminal Activity: Drug trafficking or the illegal use, or possession for personal use, of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

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

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

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

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

Extremely low-income families: Those families whose incomes do not exceed the 30% of the median income for the area or the federal poverty level.

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

Family includes but is not limited to:

- A. A family with or without children;
- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member of a tenant family; and
- G. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. (24 CFR 5.403)

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

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

Flat Rent: A rent amount the family may choose to pay in lieu of having their rent determined under the income method. The flat rent is established by the housing authority set at the lesser of the market value for the unit or the cost to operate the unit.

Full-Time Student: A person who is attending school or vocational training on a full-time basis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Net Family Assets:

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital

investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

- B. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.
- C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. This imputed income shall be calculated using the current HUD passbook rate.
- D. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

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

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

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

Person with Disabilities: A person who:

- A. Has a disability as defined in 42 U.S.C. 423
- B. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:

1. Is expected to be of long-continued and indefinite duration;
2. Substantially impedes his or her ability to live independently; and
3. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

C. Has a developmental disability as defined in 42 U.S.C. 6001.

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

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

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

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

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

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

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

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

Remaining Member of a Tenant Family: A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b.)

Responsible Entity:

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

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

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

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

Specified Welfare Benefit Reduction:

- A. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.
- B. "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:
 - 1. at the expiration of a lifetime or other time limit on the payment of welfare benefits;

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

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

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

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

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

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

Total Tenant Payment (TTP):

- A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:
 1. Total tenant payment is the amount calculated under Section 3(a) (1) of the 1937 Act which is the higher of:
 - a. 30% of the family's monthly adjusted income;

- b. 10% of the family's monthly income; or
- c. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.

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

- 2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.
- B. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

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

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

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

Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. (24 CFR 5.603(d))

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

ACRONYMS

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

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OVER INCOME IN PUBLIC HOUSING RULE AMENDMENT

Adopted by HHA Board of Commissioners 7/13/2023

I INTRODUCTION

Families participating in the public housing program must not have incomes that exceed the over-income limit as defined in the public housing over income rule for more than 24 consecutive months. The definition and relevant procedures are set forth herein.

- 1.
2. For continued occupancy, after a family's annual income has exceeded the HUD established very low-income (VLI) level⁵ for the area multiplied by 2.4 for two consecutive years, the HHA will terminate the family's tenancy in accordance with its continued occupancy policy for over-income families.
- 3.
4. These over income over income as published by HUD annually and calculated by the HHA where applicable will be posted at the PHA's main office and are hereby incorporated into the ACOP.
- 5.

II NOTIFICATIONS

A. INITIAL NOTICE OF OVER INCOME DETERMINATION (FIRST NOTICE) 24 CFR 960.507 (C) (1)

If the HHA determines the family has exceeded the over-income limit pursuant to an income examination, the HHA will provide written notice to the family of the over-income determination no later than 30 days after the income examination. The notice will state that the family has exceeded the over-income limit and continuing to exceed the over-income limit for a total of 24 consecutive months will result in the HHA following its continued occupancy policy for over-income families as set forth herein. Specifically, at the expiration of 24

⁵ HUD's income limits are developed by HUD's Office of Policy Development and Research and are updated annually by HUD.

months the family's tenancy will be terminated in accordance with the HHA's continued occupancy policy for over-income families.

6.

The HHA will afford the family an opportunity for a hearing if the family disputes within a reasonable time of the HHA's determination that the family has exceeded the over income limit.

B. EXAMINATION AND NOTIFICATION OF 12 MONTH OVER INCOME DETERMINATION (SECOND NOTICE) 24 CFR 960.507 (C) (2)

7.

8.

The HHA will conduct an income examination 12 months after the initial over income determination described in the prior section, unless the HHA determined the family's income fell below the over-income limit since the initial over income determination. If the HHA determines the family has exceeded the over income limit for 12 consecutive months, the HHA will provide written notification of this 12-month over-income determination no later than 30 days after the income examination that led to the 12-month over-income determination.

9.

The notice will state that:

The family has exceeded the over-income limit for 12 consecutive months and continuing to exceed the over-income limit for a total of 24 consecutive months will result in the HHA following its continued occupancy policy for over-income families. Specifically, at the expiration of the 24 months the family's tenancy will be terminated in accordance with the HHA's continued occupancy policy for over-income families.

The HHA will afford the family an opportunity for a hearing if the family disputes within a reasonable time the PHA's determination that the family has exceeded the over-income limit.

10.

C. EXAMINATION AND NOTIFICATION OF 24 MONTH OVER INCOME DETERMINATION (THIRD NOTICE)

The HHA must conduct an income examination 24 months after the initial over income determination unless the HHA determined the family's income fell below the over-income limit since the second over-income determination.

If the HHA determines the family has exceeded the over income limit for 24 consecutive months, then the HHA shall provide written notification of this 24-month over income determination no later than 30 days after the income examination that led to the 24- month over-income determination. The notice will state:

- (i) That the family has exceeded the over-income limit for 24 consecutive months;
- (ii) That the HHA will terminate the family's tenancy in accordance with its continued occupancy policy for over income families.
- (iii) The notice will state the period of time before tenancy termination. It is the policy of the HHA to terminate the tenancy at the expiration of the 24 consecutive months that the family is over income and the HHA will provide 30 advance days notice of such termination.

Where applicable, the HHA will continue to charge these families the family's choice of income-based, flat rent, or prorated rent for mixed families during the period before termination is effective and these funds will be accepted for use and occupancy only.

The HHA will give appropriate notice of lease/tenancy termination (notice to vacate) in accordance with State and local laws.

The HHA will afford the family an opportunity for a hearing if the family disputes within a reasonable time the HHA's determination that the family has exceeded the over-income limit.

III. NON-PUBLIC HOUSING OVER INCOME TENANCIES

It is the policy of the HHA not to offer Non-public housing over income tenancies. Therefore, there shall be no offer of an over income public housing tenancy lease or rent thereunder nor shall there be participation on public housing activities by said families

IV. BELOW OVER INCOME DURING GRACE PERIOD

11.

12. If the family's income decreases to a level where they are below the over income limit the 24 month grace period no longer applies as the family is no longer over income. The family is then entitled to a new 24-month grace period and new over income notices as applicable if the income later exceeds the applicable over income limit again.

V. THE PUBLIC HOUSING LEASE AS IT RELATES TO THE OVER INCOME IN PUBLIC HOUSING RULE

The Public Housing Lease shall include the lease requirements set forth in 24 CFR 966.4 Specifically that a tenancy may be terminated when a family is over income for the program as provided in [24 CFR 960.507](#).

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17.0 UNIT TRANSFERS

Amendment adopted by Board of Commissioners 9/12/24

17.1 OBJECTIVES OF THE TRANSFER POLICY

The objectives of the Transfer Policy include the following:

1. A. To address emergency situations.
2. B. To facilitate a relocation when required for modernization or other management purposes.
3. C. To facilitate relocation of families with inadequate housing accommodations.
4. D. To eliminate vacancy loss and other expenses due to unnecessary transfers.

17.2 CATEGORIES OF TRANSFERS

5. Administrative Transfers.
- 6.
7. These transfers are determined necessary at the discretion of the executive director for a sound administrative reason when conditions pose an immediate threat to the life, health, or safety of a family or one of its members and necessary repairs cannot be made within a reasonable time. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood. This includes VAWA Transfers in Accordance with the HHA's VAWA Emergency Transfer Policy.
8. These transfers are also necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable modernization work to proceed.
9. Good Cause Transfers. These transfers are necessary to allow for non-emergency but medically advisable transfers, reasonable accommodation transfers and other transfers

approved by the Hudson Housing Authority when a transfer is the only or best way of solving a serious problem.

17.3 DOCUMENTATION

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

17.4 PROCESSING TRANSFERS

13.

14. Transfers on the waiting list will be sorted by the above categories and within each category by date and time.

~~15.~~ Administrative Transfers will be housed ahead of Cause Transfers, and Cause Transfers will be housed ahead of any other families, including those on the applicant waiting list.

16. Upon offer and acceptance of a unit, the family will execute all lease up documents and pay any rent and/or security deposit within two (2) days of being informed the unit is ready to rent. The family will be allowed seven (7) days to complete a transfer. The family will be responsible for paying rent at the old unit as well as the new unit for any period of time they have possession of both. The prorated rent and other charges (key deposit and any additional security deposit owing) must be paid at the time of lease execution.

17.

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

19.

20. A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.

21.

22. B. If the transfer is being made at the request of the Hudson Housing Authority and the family rejects two offers without good cause, the Hudson Housing Authority will take action to terminate their tenancy.

23.

17.5 COST OF THE FAMILY'S MOVE

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

24.

25. A. When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);
26. B. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or
27. C. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

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

- A. When the transfer is needed in order to carry out rehabilitation activities;
- 28.
29. B. When action or inaction by the Hudson Housing Authority has caused the unit to be unsafe or inhabitable; or
- 30.
31. C. Reasonable Accommodation Transfers.

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

17.6 TENANTS IN GOOD STANDING

In the absence of mitigating circumstances deemed sufficient by the HHA a transfer at the request of the family will not be approved unless the family is in good standing with the Hudson Housing Authority. This means the family must be in compliance with their lease, current in all payments to the Housing Authority, and must pass a housekeeping inspection.

17.7 TRANSFER REQUESTS

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

to schedule a meeting.

33.

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

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

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

17.8 RIGHT OF THE HUDSON HOUSING AUTHORITY IN TRANSFER POLICY

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

17.9 TRANSFERS UNDER THE VIOLENCE AGAINST WOMEN ACT

As required by HUD the HHA has adopted an Emergency Transfer Plan to allow tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The Emergency Transfer Plan under VAWA was adopted by the HHA and is incorporated herein by reference. VAWA transfers will be considered Emergency Administrative Transfers and will be housed before Cause Transfers, where applicable, and before families on the applicant waiting list. Any transfer provisions not covered within the ETP will be governed by this ACOP language unless inconsistent with VAWA regulations or otherwise prohibited by law.