

WESTERLY HOUSING AUTHORITY

**Administrative Plan and Admission and  
Continued Occupancy Policy (ACOP)**

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Revision 5, May 14, 2011

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# 1 Administrative Plan for Voucher Programs

The Westerly Housing Authority (herein, WHA) has developed a series of policies and procedures that aim to ensure that all persons working with WHA and all applicants and residents of WHA have a clear understanding of the (a) goals of the WHA, (b) requirements for admission and continued occupancy, and (c) operations policies to ensure that all housing assisted by WHA shall meet standards set forth by WHA and the Department of Housing and Urban Development.

Westerly Housing Authority, hereafter referred to as "WHA", administers the Housing Choice Voucher Programs. Administration of the Housing Choice Voucher programs shall comply with applicable Federal, State and local law, the Housing Choice Voucher regulations, handbooks, and policies promulgated by HUD, and other federal laws including the Fair Housing Act, as amended, The Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and Section 3 of the Housing and Urban Development Act of 1968, as amended.

This administrative plan is a guide to the policies and procedures to be used by WHA in (a) determining eligibility for the program, (b) administering the program's rules and guidelines, (c) determining when assistance should be terminated, and (d) ensuring that all aspects of the Housing Choice Voucher program are administered fairly to all participants. The following sections of this Administrative Plan will detail in each section how these aims are to be met.

## 1.1 Purpose of Plan

The purpose of this Administrative Plan is to establish written policies in accordance with the United States Department of Housing and Urban Development (HUD) regulations in regards to matters which are not covered under the HUD regulations, but left to local discretion, for the Housing Choice Voucher. The program was established under Section 8 of the United States Housing Act of 1937; the regulations that govern the programs are documented in 24 Code of Federal Regulations (CFR) Parts 5, 982, and other applicable regulations promulgated by the HUD.

The goal of this Administrative Plan for the Housing Choice Voucher Programs is to achieve three major objectives:

1. To provide improved living conditions for low income families while maintaining their rent payments at an affordable level;
2. To provide decent, safe, and sanitary housing for eligible program participants; and
3. To provide an incentive to private property owners to rent to lower income families by offering timely assistance payments.

## ADMINISTRATIVE PLAN AND ADMISSIONS AND CONTINUED OCCUPANCY

In addition this Plan advocates the following:

1. Protection of the rights of owners and participants in all neighborhoods
2. Protection of low income working families assisted through the Housing Choice Voucher Program from inflated rents
3. Provision to any resident of Westerly who wants access to a copy of this Plan and to explain how to file complaints
4. Ensure Housing Choice Voucher Program owners meet all financial obligations to local governments
5. Requires owners and tenants to meet requirements of federal housing regulations and this Administrative Plan

### **1.1.1 Jurisdiction of Agency**

WHA has jurisdiction throughout all of the city of Westerly, Rhode Island, no other areas, including towns, counties, or other areas are included in the jurisdiction of WHA.

### **1.1.2 Location of Office**

The WHA maintains a main office at 5 Chestnut Street, Westerly, RI, where Housing Choice Voucher applicants and program participants are served. The WHA may, at its sole discretion, relocate or close its offices in order to serve the participants of Westerly more effectively. Therefore, the office serving a client may change and the WHA will so notify the affected tenants. The WHA's offices shall be accessible to persons with disabilities.

### **1.1.3 Administrative Fee Reserve**

Federal regulations require the Board of Commissioners establish the maximum amount of Annual Contributions Contract (ACC) funds that may be charged against the administrative fee reserve without specific Board approval. However, the WHA will request Board approval to access the administrative fee reserve in the ACC for awards and contracts exceeding \$100,000 per fiscal year.

## **1.2 Reasonable Accommodation Policy**

### **1.2.1 Compliance with ADA and Section 504**

It is the WHA's policy to comply fully with all federal, state, and county antidiscrimination laws including, but not limited to, the Fair Housing Act; Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act.

No person shall, on the basis of race, color, sex, religion, national or ethnic origin, familial or marital status, sexual orientation, ancestry, age, pregnancy, source of income, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under programs operated or funded by the WHA.

To further its commitment to full compliance with applicable civil rights laws, the WHA will provide federal/state/local information to applicants for, and participants in, the Housing Choice Voucher programs regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. The WHA will display the Fair Housing poster at the Applicant Leasing Center and its contractor's offices. Upon eligibility determination, housing voucher program applicants will be provided with a written Tenant Briefing Package, which includes

copy of the Housing Discrimination Complaint form and information pertaining to procedures to be followed if the applicant believes he/she has been discriminated against during the housing search.

**1.2.2 Processing Discrimination Complaints and Reasonable Accommodations**

All applicable Fair Housing Information and Discrimination Complaint forms will be made available at the WHA's ADA Coordinator's office or by the ADA Coordinator mailing copies of information to person requesting same. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The WHA's ADA coordinator will assist any family that believes they have suffered illegal discrimination by providing copies of the federal and local housing discrimination forms and the addresses of the applicable offices. Also, the WHA's ADA coordinator will facilitate conciliation of discrimination complaints upon the request of complainants, to the greatest extent feasible.

The WHA will cooperate with HUD in conducting monitoring and compliance reviews and complaint investigations, pursuant to all applicable civil rights statutes and regulations, Executive Orders, and all civil rights related program requirements.

**1.2.3 Section 504 Grievance Procedure**

If the requesting individual with a disability is not satisfied with the WHA's response to the individual's request(s) for an auxiliary aid or service, the individual may file a formal grievance, including appropriate supporting documentation, if any, with WHA's Section 504/ADA Coordinator. The grievance may be communicated orally or in writing.

However, all oral grievances must be reduced to writing and maintained in WHA's files. In addition, WHA shall provide assistance to any individual who requests assistance in filing a grievance, including assistance in reducing the individual's grievance to writing. All grievances shall be dated and time-stamped.

- ❖ Within seventy-two (72) hours of receipt, WHA's Section 504/ADA Coordinator will respond to the individual's grievance.
- ❖ The Section 504/ADA Coordinator will provide his/her formal decision, in writing within ten (10) business days after receipt of the grievance.
- ❖ If the individual is dissatisfied with the WHA Section 504/ADA Coordinator's determination, the individual may pursue remedies under WHA's HUD-approved Grievance Procedures.

**1.3 Translation of Documents and Plan for Language Assistance (LEP)**

Executive Order 13166, "Improving Access to Services for Person with Limited English Proficiency", published on August 16, 2000, at 65 CFR 50121, requires every federal agency and its funding recipients including WHA to provide Limited English Proficiency (LEP) persons with meaningful access to the benefits, services,

information, and other important portions of its programs and activities for LEP individuals and therefore comply with Title VI regulations.

Language for Limited English Proficiency (LEP) persons can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities.

The WHA is committed to ensuring the accessibility of its programs and activities to all eligible applicants and program participants, including LEP persons. WHA staff shall ensure responsible steps are taken to provide high quality customer service and meaningful access to its programs and services to all eligible LEP persons by implementing the following activities:

- ❖ When adult family members are LEP persons, staff will request the adult member to show the Language Identification Flashcard, created by the Census Bureau, if necessary, in order for the family to identify what language they speak. The WHA will identify staff or agencies fluent in any language required under the LEP guidelines, as well as American Sign Language to assist LEP applicants or tenants. For other languages, an interpreter will be contacted to assist staff in serving the family.
- ❖ The primary language of all applicants and tenants will be identified in computer and tenant files to ensure appropriate resources are identified to provide assistance to LEP families, where applicable, with their appointments and interviews.
- ❖ When the number of families speaking a non-English language exceeds five percent (5%) or 1,000 persons, whichever is less, of the number of persons eligible to be served or likely to be affected or encountered, the WHA will translate vital documents into this language. Vital is defined as those documents addressing safety, participant rights, participant obligations, and communication regarding the loss of housing (i.e., eviction or program termination).
- ❖ When the number of families speaking a non-English language exceeds 5% or 1,000, whichever is less, of the number of persons eligible to be served or likely to be affected or encountered, the WHA will actively recruit staff that speak, read and write this language.
- ❖ The WHA will post signs in public places in languages known to be spoken by LEP applicants and participants to inform them help is available in their own language.
- ❖ The WHA will provide training to new and current staff at employee orientation and annually regarding their role in assisting LEP families and to disseminate current information about resources available for LEP families and how to access these resources

#### **1.4 Waitlist Management**

Applications for admissions to the Housing Voucher program are processed for all applicants who successfully complete an application and submit it in accordance with the steps outlined in this section. Applications will only be accepted when the waiting list is open; the steps for opening and closing the waiting list are detailed below. WHA's



process of evaluating applicants for its voucher program is designed to ensure that all applicants are provided with an open and fair process to determine their eligibility; the following processes and steps are designed to ensure that this process remains transparent for all participants.

**1.4.1 Opening and Closing the Waiting List**

**1.4.1.1 Timing**

1. WHA shall elect to dissolve the waiting list approximately every five (5) years. Once the waiting list is dissolved, re-application is necessary during the open registration period in order to be added to the new waiting list.
2. One lottery is conducted for the tenant-based waiting list and another lottery is conducted for the project-based waiting list. Ranking for each list is done through a computerized application and is verified by a neutral third party.
3. WHA may open the waiting list prior to the five (5) years if there are insufficient applicants for a particular bedroom size, type (e.g., general occupancy, elderly designated buildings, accessible or non-accessible), or for one or more of the local preferences.
4. The opening and closing of registration periods will be advertised in the media, as described in the section describing steps for Affirmative Fair Marketing (see below), for the purpose of reaching all segments of the community and providing advance notice.
5. The waiting list will be opened when the list of applicants falls below 10% of the Annual Cash Contribution (ACC).

**1.4.1.2 Open Registration at Designated Locations**

1. People interested in applying for the programs offered by WHA may do so during open registration periods described herein.
2. Applications will be available on-line at designated locations. Media advertisement and marketing providing notice of the opening of the waiting list will be conducted. The designated locations will be accessible to people with disabilities and will be part of the notice.

**1.4.1.3 Submission of Applications**

1. The waiting list registration period shall remain open for at least five (5) days.
2. In the event that WHA decides to accept applications in person at designated locations, WHA will make reasonable accommodations for applicants with disabilities.
3. Only one application is allowed per family. Duplicate applications will be disregarded. Applications will be screened for duplicity to ensure that the applicant or any other adult family member listed in the application has not submitted another application.
4. If an applicant is determined ineligible, the applicant is entitled to an informal review; which will be performed by WHA Hearing Officer.

**1.4.2 Affirmative Fair Housing Marketing Plan**

WHA's marketing plan ensures inclusion on its waiting list of all people without regard to race, national origin, color, sex, religion, age, disability, familial and marital status, ancestry, sexual orientation, or source of income.

The opening of the waiting list will be advertised in the *Westerly Sun* for one week. The opening and closing dates of any open waiting list period will be advertised one week in advance.

#### **1.4.3 Outreach to Very-Low Income Families**

Efforts will be taken to ensure outreach to the City of Westerly's eligible population providing information of all opportunities to apply for program assistance. In order to reach the widest eligible population, the agency may use special outreach in any of the following methods

1. Notice to churches, synagogues, and other places of worship
2. Notice to government offices including but not limited to libraries, State of Rhode Island Department of Children and Families, or other agencies designed to assist the low income community;
3. Notice to agencies that assist the elderly or disabled;
4. Any other methods deemed appropriate to increase the scope of outreach for eligible applicants.

#### **1.4.4 Marketing Materials**

Marketing and informational materials will:

1. Comply with Fair Housing Act requirements on wording, logo, etc.;
2. Describe the application process, waiting list and preference structure accurately;
3. Use clear and easy to understand terms, and upon request WHA will distribute in more than English-language print media;
4. Contact agencies that serve potentially qualified applicants least likely to apply (e.g. the disabled) to ensure that accessible/504/ADA-adaptable units are offered to applicants who need their features;
5. Make clear who is eligible: low income individuals and families; working and non-working people; and people with both physical and mental disabilities; and
6. Be clear about WHA's responsibility to provide reasonable accommodations to people with disabilities.

#### **1.5 Waitlist Placement and Lottery Process**

WHA has one waiting list for Tenant-based programs, which includes the Housing Voucher program. Applications are given placement on the waitlist in accordance with a computer-generated lottery number.

##### **1.5.1 Lottery Process**

WHA utilizes a lottery process for the Section 8 and Public Housing programs, this lottery process establishes a random hierarchy to persons applying for housing and/or assistance during a finite period of time when applications are to be received. Applications received when the waitlist is open to new applications will be randomly sorted by a computer program that will assign placement for each applicant. Once the random order has been assigned, WHA will apply preferences to persons applying for housing or assistance, the details of available preferences are outlined below.

##### **1.5.2 Waitlist Preference**

WHA has established several preferences that will dictate placement on the waitlist for applicants in addition to their lottery number. Each applicant will be placed on the waitlist in accordance with the date/time placement and then preferences shall

be applied to move applicants ahead of other eligible families if they can conclusively verify their eligibility for the following preferences. These preferences shall be ranked in the order listed below; a family who is eligible for multiple preferences shall be ranked solely on the preference highest in the order listed below.

**1.5.2.1 Local Area Preference**

Families who are local area residents (no P.O. Boxes will be accepted without a specific street address in Westerly) shall be given preference for admissions to the program. The following are the definitions of the local area preference:

1. City of Westerly Resident – if an applicant can show that they have been a resident of Westerly, RI they will be eligible for this preference. Proof of residency can include a) proof of ownership of real estate, b) a lease executed for a Westerly address of more than six months prior to the date of application, c) Utility bills from the address from six months or more, d) Signed and dated letter from official source of City of Westerly, including but not limited to, police officials, school officials, building officials. Other forms of verification will be considered but are subject to review and approval by WHA staff.

**1.5.2.2 Working Family and/or Disabled Household Preference**

Households whose head of household and spouse or sole member is age 62 or older, or is considered disabled and/or handicapped according to HUD definitions and verified per HUD standards; and/or who have at least one member who has been working no less than 20 hours per week for at least nine of the twelve months prior to the date of the application shall be eligible for this preference. This preference defines a “working family” as any family with at least one working adult member; if there are other members of the family who are adults and not currently employed, the family will still be eligible for this preference.

**1.5.3 Movement on the Waiting List**

Each applicant moves up the waiting list in sequence, based upon:

1. A computer generated lottery system that determines the applicant's ranking on each waiting list by program.
2. Local preference.
3. Working Family and/or Disabled Household Preference
4. Type and size of unit required.

When an applicant reaches the top of the list for the voucher program, the applicant's information will be verified, including any local preference request, so that the applicant may be certified eligible to receive benefits. Applicants failing to provide verification of local preference will not be eligible for said preference and will be restored to the general waiting list. Applicants determined ineligible for local preference will be promptly notified of their change in status.

Applicants determined ineligible will be promptly notified of their ineligibility and the reason for the determination, and shall be provided an opportunity for an informal review if requested within thirty (30) days of the notice.

#### 1.5.4 Awarding Vouchers to Eligible Applicants

- a) To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, age, national origin, disability, ancestry, marital status, familial status, sex orientation or source of income, the following procedures will be used to make unit offers.
  - i. The unit will be given to the first eligible applicant who responds with an acceptance, based on the date and time the acceptance response is received. If the applicant does not accept one (1) of the offers or does not respond to the offers within five (5) business days, he/she will be removed from the waiting list.
  - ii. If an applicant accepts one (1) of the units offered during the offer period, but the unit was assigned to another applicant based on the date and time of the acceptance response, he or she will receive additional offers.
- b) Subject to the process described above, any applicant who refuses an offer shall be removed from the Project-Based programs except if the applicant demonstrates good cause for rejecting the offer.
- c) If during the first year of his/her lease, an applicant who has accepted a tenant-based subsidy and subsequently receives an offer for project-based assistance, or an applicant who has accepted project-based assistance and subsequently receives an offer for tenant-based assistance, must comply with the term of his/her lease. They may arrange a mutually agreed upon termination of the lease with the owner, provided that during the period in which the applicant is fulfilling the term of the existing lease, the applicant shall retain his or her position on the waiting list for the other type of housing program.

#### 1.5.5 Processing Applications for Admissions

1. All applicants are responsible for updating WHA regarding changes of address and other contact information. If an applicant does not respond to notices of scheduled appointments or WHA correspondence requiring information, the applicant's name will be removed from the waiting list. If removed from the waiting list, applicants will have a right to request an informal review.
2. Applications are nontransferable, except under the following conditions:
  - a. If the head of household deceases prior to or during the application process, one of the remaining adult family members on the application will automatically become the head of Household provided such person meets all eligibility requirements. In circumstances where there is more than one (1) surviving adult family member, the family shall determine which surviving family member should be head of household as long as they are part of the original application. WHA shall not make the determination nor create more than one (1) application.
  - b. If the head of household is deceased and the remaining family members are minors, the person granted legal custody of such children will become the head of household and is entitled to the original application

and ranking number, provided such person meets all eligibility requirements.

- c. Only one application is allowed per family. Therefore, if a family divides, WHA will consider the following circumstances in determining which family member shall assume the application:
  - i. The desires of the family; e.g. the family's request for who shall become the "new" head of household;
  - ii. The interest of minor children, or disabled or elderly family members;
  - iii. Any instance of actual or threatened physical violence against a family member by another family member;
  - iv. Which family members were part of the original application for assistance; or
  - v. If a court determines property disposition between the family members, WHA will abide the court's determination.

**1.5.6 Deconcentration. The Town of Westerly Housing Authority in an attempt to properly mix families in neighborhoods will not allow any more than 20% of the HCV families within a ½ mile radius.**

**1.6 Qualifying for Admissions**

Placement on the waiting list does not indicate that the applicant is eligible for admission. A final determination of eligibility will be made when the applicant is selected for interview from the waiting list. It is WHA's policy to admit into its housing programs only qualified applicants.

**1.6.1 Reporting Requirements**

- i. Legal Capacity - The head of household of the family must be eighteen (18) years of age or older at the time of application, or have been emancipated by a court of competent jurisdiction, otherwise the family will be removed from the waiting list. The head of household must have the capacity under state and local law to enter into a legally binding lease agreement, where the tenant is bound by the terms of the lease.
- ii. An applicant is qualified if he/she meets all of the following criteria:
  1. Is a family (see Definitions)
  2. Meets HUD requirements on citizenship or immigration status as described below;
  3. Is within HUD's established income limits for new applicants or continually assisted tenants
  4. Provides documentation of Social Security numbers for all family members, except for those individuals who do not contend that they have eligible immigration status

**1.6.2 Student Status Requirements**

A full or part-time student at an institution of higher education is not eligible for the program if they also meet the following criteria:

- i. is under the age of 24;
- ii. is not a veteran of the U.S. military;
- iii. is unmarried;
- iv. has no dependent children;

- v. is not a person with a disability; and
- vi. Is not otherwise eligible, or has parents who, individually or jointly, are not income eligible for the program.

### 1.6.3 Citizenship Requirements

In order to determine the family's eligibility for full assistance or prorated assistance, WHA is required to determine the citizenship and/or immigration status of each individual family member, unless they do not contend that they have eligible immigration status. To be eligible to receive housing assistance at least one family member must be either a citizen, a national of the United States, or have eligible immigration status. A "mixed family" includes ineligible noncitizens and may be eligible for prorated assistance. Details of the requirements are described below:

1. There are four categories of citizenship/immigration status:
  - a. Eligible citizen
  - b. Eligible noncitizen
  - c. Ineligible noncitizen
  - d. Pending verification
2. The Declaration of Citizenship or Eligible Immigration Status form must be signed by all family members (or by parent or guardian if family member is a minor) and must submit proof as follows:
  - a. Acceptable documentation of eligible citizenship status is one of the following documents:
    - b. U.S. Passport (unexpired)
    - c. U.S. Birth Certificate
    - d. Certificate of Citizenship
    - e. Naturalization Certificate
    - f. Voter's Registration
3. A noncitizen must have permanent residence, refugee or asylum status to be eligible for assistance. Acceptable document of eligible immigration status for noncitizens is one of the following documents:
  - a. Permanent residents: Permanent Resident Card (Form I-551), also known as the "Green Card."
4. Asylees: Asylum Approval Notice and Employment Authorization Document (EAD), or Arrival-Departure Record (Form I-94), along with government-issued ID card with photo.
5. Refugees: Refugee Approval Notice and Employment Authorization Document (EAD).
6. Non-citizens sixty-two (62) years of age and older receiving assistance under a covered program on September 30, 1996 or applying for assistance after that date: Signed declaration of eligible immigration status and proof of age.
7. All Documents must be current and unexpired.
8. Declaration of Ineligible Immigration Status: An individual may contend not to have eligible immigration status. The family must identify in writing which family member does not contend to have eligible immigration status. A single member household without

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- eligible citizenship or immigration status is not eligible for assistance and may not be admitted into the program.
9. As long as one family member is either a citizen or eligible noncitizen, the family may qualify as a "mixed family" and the housing assistance must be prorated based on the family members who are either citizens or eligible immigrants, which means they will pay a higher rent than they would if all family members were either citizens or eligible (24 CFR 5.508).
  10. A mixed family is composed of both eligible and ineligible members. A mixed family may be qualified for continued assistance if it meets all of the following conditions:
    - a. The family was receiving assistance under a Section 214 covered program on June 19, 1995, which is when the Noncitizens rule became effective.
    - b. The head of household, spouse, or co-head has eligible immigration status (24 CFR 5.506).
    - c. The family does not include any person without eligible immigration status other than the head of household, spouse, co-head, and parents or children of the head, spouse, or co-head. A family granted continued assistance before November 29, 1996 is entitled to receive non-prorated assistance. A family granted assistance after November 29, 1996 must receive prorated assistance (24 CFR 5.518(a) (2)).
    - d. Documentation proving citizenship or eligible immigration status must be provided to WHA within ten (10) business days. WHA may extend the submission period, which shall not exceed thirty (30) days. The family members coded as eligible noncitizens are required to submit evidence of changes in eligible immigration status while being continuously assisted under the program. WHA or its authorized subcontractor shall verify with INS through primary, and if necessary, secondary verifications of documentary evidence submitted by the family to determine the eligibility of each family member. The INS SAVE system provides access to names, file numbers and admission numbers of noncitizens.
  11. Pending Verification of immigration status: When the primary verification (via SAVE) and secondary verification (manual verification request to Department of Homeland Security (DHS) of any immigration documents that were timely submitted has not been completed. Also, when an appeal by the individual with DHS is pending.
  12. Once the applicant or participant has submitted the documents of eligibility; WHA may not deny, delay or terminate assistance solely on the basis that the primary or secondary verification of the immigration documents has not been completed.
  13. In circumstances where INS has not verified eligibility, the family will be provided with a written notice that shall include:

- a. That the family has a right to request an appeal to INS of the results of the verification of immigration status;
- b. That the family has the right to request an informal hearing with WHA upon completion of the INS appeal;
- c. That housing assistance may not be denied or terminated until the conclusion of the INS or WHA appeal process; and
- d. Notification of the type of assistance for which the family may be eligible (continued assistance, temporary deferral of assistance or pro-ration of assistance).

**1.6.4 Social Security Number Disclosure**

- i. Effective January 31, 2010, all members of the household, except those that do not contend they have eligible immigration status, must provide appropriate documentation of his or her Social Security Number (SSN) before the household is admitted into the program. Each program participant whose initial determination of eligibility began before January 31, 2010, except for those 62 years or older as of January 31, 2010, must submit their SSN at the next interim or regularly scheduled reexamination if the participant has (24 CFR 5.216 & 5.218):
  - a. Not previously disclosed a SSN to the agency; or
  - b. Previously disclosed an SSN that HUD or Social Security Administration (SSA) determined was invalid; or
  - c. Been issued a new SSN.
- ii. Disclosure requirement for assistance applicants: At the time applicant's eligibility is determined, each applicant must submit: 1) the complete and accurate SSN assigned of the applicant and each member of the applicant's household, including the live-in aide and children; unless the member of the household does not contend that they have eligible immigration status, and 2) required documentation to verify each SSN as referred in paragraph (c) below.
- iii. Initial Disclosure: Each participant whose initial determination of eligibility began before January 31, 2010, except for those age 62 or older as of January 31, 2010, must submit a complete and accurate SSN and documentation to verify the SSN at the next interim or regularly scheduled reexamination if the participant has:
  - ❖ Not previously disclosed a SSN to WHA; or
  - ❖ Previously disclosed an SSN that HUD or SSA determined was invalid; or
  - ❖ Been issued a new SSN.
- iii. Subsequent Disclosure:--When an additional household member is added to the household, including a new born or live-in aide, a complete and accurate SSN for each new member must be provided and verification provided at the time of the request or at the time of processing the interim reexamination or recertification of family composition that includes the new member, unless the member of the household does not contend that they have eligible immigration status. If the additional household member has no SSN, a SSN must be applied



- for and documentation submitted at the time of the request to add the child to the household
- ❖ Verification of SSNs --Applicants and participants must submit one of the following documents to confirm their SSN:
    - ❖ A valid SSN card issued by SSA, or
    - ❖ An original document from a federal or state government agency that contains the individual's name and SSN, along with identifying information of the individual (i.e. address, date of birth, etc.)
    - ❖ Referral sources for applicants and participants who need to request SSN card or obtain information: cards is available at [www.socialsecurity.gov](http://www.socialsecurity.gov) or 800- 772-1213.
- iv. Time frame to submit documents to confirm the SSN
- ❖ Applicants: If at the time of eligibility, the documents to verify the SSN for each family member cannot be submitted and the applicant is otherwise eligible, the applicant may retain his or her place on the waiting list for the program, but cannot become a program participant until the required documents to confirm the SSN is provided. Applicants may be given up to 60 days, or 120 days for applicants 62 years or older, to submit documents confirming each household member's SSN.
  - ❖ Program Participants: Next annual or interim reexamination or within 90 days of request date, or 120 days for participants 62 years or older
  - ❖ Additional Time - WHA may grant additional time up to 90 days, only if there are unforeseen circumstances beyond the family's control that prevent the family from complying with the SSN requirements.
- v. Penalties for failing to disclose and verify SSN
1. Applicants: WHA must deny the eligibility of an assistance applicant if the assistance applicant does not meet the applicable SSN disclosure, documentation and verification requirements by the time eligibility is determined or within the period of time established by WHA to provide documentation
  2. Program participants: WHA must terminate the assistance or the tenancy, or both, of a participant if the participant does not meet the applicable SSN disclosure, documentation and verification requirements.
- vi. Individuals who do not contend eligible immigration status
1. A single member household without citizenship or immigration status is not eligible for assistance and shall not be admitted into the program.
  2. A family otherwise eligible for assistance, including household member(s) not contending eligible immigration status (other than the head of household) may be admitted into the program provided prorated assistance. An alternative identification number will be requested to HUD for the family member not contending eligible immigration status.

### 1.6.5 Income Eligibility

All applicants will be required to report any and all household income at the time of application and at admissions (information will have to be re-verified if the application is more than 120 days at admissions).

- ❖ Household income includes current and projected wages, pension income, Temporary Aide for Needy Families (TANF), Child Support, Cash Contributions, as well as any other form of income that is received by the family in the form of contribution other than directly in the form of groceries. Failure to disclose all income sources may be considered fraud.
- ❖ Households will also be required to report any and all asset holdings, and any income derived from the assets shall be considered income, holdings of assets in excess of \$5000.00 shall be imputed with an established passbook rate to determine the income from asset.
- ❖ All households must meet HUD's income limits at admissions, subsequent increase in income, so long as they are not due to fraudulent reporting of income from the resident, shall not deem the resident ineligible. Resident income eligibility is only determined at admissions, and as long as the information provided by the resident is correct, the resident shall be income eligible for housing thereafter. HUD's income limits at admissions at established at the Low Income Limit, which is 80% of the Area Median Income for the Westerly area, as updated annually by HUD.

#### 1.6.5.1 Ability to Pay Rent

All applicants will be reviewed to determine if their household income provides them with an ability to pay their rent and other household expenses. At admissions, all applicants will have a consumer credit report issued and the overall household debt will be used to determine if the household's debt to income ratio will prevent the household from making payments to the landlord and public utility companies.

The ability to pay rent to the landlord, as well as other common expenses such as utilities (electric, gas, oil, etc) and common household bills (telephone, internet, cable, clothing, etc) is integral to a household's success in the Housing Choice Voucher program. Therefore, the following areas will be reviewed for all applicants:

- ❖ Consumer Credit Report
- ❖ Ability to pay landlord's required Security Deposit at admissions
- ❖ History of late or delinquent payments to landlords and utility companies

The following guidelines will be used to determine if the above verified items are within the acceptable guidelines for WHA:

- ❖ Consumer Credit Report
  - Applicants with a history of chronic late payments to any vendor shall be deemed to have an insufficient ability to pay rent
  - Applicants with a history of accounts that were closed by the creditor within the last 3 years shall be deemed to have an insufficient ability to pay rent
- ❖ Ability to Pay the landlord's Security Deposit at Move In
  - Applicants who cannot demonstrate the ability to pay the landlord's security deposit with their established recurring income shall be deemed

establishing that a head of household has authorization to include a minor in the family composition.

2. Addition of minors may also be permitted for families in which one (1) or more children live with the designee of the parent or legal custodian, with the parent or custodian's written consent. Documentation can include but is not limited to court documents, pre-need guardian, school records, other state and federal public assistance documentation, or power of attorney.
3. Immediate relatives (sons, daughters, brothers, sisters, parents, grandparents and grandchildren), may be added for humanitarian and extraordinary reasons, including reasonable accommodation for a family member on a case-by-case basis and approved by the division director or designee.

#### **1.7.2 Addition of a Live-In Aide**

1. WHA will consider approval of a written request for a live-in aide as a reasonable accommodation upon written verification by a knowledgeable professional that the elderly, near elderly or disabled person requires the services of a live-in aide.
2. The live-in aide is a household member not a family member. The income of the live-in aide is not considered towards the calculation of the family's annual income.
3. The live-in aide may live in the unit solely to care for the disabled family member and qualifies for occupancy as long as the individual requires the supportive services
4. A relative may be considered as a live-in aide, but must meet all the above criteria and be qualified to provide the care for the family member. The head of household and the live-in aide shall acknowledge that the live-in aide does not have any right to the voucher.
5. Under extraordinary circumstances, upon approval of the WHA, relatives satisfying the definition of a live-in aide wanting to have remaining family status may be added to the family composition as a family member and not as a live-in aide. In such case, the relative's income will be considered in the family's annual income.
6. An eligible live-in aide must meet the admission criteria described in this section. This includes proof of citizenship or eligible immigration status and mandatory social security number. Criminal and sex offender background checks of the proposed live-in aide shall be completed prior to his/her approval. WHA has the right to deny the request for a live-in aide that does not meet the criteria described herewith.

#### **1.7.3 Removal of Persons from Family Composition**

##### **1.7.3.1 Applicants**

1. Any adult family member including the head of household requesting to be removed from the family composition must provide a notarized statement agreeing to the removal. WHA, at its discretion, may request additional documentation to verify the permanent relocation of the family member requesting removal.

2. If the adult family member is unable to provide the notarized statement agreeing to removal from the lease, the head of household must provide a written statement explaining the reason why the family member is unable to provide the statement and provide supporting documentation, if available (e.g. death certificate, jail order).

#### **1.7.3.2 Residents (Continuous Assistance)**

1. Any adult family member, including the head of household, requesting to be removed from the family composition, must provide a notarized statement agreeing to the removal, signed by the adult family member and the head of household. The notarized statement must be accompanied by two (2) pieces of supporting documentation showing that the family member is no longer residing in the subsidized unit. Supporting documentation to prove another residency may include, but is not limited to, a copy of the dwelling lease agreement and official mail properly dated and showing the new address. WHA, at its discretion, may request additional documentation to verify the permanent relocation of the family member requesting removal.
2. If the adult family member is unable to provide the notarized statement agreeing to removal from the household, the head of household must provide a written statement explaining the reason why the family member is unable to provide the statement and provide supporting documentation, if available (e.g. death certificate, jail order).

#### **1.8 Denial of Assistance**

After reviewing the information provided by applicants for admission to the Housing Choice Voucher program, WHA may deny assistance to applicants based upon one or more of the following areas of review:

- ❖ Eviction or Termination from Federally Assisted Housing
- ❖ WHA shall deny assistance if any household member has been evicted from subsidized or unsubsidized housing, or if a public housing agency (PHA) has ever terminated assistance.
- ❖ Monies Owed – Assistance will be denied in the following circumstances unless the family can provide proof of debt cancellation or reversal of the adverse termination within ten (10) days of notice.
  - If the applicant or any member of the applicant family currently owes rent or other amounts to WHA or any other housing agency in connection with Section 8 or public housing assistance under the 1937 Act, or any applicant who previously lived in public housing or an assisted unit and vacated leaving an unpaid balance, will not be offered assistance until the outstanding balance is paid in full.
  - If the applicant or any member of the applicant family has not reimbursed any housing authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
  - If the applicant or any member of the applicant family breaches an agreement with any housing agency to pay amounts owed to the housing agency, or amounts paid to an owner by the housing agency.

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- ❖ Abusive Behavior – If the applicant or any member of the applicant family has engaged in or threatened abusive or violent behavior toward WHA personnel within five (5) years of eligibility determination. Applicants being denied housing for abusive behavior must be reviewed and approved by the director of Applicant Leasing Center.
- ❖ Credit History – Each applicant will have a consumer credit report run at the time of admissions. Applicants with any of the following will be considered ineligible, as these elements on their credit report will be considered as a hindrance to the applicant's ability to pay rent and utilities:
  - Debt to Income Ratio: if the household's debt to income ratio exceeds 50% of the household wages, then the household will be considered to be ineligible.
  - Household Utilities: if the household has a history of non-payment with utility companies, such as Electric, Gas, Propane, Oil, Water, Sewer, etc, then the applicant will not be eligible for assistance.
  - Household Credit History: If the credit report reveals any instances of revolving or other credit that were defaulted on in the last three years, then the household will be considered to be ineligible.
- ❖ Ability to Pay Rent – Any household who is deemed to not have appropriate ability to pay rent, as described in Section 1.7.5.1 above, shall be deemed to be ineligible.
- ❖ Medical Marijuana Users – Based on federal law, all program participants are prohibited from any form of medical marijuana use.
- ❖ Criminal Activity
  - WHA may deny admission when the screening process shows a pattern or prior history of engaging in drug or criminal activities, and history of inability to comply with the terms of previous leases, as verified by previous landlords or other entities.
  - Where the family has no pattern of repeated engagement in criminal activity or arrest and the disposition of the offense is dropped, nolle prosequere, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, the family shall not be denied assistance for that criminal activity, except in cases specified below as permanent denial.
  - WHA must notify the household of the proposed rejection, the reason for the denial of admission, and provide an opportunity to dispute the accuracy and relevance of the record. If the denial is because of criminal background, WHA must provide the household member with copy of the criminal records, upon request. Criminal records for minors available to WHA by operation of law will be released to the head of household, parent or legal guardian of the minor, upon request.
  - WHA may propose to deny assistance in the following instances whether the person had been arrested or convicted.
    - Ten (10) years from date of arrest for criminal activities under the One Strike Policy:
    - Drug-related, including but not limited to, eviction or termination from federally assisted housing.

- Violent criminal activities shall include any criminal activity that has as one (1) of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, non-trivial bodily injury or property damage with the exception of violent criminal activity noted under paragraph (3)(c) below.
  - Non-violent criminal activities that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents. Examples are crimes that involve disturbing the peace, crimes against the property such as burglary, larceny and robbery, and crimes that impose a financial cost such as vandalism, bribery and fraud, including fraud in connection with federally assisted housing.
  - Alcohol abuse or pattern of abuse, if WHA has reasonable cause to believe that the person's abuse or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
  - In determining denial of assistance related to drug or alcohol abuse, WHA must take into consideration: Evidence of drug or alcohol rehabilitation, as indicated under mitigating circumstances below, and if the drug or alcohol abuse is related to a disability, as determined by WHA's ADA Coordinator.
  - Five (5) Years for Other Non-criminal Activities
  - Inability to comply with the lease terms (e.g., record of disturbance of neighbors, destruction of property, living and housekeeping habits) that may adversely affect the health, safety or welfare of other tenants or cause damage to the unit or property.
- ❖ Rental History:
- WHA will require that all applicants provide at least 5 years of rental history from prior landlords. WHA will verify directly with the landlord (or other verifier) about the history of the applicant as a tenant with the landlord. WHA will verify:
    - Applicant's history of rental payments
    - Applicant's history of maintaining the dwelling unit
    - Applicant's history of behavior with other tenants and in the community (if known)
  - WHA will not consider negatively applicants who:
    - Have never rented an apartment or other dwelling unit
    - Have owned housing in the past 5-10 years and therefore have no rental history
    - Have lived with family (or other similar) members and have no history of leased housing
- ❖ Permanently Ineligible for Housing:
- Methamphetamine manufacturers on premises of federally assisted housing.
  - Sex offenders subject to a lifetime registration under a state sex offender registration program.

- o Violent-related, including but not limited to murder, arson, aggravated battery and sex-related crimes not subject to lifetime registration under a state sex offender registration program.
- o In searching for sex offenders, the WHA will perform background checks in the state of Rhode Island and nationwide, if necessary, as found in the Rhode Island Department of Law Enforcement website.

**1.8.1 Applicants Claiming Mitigating Circumstances**

If negative information is received about an applicant, the WHA shall consider the time, nature, and extent of the applicant's conduct and factors that might indicate a reasonable probability of favorable future conduct. To be considered, mitigating circumstances must be verifiable.

Mitigating circumstances are facts relating to the applicant's criminal history, that, when verified, indicate:

- 1) the reason for the unsuitable criminal history or behavior; and
- 2) the reason for the unsuitable criminal history or behavior is no longer in effect or is under control, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.

If the applicant asserts that mitigating circumstances relate to a disability, medical condition or treatment, the WHA shall evaluate the evidence and verify the mitigating circumstance. The WHA shall also have the right to request further information to verify the mitigating circumstance. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation which will be used by the WHA as the source document to process reasonable accommodation requests for persons with disabilities.

In its decision to deny assistance, the WHA may consider the seriousness of the case, and the effect of denial of assistance on other family members who were not involved in the action or failure to act. The WHA, if it admits such a family to the program, may impose as a condition of assistance, the requirement that family members who participated in or were culpable for the action or failure to act will not reside in the assisted unit, upon approval of the WHA or hearing officer.

Ineligibility of applicants due to an ongoing open criminal case is not appealable and an informal hearing will not be scheduled until final disposition (closure of the case), unless the household member with the criminal case is removed from the application.

The factors below will be taken into consideration, as well as any pattern of repeated engagement in criminal activity. These factors are not the only allowable mitigating circumstances. The WHA will consider other mitigating circumstances as deemed appropriate. Providing documentation of mitigating circumstances as described below is the responsibility of the family; it is incumbent upon the family

to provide documentation, evidence and any and all other third party proof at any time, including but not limited, to the investigation interviews, appointments with the WHA staff, at the time of the informal review or within the time limit set by the hearing officer to provide substantiating information challenging the recommendation to deny assistance.

**1.8.1.1 Request to Remove Member with One-Strike Violation**

If an applicant family notifies the WHA and advises of any criminal activity that is in violation of the One Strike Policy of a family member, or if the WHA determines a violation of the One Strike Policy or other criminal activity as described within this Administrative Plan, through the Criminal Justice Information System or any other source, including but not limited to, referrals from law enforcement agencies, the U.S. or State Attorney's Offices, HUD, then the applicant may request removal of the offending family member permanently from the family composition and the family member may not remain on the application nor reside in the Housing Choice Voucher unit in order for the family to be assisted in the program.

If the offending family member(s) is not removed, then the entire family shall be recommended for denial of assistance from the Program. In circumstances where the offending family member is the head of household, the entire family shall be recommended for denial of assistance from the Program.

**1.8.1.2 Prior Criminal History**

In cases of multiple prior charges of one or more family members where the disposition of the cases was dropped, nolle prosequere, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, the WHA may take both the family and individual family member's history and/or outcome into consideration at arriving at a final determination whether to deny assistance.

**1.8.1.3 Violation of Peaceful Enjoyment**

Prior to the WHA's decision to recommend denial of assistance for criminal activity that threatens the health, safety or right of peaceful enjoyment of the premises by other participants, the WHA may consider all circumstances relevant to a particular case, such as the seriousness of the offending action, the extent of participation by the head of household or household member(s) in the offending activity and the extent to which the head of household or household member(s) has shown personal responsibility to prevent or mitigate the offending action. Upon determination by the hearing officer or the WHA may require an applicant to exclude a household member in order to receive housing assistance, where that household member has participated in or been culpable for the action or failure to act that warrants denial of assistance.



#### **1.8.1.4 Non-Violent Charges Involving Firearms**

Charges limited to the specific crime of illegal possession or unlawful display of firearm shall not constitute a violation of the One Strike Policy.

#### **1.8.1.5 Substance Abuse Rehabilitation**

Upon determination by the hearing officer, or the WHA, , whether to recommend denial of assistance for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, may consider whether such household member was remanded by the court and is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, the WHA shall require the applicant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

#### **1.8.1.6 Domestic Violence**

- A. Provided the applicant has no pattern of repeated engagement in criminal activity, in circumstances of domestic violence, sexual assault/battery, dating violence or stalking, where an individual certifies on form HUD-50066 as may be amended or can provide evidence in lieu of, or in addition to, that they have been a victim of domestic violence, these may be considered as mitigating factors on their behalf by the hearing officer or the WHA. Such certification and /or documents must be provided by the applicant at the informal review or upon request by the hearing officer subsequent to the hearing for consideration of continued assistance. In addition, if mandated by the court, the individual must show successful completion of any court-mandated diversion program and bring proof of same.
- B. Violence Against Women and Justice Department Reauthorization Act  
The Violence against Women and Justice Department Reauthorization Act (VAWA) of 2005 affords protection for victims of domestic violence, dating violence, or stalking, which is defined below. The WHA shall afford applicants that are otherwise eligible who are victims of domestic violence, dating violence, or stalking, who provide certification or documentation, as described in this section herein, in its decision to exercise discretion and approve admission to the Housing Choice Voucher Program.

The WHA will request an applicant to certify that he/she is a victim of domestic violence, sexual assault, dating violence, or stalking and that the incidence(s) of threatened or actual abuse are bona-fide in determining whether the protections afforded to such individuals are applicable under VAWA. The family must complete and submit form HUD form 50066, Certification of Domestic Violence, Dating Violence, or Stalking, or information in lieu of, or addition to, this certification within 14 business days of receiving

the written request for this certification. The certification or alternate documentation must be returned to the WHA. If the family has not provided the requested certification or documentation by the 14th business day or any extension as authorized by the WHA, none of the protections afforded by VAWA apply for consideration of admittance into the program.

All information provided by the applicant or his/her representative will be retained in a confidential manner. Documents that may be submitted in lieu of HUD form 50066, or in addition to the certification form, are: a police or court record, or documentation signed by an authorized employee, agent, or volunteer of a victim service provider, such as the City of Westerly Rape Treatment Center, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of such abuse, in which the professional must attest to the certainty that the incident(s) in question are bona fide incident(s) of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation.

#### **1.8.1.7 Other examples of mitigating circumstances**

- ❖ Circumstances leading to the eviction or criminal activity no longer exist;
- ❖ Evidence of the applicant family's participation in social service or other appropriate counseling service; or
- ❖ Evidence of successful and sustained modification of previous disqualifying behavior.
- ❖ Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. The WHA will consider such circumstances in light of:
  - The applicant's ability to provide documentation to verify the mitigating circumstances and prospects for improved future behavior;
  - The applicant's overall performance with respect to all the screening requirements; and
  - The nature and seriousness of the criminal activity, especially drug related and criminal activity that appears in the applicant's record.

### **1.9 Issuing Housing Vouchers**

#### **1.9.1 Issuing and Briefing**

- ❖ Upon selection to participate in the Housing Choice Voucher Program, the family will be scheduled for an appointment with the WHA. No applicant from the waiting list shall be certified without a file containing a hard (paper) copy of the original application. At the appointment, the family must verify the information on their application, receive a briefing (verbal and written) about the program, their rights, and obligations, and provide documentation as required by federal regulation. Should the family comply with the above-referenced steps, they shall be issued a voucher. The briefing shall include the following topics:
  - How the program works;

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- Family and Owner responsibilities;
- Where the family may lease a unit, including outside the Agency's jurisdiction;
- Portability procedures, if applicable; and
- Advantages of moving to a neighborhood that does not have a high concentration of low-income participants.
- The family will receive a packet of information at their briefing or initial certification appointment that will include at least the following:
  - The term of the voucher and the policy on extensions or suspensions of the term,
  - How the Housing Assistance Payment (HAP) is determined including the payment standard for a unit and total tenant payment,
  - How the Agency determines the maximum rent for an assisted unit,
  - The maximum amount the family may pay when moving to a new unit (40% rule of adjusted monthly income, if applicable),
  - What the family should consider in leasing a unit including the condition of the unit, the reasonableness of the rent, the cost of tenant paid utilities, whether the unit is energy efficient, and the location of the unit,
  - Where a family may lease a unit, including portability to another jurisdiction, HUD-required lease addendum,
  - The Request for Tenancy Approval form (HUD-52517) and an explanation of how to request the Agency's approval to lease a unit,
  - A statement of the WHA's policy on providing information about a family to prospective owners,
  - The WHA subsidy standards, including when exceptions may be granted,
  - HUD brochure on how to select a unit,
  - Information on federal, state and local equal opportunity laws, and a copy of the housing discrimination complaint form,
  - A list of landlords or others known to the WHA, who may be willing to lease a unit to the family or assist the family in locating a unit,
  - If the family includes a person with disabilities, or if the family informs the WHA that one of its members is a person with disabilities, The WHA will provide a current listing of available accessible units known to the WHA, and if necessary, otherwise assist the family in locating an available accessible dwelling unit.

- Family obligations under the program, including the requirement that family members be U.S. citizens or eligible non-citizens,
- The grounds on which the WHA may terminate assistance because of family action or failure to act,
- The WHA's informal hearing procedures, including when the WHA is required to give the opportunity for a hearing and how to request a hearing.
- The WHA may include other items as determined necessary and will use available forms or HUD forms.

#### **1.9.2 Type of Assistance**

The WHA shall determine whether the family shall be issued a Housing Choice Voucher based on availability of the tenant-based assistance.

#### **1.9.3 Term of Voucher**

The Housing Choice Voucher is valid for a period of sixty (60) days from the date of issuance. Prior to the expiration date, the family may contact the WHA to request assistance in locating suitable housing. The family must submit a completed Request for Tenancy Approval (RFTA) package within the sixty (60) day period unless an extension (as described in section 4.4) has been granted by the WHA.

#### **1.9.4 Extensions of Term**

A family may request a maximum of two (2) thirty (30) day extension(s) to the initial sixty (60) day term of an issued voucher for a total voucher term of 120 days. All requests for extensions should be received at least one week prior to the expiration date of the voucher and must be made to the Admissions and Intake department. Requests may be made in person or by telephone. If an extension is granted by telephone, a copy of the voucher will be mailed to the voucher holder indicating the extended expiration date. Extensions are permissible at the discretion of the WHA primarily for the following reasons:

- ❖ Extenuating circumstances such as hospitalization of a family member or a family emergency over an extended period of time that has affected the family's ability to find a unit within the initial sixty (60) day term.
- ❖ As a reasonable accommodation for a family member with disabilities or for a family member with disabilities to find an accessible unit.
- ❖ Written notice of extensions will be given to the family. Hearings or informal reviews are not allowed and shall not be given for denial of extensions.

#### **1.9.5 Suspensions**

Suspensions of the term of the voucher can only be granted when family submits a RFTA. The WHA can only stop the clock on the term of the voucher from the time family submits a RFTA for approval of tenancy until the time when the WHA approves or denies the request. Additional extension beyond suspension time can only be given by the Director or his/her designee, and will only be considered under the following conditions:

- ❖ If the delay is due to the WHA administrative reasons and not due to the applicant's delay;

- ❖ The applicant has shown due diligence in locating an appropriate unit during the voucher term; and
- ❖ Denial of the suspension of term would constitute an undue hardship on the family.

### **1.10 Informal Hearing and Review Procedures**

#### **1.10.1 Participant Hearings**

Informal hearings will be allowed regarding the application of WHA policies in this Administrative Plan to a particular participant. Such hearings will not be a means to challenge a policy as a whole. Thus should a program participant consider a WHA action, such as being terminated from the Housing Choice Voucher program, detrimental to their interest, the participant may request an informal hearing to contest the action, not the policy which resulted in the action.

Hearings are afforded to Housing Choice Voucher participants in accordance with the Code of Federal Regulations (24 CFR § 982.555 and as included in this Administrative Plan. (The process described in the WHA's Reasonable Accommodation Policies and Procedures will be followed for participants denied reasonable accommodation requests. Further, WHA'S policy describes the process that must be followed if the hearing officer becomes aware that the reason for the termination of assistance or other adverse action occurred because of the participant's disability.

Hearings are not afforded to families appealing decisions on:

- HQS violations; except when the family is terminated due to breach of HQS as caused by the family
- Determination of family unit size under WHA's subsidy standards;
- The WHA determination not to approve an extension or suspension of a voucher term;
- The WHA determination not to approve a unit for lease under Housing Choice Voucher;
- Discretionary administrative determinations by the WHA;
- General policy issues or class grievances;
- Establishment of WHA's utility allowance schedule.
- The WHA's determination to exercise or not to exercise any right or remedy against an owner under a HAP Contract.

If the WHA proposes to terminate assistance on the basis of a criminal record, the WHA will advise the head of household in the recommendation of denial letter with the (1) name of the affected family member and description of the charge; that (2) the family member with the criminal record and the head of household may request a copy of the criminal record either before or at the informal review and (3) he/she will be provided an opportunity to dispute the accuracy and relevance of that record.

1. Requesting a hearing and pre-hearing procedures:

A hearing may be requested by written request to the Hearing Office at the address indicated on the adverse action notice. The hearing must be requested within ten (10) calendar days of the notice date. Failure of the participant to respond within the required time waives the right to a hearing.

When feasible, the WHA will schedule the hearing within thirty (30) calendar days of the participant's request. The hearing will be scheduled at the first available hearing date. The participant and any other interested parties will be notified of the date and time for the hearing by mail from the WHA.

A program participant shall not be adversely affected by the scheduling of a hearing beyond the thirty (30) calendar days. Payment shall continue to the owner so long as the family remains in the unit and a hearing has been scheduled.

Before the hearing, the tenant has the right to review any WHA documents, including but not limited to the tenant's file, that are directly related to the informal hearing. If the tenant requests to review or make copies of documents, he/she must do so no later than three (3) days prior to the informal hearing. In the event the WHA fails to make the documents available for examination upon request of the tenant or the tenant's representative, the WHA is prohibited from relying on the document(s) at the hearing. Participants may be charged for copying costs.

## 2. Hearing Procedures

The hearing must be presided over by a hearing officer unassociated with the day-to-day operations of the program.

The hearing officer's decision will be based solely on the testimony of witnesses, written documentation in the tenant's file, and any other evidence presented at the hearing. The tenant must attend the hearing at the time scheduled as notified by the WHA. The owner may attend. The tenant may be represented by legal counsel or another person chosen as a representative.

The party that fails to appear for a hearing will relinquish all further hearings or appeals of the adverse action.

A hearing may be held via telephone conference call in situations where a health condition or portability to another housing agency's jurisdiction prevents either party (tenant or owner) from attending the hearing in person. Hearings held by telephone conferences are not allowed simply for the convenience of the tenant or owner. Any other reasons shall be at the discretion of the hearing office supervisor.

The decision of the hearing officer shall be forwarded in writing to the participant and other interested parties within thirty (30) calendar days of the hearing. The decision of the hearing officer shall be final, except on the occasion when the WHA Director or his/her designee may review, overturn or modify the decision of a hearing officer upon showing of the following:

- a) The hearing decision concerns a matter for which WHA is not required to provide an opportunity for an informal hearing under 24 C.F.R. § 982 or that otherwise exceeds the authority of the person conducting the hearing under WHA's hearing procedures.
- b) The hearing decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, state or the Code of City of Westeryly or other local laws.

If WHA determines that it is not bound by a hearing decision, WHA shall promptly notify the family of the determination, and of the reasons for the determination. The hearing officer's decision shall not abridge any other rights the participants have under law.

#### **1.10.2 Applicant reviews**

Applicants denied program participation or removed from the waiting list shall be entitled to a review conducted by the WHA in accordance with (24 CFR § 982.554). Applicants will be notified of such determination in writing, generally at the time of their initial certification appointment. Applicants who have not completed application forms as instructed in the Housing Application Instructions will not be processed and their name will not be placed on the waiting list. Applicants in this situation will not be offered an informal review.

The process described in the WHA's Reasonable Accommodation Policies and Procedures will be followed for applicants denied reasonable accommodation requests. Further this document describes the process that must be followed by the hearing officer if he/she becomes aware during the informal review that an applicant's ineligibility determination occurred because of the applicant's disability.

It is an applicant's responsibility to inform the WHA staff when there is a change in address.

#### **a) Processing Removals**

An applicant or who is determined ineligible for program benefits shall be notified in writing that his/her name will be removed from the waiting list unless he/she requests an informal review by contacting the WHA within thirty (30) days of the notice. The applicant whose mail is returned by the post office will be automatically withdrawn from the waiting list.

Applicants who have been removed from the waiting list for failing to respond to notices calling him/her for processing may, within one year of

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being removed from the waiting list, request an informal review seeking reinstatement to his/her original place on the waiting list.

If the WHA proposes to deny admission on the basis of a criminal record, the WHA will advise the head of household in the recommendation of denial letter with the (1) name of the affected family member and description of the charge; that (2) the family member with the criminal record and the head of household may request a copy of the criminal record either before or at the informal review and (3) he/she will be provided an opportunity to dispute the accuracy and relevance of that record.

Before the review, the applicant has the right to review any the WHA documents, including but not limited to the applicant's file, that are directly related to the informal review. If the applicant requests to review or make copies of documents, he/she must do so no later than three (3) days prior to the informal review. Applicants may be charged for copying costs.

### b) Requesting a review

Applicants may request a review in writing to the address or fax number indicated on the adverse action letter. The request shall be made within thirty (30) days from the date of the notice. The WHA, at its discretion, may schedule an informal review at the applicant's request, beyond the thirty (30) days, on a case-by-case basis. The WHA will schedule the review for the next available hearing date and forward written notification to the applicant.

### c) Review Procedures

The review will be conducted by a designated WHA supervisor. When feasible, the reviewer's decision will be made in writing within thirty (30) calendar days of the review. The decision of the reviewer shall be final. The reviewer's decision, however, shall not abridge any other rights the applicants have under law.

## 1.11 Occupancy Policies

### 1.11.1 Subsidy Standards

#### 1.11.1.1 Determination of Voucher Size

The subsidy standard, which is used to determine the voucher bedroom size assigned to a family, is based on the following criteria:

- ❖ At the initial certification, annual recertification or during authorization for a change of dwelling, the WHA shall, to the greatest extent possible, and within the subsidy standards, allow the family the flexibility of bedroom size to best accommodate family members based on age and gender, subject to funding availability. For subsidy standards, an adult is a person eighteen (18) years or older.
- ❖ Two (2) persons per bedroom will be the standard for the smallest unit a family may consider. The subsidy standard must be applied consistently for all families of like size and composition. The following principles govern the size of



the unit for which a family will qualify. Generally, two (2) people are expected to share each bedroom, except that the subsidy standards will be applied so that:

Exceptions to the largest subsidy standards may be made in case of reasonable accommodations for a person with disabilities.

1. Two (2) persons of the opposite sex or different generations will not be required to share a bedroom, although they may do so upon written request from the family.
2. Children under six (6) will be required to share a bedroom regardless of gender.
3. A family that consists of a pregnant woman (with no other members) shall be treated as a two (2) family member.
4. The WHA will count a child in the subsidy standard who is temporarily away from the home because the child has been placed in foster care, kinship care, or is away at school.
5. A live-in aide may be assigned a bedroom. Single elderly and disabled tenants with live-in aides in their family compositions will have the live-in aide considered in the subsidy standards.
6. Due to current market conditions, the WHA will issue a one-bedroom voucher to a single person.

#### **1.11.2 Actual Unit Size Selected**

The family may select their choice in unit size other than that listed on the assigned voucher so long as the family is not under-housed. Four factors to consider are:

1. The WHA shall apply the payment standard for the smaller of: 1) the bedroom size shown on the voucher, or 2) the size of the actual unit selected by the family;
2. The utility allowance used to calculate the gross rent shall be based on the actual size unit selected by the family regardless of the size authorized on the voucher; and
3. Under Housing Quality Standards (HQS) two persons per living/sleeping room are allowed thus the above levels may be exceeded if a room is used as a living/sleeping area as indicated under the HQS column on the above chart.
4. Selection of a unit larger than for which the family is certified may result in an affordability issue.

#### **1.11.3 Changes in Family Composition**

The voucher size issued to a family is determined by comparing the family composition to the WHA subsidy standard before the briefing with the family. The family may request a change in the voucher size due to the addition to family composition by birth, adoption, or otherwise granted custody to the family by operation of law, which may include foster children. Except for natural births to, or adoptions by, family members, or court awarded custody or other operation of law, any family seeking to add a new member must request approval in writing and receive approval in writing before the new member is added to the family composition as described below. For purposes of this Section, the use of the term

"by operation of law" shall include but not be limited to pre-need guardianships and durable powers of attorney.

All other additions to applicant families after an application is submitted shall be considered only on a case-by-case basis by the director overseeing WHA's Applicant Leasing Center or his/her designee, and must be documented at the times such changes occur. Additions may be made for humanitarian reasons, including reasonable accommodation for family member.

**1.11.3.1 Addition of Adult Family Member**

Upon approval of the WHA, a participant family may add an additional adult family member to the family composition, other than by operation of law, under all the following circumstances:

1. The adult can be an immediate family member (sons, daughters, brothers, sisters, parents, grandparents, and grandchildren) of an existing household member;
2. Such member must be eligible for participation in the Housing Choice Voucher program;
3. Such member's income must be considered in calculation towards rent; and
4. Addition of the family member shall be in consideration of a reasonable accommodation or for humanitarian reasons; or
5. Unrelated/unmarried partners who show proof of intention to live as a family.

Participant families must inform the WHA in writing of the requested additional adult family member prior to the adult family member being added to the family composition. Requested additions to the family requiring advance approval in writing also include spouses or a request to add a live-in aide.

Participant families must inform the WHA within 30 days of additions to the family due to birth, adoption, or otherwise granted custody to the family by operation of law or if a family member moves out. Only those persons listed on the most recent certification form and lease shall be permitted to be included in the family composition.

All other additions to participant families shall be considered only on a case-by-case basis and must be documented at the times such changes occur. Additions may be made for a reasonable accommodation or for humanitarian reasons. The addition of a family member shall not change the size of the voucher, unless approved by WHA under extenuating circumstances. Addition of family members shall be the sole discretion of the WHA.

**1.11.3.2 Screening of New Family Members**

When an applicant or tenant requests approval to add a new family member, the WHA will conduct a pre-certification screening of any proposed new adult member 18 years of age and older (excluding juvenile justice records but including a criminal background search, eviction records and prior address

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history potentially nationwide, conducted by a third party vendor) to determine whether the WHA will allow the family member to be added to the family composition prior to the WHA approval of the new family member. WHA will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses.

Minor children for whom juvenile justice records are not available or added through a formal custody award or kinship care arrangement are exempt from the pre-certification screening process, although the tenant needs prior approval from the WHA to add children other than those born to, adopted by, or awarded by the court to the family.

The WHA will consider the request for approval and require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that a head of household has authorization to include a minor. Changes to the family composition may also be allowed for families in which one or more children less than eighteen (18) years of age live with the designee of the parent or legal custodian, with parent or custodian's written consent. Documentation can include, but is not limited to, court documents, pre-need guardian, school records, other state and federal public assistance documentation, power of attorney, etc.

All persons listed on the most recent certification form and residential lease must use the dwelling unit as their sole residence. Examples of situations where the addition of a family or household member is subject to screening are:

- a. Participant plans to be married and requests to add the new spouse to the lease;
- b. Participant desires to add a new member to the lease, employ a live-in aide or take in foster child(ren) over the age for which juvenile justice records are available;
- c. One of the family members under age eighteen (18) who is not an emancipated minor, or an adult, not part of the original household, requests permission to take over as the head of the household.

Applicants or tenants who fail to notify the WHA of additions to the household or who permit persons to be added to the family composition without undergoing screening are in violation of program requirements. Persons added without WHA approval will be considered unauthorized occupants and the entire household will be recommended for termination from the Housing Choice Voucher Programs.

#### 1.11.4 Foster Children

The applicant and participant family must obtain approval for the addition of a foster child to the family before the new member occupies the unit. The family may request a change in the voucher size based on the following factors.

1. Adding to the Family

Foster children will be added to the family composition upon written request and so long as the applicant provides documentation by the appropriate agency establishing responsibility. A larger voucher unit size, if available, will only be granted to a family adding a foster child if the maximum occupancy level has been exceeded creating an overcrowded situation.

2. Temporary Placement of Family Member

A child who normally resides with the family but is temporarily away from the home because of placement in foster care, rehabilitation, treatment, or incarceration for a non-felonious crime, is considered a member of the family.

#### 1.11.5 Live-In Aide

A live-in aide is defined as a person eighteen (18) years of age or older who resides with one (1) or more elderly, near-elderly, or disabled person/s and who:

1. Is determined to be essential to the care and well-being of the person/s;
2. is not obligated for the support of the person(s); and
3. Would not be living in the unit except to provide the necessary supportive services.

The WHA will approve a written request for a live-in aide upon written verification (see Attachment C, Reasonable Accommodation Policies and Procedures, for Live-in Aide Verification form) that the elderly, near-elderly or disabled applicant's or program participant's family member requires the services of the live-in aide.

The live-in aide may live in the unit solely to care for the family member and qualifies for occupancy only for as long as the individual requires the supportive services and is living in the unit. The live-in aide must be counted in determining family unit size. The WHA shall deny occupancy of the unit to the live-in aide(s) after the tenant, for whatever reason, is no longer living in the unit.

A relative may be considered as a live-in aide but must meet all the above criteria and is qualified to provide the care for the family member. The tenant and the live-in aide shall acknowledge that the live-in aide does not have any right to the unit and does not qualify for continued occupancy as a remaining family member by signing the Live-in Aide Agreement (see Attachment C, Reasonable Accommodation Policies and Procedures, for the Live-in Aide Agreement) which shall become an addendum to the tenant's lease.

Upon approval by the WHA, under extraordinary circumstances, relatives satisfying the definition of live-in aide wanting to have remaining family status may be added to the family composition as a family member and not as a live-in

aide. In such a case, the relative's income will be considered in the family's income.

The WHA has the right to deny a person who does not meet the admission criteria described in to become a live-in aide. A criminal and sex offender background check of the proposed live-in aide shall be completed by the WHA prior to approval of the proposed live-in aide.

If the live-in aide is denied, the applicant or participant has a right to request an informal hearing.

**1.11.6 Medical Equipment**

At the sole discretion of the WHA, an applicant or program participant family may be allowed a larger voucher size to accommodate a family member who requires a hospital bed or other large medical equipment. The equipment must be substantial in size and must be verifiable by a medical doctor as medically necessary in order to justify approval of a larger voucher size.

**1.11.7 Family Absences from Unit**

A family may not be absent from the unit for more than sixty (60) consecutive days without prior written approval by the WHA as described below. It shall also be the responsibility of the family to advise the owner of any absence from the unit. Absence means that no member of the family as listed on the lease is residing in the unit. During all absences, the family must meet all program and lease obligations including the payment of rent, utilities, and complying with inspection and recertification obligations.

Absences from the unit for a period of sixty-one (61) to one hundred and twenty (120) consecutive days must receive prior written approval from a supervisor or higher authority. Absences for more than one hundred and twenty (120) consecutive days will not be approved. Assistance to a family will be terminated if the family is absent from its unit for more than sixty (60) days without prior written approval. If assistance to a family is terminated for such reason, the family may request a hearing within thirty (30) days of the termination notice. If the family is reinstated as a result of the hearing, the prior lease and contract will not be resumed but a new voucher will be issued and a new lease and contract executed.

The owner or management agent is obligated to reimburse the WHA for any housing assistance payment made for the period after the effective date of termination of assistance to the family. Such reimbursement shall be billed by the WHA Accounting office and remittance must be made by check or money order and submitted to the WHA Accounting Office. Absence from a unit may be verified by any of the following methods: Housing Quality Standards inspection, proof of utility payments, service verifications, through owner/management company verifications, through an investigation or other documentation or means.

**1.11.8 Family Break-up**

If an assisted family separates due to a divorce, separation, or by any other operation of law, the WHA will determine who continues to be assisted under the program. No additional housing voucher will be issued.

The WHA will take into consideration the following criteria in making its decision as to which family member continues to receive assistance in the program:

- a. The desires of the family;
- b. The interest of minor children, or of ill, disabled or elderly family members;
- c. Whether any family members are going to remain in the assisted unit;
- d. Whether there has been any instance(s) of actual or threatened physical violence against a family member by another member of the household;
- e. Which family members was part of the original application for assistance;
- f. If a court determines property disposition between the family members, the WHA will adhere to the court's determination as to who shall hold the Housing Choice Voucher assistance; and
- g. Whether there is drug-related or violent criminal activity. The WHA in its sole discretion may recommend terminating the entire family.

**1.11.9 Family Guests**

Participants in the Housing Choice Voucher program are permitted to have a guest or guests in the household. If the guest resides in the unit for more than a total of 30 days in a calendar year, the guest(s) will be considered unauthorized household member(s). When this occurs, WHA must enforce HUD policies addressing this matter.

**1.11.10 Definition of Continually Assisted**

An applicant is considered to be continuously assisted under the United States Housing Act of 1937 if the family is already receiving assistance under any 1937 Act program when the family is admitted to the Section 8 Housing Choice Voucher Program.

**1.11.11 Restrictions on Moves by a Participant Family****1.11.11.1 Initial 12 Month Restrictions**

During the initial 12 months of assisted occupancy, families who resided in WHA's jurisdiction prior to admission and wish to move within the same WHA jurisdiction will be allowed to move only under the following conditions:

- ❖ WHA has terminated the Housing Assistant Payment (HAP) contract due to an owner's breach of responsibility (e.g.-failure to correct Housing Quality Standards (HQS) violations); or
- ❖ The owner and family have agreed to mutual rescission of the lease;

**NOTE:** This provision may only be utilized once within any 12-month period by a participant and owner.

**1.11.11.2 Portability Restrictions**

If a family lives in one WHA jurisdiction and applies to the waiting list of another HA, the family will be required to utilize the assistance for 12 months in the jurisdiction of the WHA where they are being admitted.

Families will **not** be permitted to move more than once in a 12-month period unless the WHA approves the move based on a documented reason over which the participant has no control (e.g.-owner's failure to correct HQS violations).

As allowed by program regulations, families will **not** be permitted to move outside the WHA's jurisdiction under portability provisions during the initial 12 months of assisted occupancy. WHA may deny permission to move if:

- ❖ The family has violated a family obligation;
- ❖ The family owes WHA money; or
- ❖ The family has moved or been issued a voucher within the last 12 months.

#### **1.11.11.3 Lease Termination**

Families are required to give proper written 30-day notice of intent to terminate the lease. During the initial term families may not end the lease unless the family and the owner mutually agree to end the lease and submit in writing to WHA a statement signed by the owner and tenant that the lease is being mutually terminated and the effective date of the termination. If the family moves from the unit before the initial term of the lease ends without the owner's and the WHA's approval, it will be considered a serious lease violation and may subject the family to termination from the program.

The family is required to give WHA a copy of the notice to terminate the lease at the same time it gives the notice to the landlord. A family's failure to provide a copy of the lease termination notice to WHA will be considered a violation of family obligations and will cause the family to be terminated from the program. The family will be ineligible for assistance until three years have elapsed from the date of termination.

#### **1.11.11.4 New Lease Submissions**

Families are required to provide the required documentation to WHA for the new lease at least 15 days prior to the proposed execution of the new lease; failure to provide the documentation at least 15 days prior may result in a delay of the execution of the new lease.

In the event that a resident moves from a unit, the landlord shall be permitted to have an inspection fifteen to thirty days prior to the move out date to establish if the tenant has any damage that they will be responsible for upon move out.

### **1.12 Annual and Interim Re-certification**

#### **1.12.1 Annual Re-certification**

##### **1.12.1.1 Scheduling of Appointments**

Each family participating in the Housing Choice Voucher Program is required by federal regulation to be recertified every twelve (12) months. Re-certification requires the program participant to provide information regarding family income and composition to WHA so that tenant rent for the coming year may be established.

The WHA will notify the Housing Choice Voucher family approximately ninety (90) to one hundred and twenty (120) days of re-certification time and will notify the family of documentation the family will be required to provide. Re-certification can be conducted either in person, by mail or home visit depending upon circumstances, at the discretion of the WHA. The WHA may access criminal records of any household members with the purpose of determining continued assistance under the program, at re-certification, change of dwelling, and at any time the WHA deems necessary. The Consent Form Authorizing WHA to Obtain Criminal Background Checks must be signed by all appropriate family members. The tenant's consent and authorization terminates upon the tenant's termination of tenancy in the program.

**1.12.2 Number of Appointments and Missed Appointments**

A family shall be allowed to miss no more than two appointments to complete the re-certification. If the family fails to keep the first appointment, a second notice shall be mailed stating that failure to complete the re-certification at the second appointment will be grounds for termination from participation in the Housing Choice Voucher program.

Exceptions may be granted by the WHA on a case-by-case basis with consideration of the reason or circumstances for not meeting the re-certification requirements. The WHA may require documentation from the family to prove any extenuating circumstances. The same number of appointments and procedure stipulated above shall apply to all programs, including the Family Unification program, Veterans Assisted Supportive Housing (VASH), and other targeted Housing Choice Voucher programs.

**1.12.3 Acceptable Verification of Income**

The WHA will utilize the verification guidelines under PIH Notice 2004-1 Verification Guidance, PIH Notice 2006-41 Verification of Social Security and Supplemental Security Income Benefits, and subsequent guidelines or regulations that may be issued by HUD.

Enterprise-Income Verification (EIV), when available, and third party written verification of information, are the most desirable types of documentation. If EIV information conforms to the family's declared income, third party verification may not be required. The WHA staff will utilize the third-party verification criteria stipulated in for tenants under the program. The following chart is a summary of acceptable forms of verification:

Verification Requirements for Individual Items		
Item to Be Verified	3rd party verification	Hand-carried verification
General Eligibility Items		



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<b>Verification Requirements for Individual Items</b>		
<b>Item to Be Verified</b>	<b>3rd party verification</b>	<b>Hand-carried verification</b>
Social Security Number	An original SSN card issued by SSA; An original SSA-issued document, which contains the name and SSN of the individual; or An original document issued by a federal, state, or local government agency which contains the name and SSN of the individual	Social Security card
Citizenship	N/A	Signed HUD self-certification, Certificate of U.S. Citizenship, Certificate of Naturalization, state-certified birth certificate.
Eligible immigration status	INS SAVE confirmation #	Permanent lawful resident card, I 551 stamp on passport, or other INS documentation
Proof of Age	N/A	State certified birth certificate
Physical Characteristics (if > 18)	N/A	Photo i.d.
Disability	Verification from medical professional, SSI, Etc.	Proof of SSI or Social Security disability payments
Full time student status (if > 18)	Verification from the school/educational institution where enrolled	N/A
Need for a live-in aide	Letter from physician verifying condition requires a live-in aide	N/A
Child care costs	Verification from child care provider of out of pocket childcare expenses	Bills and receipts
Disability assistance expenses	Verification from supplier, care givers, etc.	Bills and records of payment
Medical expenses	Verification from providers, Prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed, etc.	Bills, receipts, records of payment, for over the counter drugs etc.
<b>Value of and Income from Assets</b>		

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<b>Verification Requirements for Individual Items</b>		
<b>Item to Be Verified</b>	<b>3rd party verification</b>	<b>Hand-carried verification</b>
Savings, checking accounts	Verification from financial institution	Most current statements
CDs, bonds, etc.	Verification from financial institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Verification 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
<b>Income</b>		
Earned income	1. Verification from employer 2. Verification from RI Workforce Development 3. Verification from HUD	1. Multiple pay stubs if verification from employer fails 2. Employer Wage Record records 3. Up-Front Income Verification (UIV) system.
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence if requested
Alimony/child support	Clerk of Court, Collection Services Center, letter from Human Services or child support recovery unit	Record of deposits, Collection Services Center, certified payment history, payment record from Clerk of Court

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<b>Verification Requirements for Individual Items</b>		
<b>Item to Be Verified</b>	<b>3rd party verification</b>	<b>Hand-carried verification</b>
Periodic payments (i.e. social security, welfare, pensions, workers comp, unemployment insurance.)	Verification of electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating - whether enrolled or completed - whether training is HUD - funded - whether Federal, State, local govt., or local program - whether it is employment training - whether it has clearly defined goals and objectives - whether program has supportive services - whether payments are for out-of-pocket expenses incurred in order to participate in a program - date of first job after program completion	N/A Evidence of Job Start

**1.13 Interim Re-certifications**

**1.13.1 Increase in Family Income or Family Composition Changes**

If the family's income increases \$200 or more per month, the family shall report the income increase in writing within ten (10) calendar days of the change. Tenants will be provided a statement at annual recertification that they are required to report changes in income of \$200 or more per month and that failure to report such changes may result in their termination from the program. For family composition changes due to birth, adoption or otherwise granted custody to the family by operation of law, or upon a family member moving out of the unit, the family must inform the WHA in writing within thirty (30) calendar days. Any other additions to the family must be requested in writing and approved by the WHA prior to the family member being added to the family composition as further described under *Changes in Family Composition*.

**1.13.2 Decrease in Family Income**

If the family experiences a decrease in income that will be for a period longer than thirty (30) calendar days, an appointment for an interim review will be scheduled at the earliest possible date upon the family's request. As long as information is provided in a timely manner by the tenant, decreases in rent will be made effective on the first day of the month following the month in which the change is reported.

Rent will not be adjusted as a result of a family's income decreasing because of a reduction in Temporary Assistance to Needy Families (TANF) due to sanctioning by the welfare agency, State of Rhode Island Department of Children and Families. The family is entitled to a hearing, should it wish to appeal such decision by the WHA not to reduce the tenant portion of the rent.

**1.13.3 Sporadic Income Households**

Households who request more than 1 interim recertification per year due to a change in employment income will be evaluated to determine if the household can be determined to have sporadic or seasonal wages. If a household is determined to have sporadic or seasonal wages, then the total income established to determine the household's TTP will be established based on an average of the total household income over a period of three years. Examples of these households include persons who have seasonal employment at two different locations each year, instead of performing an interim at the change of employment each year, the household will instead report the total annual income including both seasonal employers and will take into account any changes in income during the year. If the household experiences a change that is outside of their pattern of sporadic income, then WHA shall create an interim certification for the household to reflect the change in income.

**1.14 Determination and Verification of Annual Income**

**1.14.1 Overview**

The determination of eligibility and Total Tenant Payment (TTP) for the Housing Choice Voucher Program requires that the applicant's or participant's family adjusted annual income be calculated at the time of admission into the Program and on an annual basis. HUD regulations specify: the types and amounts of income from all family members that must be included in this calculation; the allowable deductions to be subtracted from the gross annual income to determine the adjusted income and the amount of utilities the tenant is responsible for paying.

**1.14.2 Annual Income**

Annual income means all amounts, monetary or not, or anticipated to be received, from a source outside of the household, by the family head or spouse (even if temporarily absent) or any other family member during the twelve (12) month period following the effective date of admission or annual re-examination.

For a participant family which includes persons with disabilities under the Housing Choice Voucher Program, the WHA determination of annual income will include the disallowance of increase as provided in (24 CFR § 5.617), if applicable. The Earned Income Disallowance (EID) is the exclusion from the calculation of the family's income, the income increase attributable to new employment or increased earnings, over the income received prior to qualifying for the disallowance. Additional disallowance requirements and the period of income disallowance are further described under (24 CFR § 5.617). The EID carries a maximum 48-month lifetime limitation.

Annual income means all amounts that not specifically excluded by regulation. It includes, but is not limited to:

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- a. The full amount of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services, before any payroll deductions.
- 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 (IRS) 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 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 IRS 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. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.
- e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay. However, lump sum additions such as insurance payments from worker's compensation are excluded.
- f. Temporary Assistance for Needy Families (TANF). If the TANF 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 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.

- c. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.
- d. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted.
- e. Periodic and determinable allowances, such as alimony and child support payments (see note), and regular contributions or gifts received from organizations or from persons not residing in the dwelling. (Note: uncollected child support will not be counted so long as the family provides court documents demonstrating that the debt is uncollectible or has not been paid or received as directed by the Court for more than six (6) months.
- f. 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.

#### **1.14.3 Exclusions from Income**

Annual income does not include the following:

- 1. Income from employment of children (including foster children) under the age of eighteen (18) years;
- 2. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- 3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;
- 4. Amounts received by the family that is specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- 5. Income of a live-in aide;
- 6. The full amount of student financial assistance paid directly to the student or to the educational institution;
- 7. Special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- 8. The amounts received from the following programs:

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- A. Amounts received under training programs funded by HUD;
  - B. 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);
  - C. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
  - D. 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, and resident initiative coordination. No resident may receive more than one such stipend during the same period of time;
  - E. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
- 9. Temporary, nonrecurring, or sporadic income (including gifts);
  - 10. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
  - 11. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
  - 12. Adoption assistance payments in excess of \$480 per adopted child;
  - 13. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
  - 14. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
  - 15. Amounts paid by a State agency to a family with a member with 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;
  - 16. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits, including:
    - A. The value of the allotment of food stamps

- B. Payments to volunteers under the Domestic Volunteer Services Act of 1973
- C. Payments received under the Alaska Native Claims Settlement Act
- D. Income from sub-marginal land of the U.S. that is held in trust for certain Indian tribes
- E. Payments made under the Department of Health and Human Services. Low-Income Energy Assistance Program
- F. Payments received under the Job Training Partnership Act
- G. Income from the disposition of funds of the Grand River Band of Ottawa Indians
- H. The first \$2,000 per capita received from judgment funds awarded for certain Indian claims
- I. Amount of scholarships awarded under Title IV including Work-Study
- J. Payments received under the Older Americans Act of 1965
- K. Payments from Agent Orange Settlement
- L. Payments received under the Maine Indian Claims Act
- M. The value of child care under the Child Care and Development Block Grant Act of 1990
- N. Earned income tax credit refund payments
- O. Payments for living expenses under the AmeriCorps Program

**1.14.4 Adjusted Annual Income**

Adjusted income is the annual income of family members residing in or intending to reside in the rental unit, less allowable deductions of:

- a. \$480 for each dependent
- b. \$400 for any elderly family or disabled family
- c. Child care
- d. Medical expenses (must exceed three percent (3%) of gross annual family income)
- e. Disability assistance (must exceed three percent (3%) of gross annual family income)

**1.14.5 Enterprise Income Verification (EIV), Third Party Verification, and Factors Affecting Eligibility and Family Rent**

Accurate determination of income eligibility, allowances, and family rent can occur only if all factors related to income and family circumstances are verified. Employment income, Temporary Assistance for Needy Families (TANF), veteran's benefits, unemployment compensation and social security income, interest and dividends, as well as factors affecting the determination of income, such as full-time student status or child care expenses must be verified directly via third party sources (written or verbal) and/or by documents provided by the applicant, certifications, and self-declarations.

If Enterprise Income Verification (EIV) as described below is not available, third-party verification will be used. If third party verification is not available, the reasons must be clearly and specifically stated in the tenant's file.



Verification requirements are set forth in HUD regulations at (24 CFR Part 982. Acceptable documents include:

- a. Financial statements or tax returns for self-employed
- b. Copies of insurance policies
- c. Real estate tax statements
- d. Copies of birth certifications
- e. Copies of court orders concerning custody.

HUD's EIV system is the preferred form of verifying income that is provided by the tenant on the Housing Choice Voucher Applicant/Participant Information Worksheet. If the household's income in EIV matches the tenant-provided income, or if it is not substantially different, then third party verification is not necessary. However, third party verification may continue to be necessary to complement EIV income verification, for example, when the tenant disputes the data. It will not be considered as an automatic substitute for other third party verification, and may supplement other verification documentation, such as original, current tenant provided documents. The WHA will obtain as much information as possible about employment income, such as start date (new employment), termination date (previous employment), pay frequency, pay rate, anticipated pay increases in the next twelve months, year-to-date earnings, bonuses, overtime, company name, address and telephone number, name and position of the person completing the employment verification form. EIV is used to verify income for recertification, annual, interim and change of dwelling, or on a random basis.

EIV information cannot be accessed unless a current unexpired Authorization to Release Information (HUD form 9886) has been signed by all adult family members. This form expires fifteen (15) months after it is signed by the tenant. If income information in EIV is not available or if it is substantially different from tenant-provided information, then written verification from third parties is the next most desirable form of verification. Currently, a substantial difference requiring third party verification in cases where EIV income data differs from tenant-provided and/or other verified income information is defined as being \$200 or more per month or \$2,400 per year, unless amended by the WHA. If EIV income data is not substantially different than current tenant-provided income documentation, the following guidelines for projecting annual income will be used:

1. If EIV income data is less than current tenant-provided documentation, the WHA will use tenant-provided documents to calculate anticipated income.
2. If EIV income data is more than current tenant-provided documentation, the WHA will use EIV income data to calculate anticipated annual income unless the tenant provides the WHA with documentation of a change in circumstances (i.e., change in

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employment, reduction in hours, etc.). Upon receipt of acceptable tenant-provided documentation of a change in circumstances, the WHA will use tenant-provided documents to calculate anticipated annual income.

In cases where EIV income data is substantially different than tenant-reported income, the WHA will utilize the following guidelines:

1. Request written third party verification from the discrepant income source. For EIV Social Security Administration (SSA) benefit discrepancies, the WHA shall require the tenant to obtain a current original SSA benefit letter within ten (10) business days of the interview date.
2. Review historical income data for patterns of employment, paid benefits, or receipt of other income, when the WHA cannot readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.
3. Analyze all data (EIV data, third party verification and other documents/information provided by the family) and attempt to resolve the income discrepancy.
4. Use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

In verified differences of \$200 or more per month or \$2,400 or more a year, the WHA shall require the family to enter into a repayment agreement for monies owed. Should the family refuse to enter in a repayment agreement or not fulfill its obligations under its repayment agreement, the WHA shall recommend termination and may refer the case to the HUD Office of the Inspector General. The WHA, in its sole discretion, may recommend terminating assistance for tenant fraud on a case-by-case basis, e.g., forgery or has demonstrated a pattern of unreported or under-reported income in between or at prior reexaminations. In such cases, the WHA will make the determination whether to recommend terminating assistance and forwarding the case to the HUD Office of Inspector General via the WHA.

In instances where fraud, as opposed to tenant error, has occurred by the tenant and the difference is verified as being \$10,000 per year, the WHA shall recommend terminating housing assistance and shall forward cases to the HUD Office of Inspector General for fraud prosecution, where authorized by WHA.

Tenant income information derived from the EIV system is confidential and cannot be released to outside parties or unauthorized staff. This information is exempt from the disclosure requirements of the Rhode Island Public Records Act and HUD requires PHAs to keep said information private under penalty of Federal law. Any EIV-derived information is required to be kept guarded under lock and key and must be shredded and destroyed when no longer needed.

Copies are not kept in tenant files to avoid risking the release of such information to anyone other than the client and authorized WHA staff. WHA shall provide the participant with information obtained through EIV upon the participant's request.

Unauthorized disclosure or inspection of EIV data can result in a felony conviction punishable by a fine up to \$5,000 or five (5) years imprisonment, as well as civil penalties, pursuant to the Privacy Act of 1974 as amended, 5 U.S.C. § 552(a).

#### **1.14.6 Zero and/or Nominal Income Households**

For households who certify that their total gross household income is either \$0.00 annually or is less than \$700 per month (or \$8400 annually), then the household will be required to submit to an interim certification every 90 days until they have restored income above the zero or nominal level, unless the head of household is elderly or disabled. At the time of these interim and annual certifications of households who claim zero or nominal income, the household will be asked to explain how they are able to pay for any and all standard household expenses via a form created by WHA; any contributions from persons or organizations outside the household will be considered income to the household and will be used to establish the household total tenant payment amount. The 90 day interim certification process does not apply to those households determined elderly or disabled.

Households who have previously received income and wish to report that their income has now switched to zero or nominal income levels will be asked to verify that the income change will last for more than 30 days. If the household cannot verify that the change will last for more than 30 days, a certification changing the TTP will not occur.

Any discrepancies discovered in the household income due to misreporting on the part of the tenant will result in the tenant being charged back in full for any month that their income was not properly represented.

If the household has claimed zero or nominal income for a period of six months and cannot account for how their household expenses are paid, then the WHA will seek to terminate the voucher under the basis the household has failed to provide WHA with information to substantiate their household expenses. Under Chapter 15-4 of the HUD Handbook 7420.10G, the WHA may terminate assistance if the family "fails to act", as described here:

*The PHA may terminate assistance because of the participating family's action or failure to act. The PHA's policies regarding actions or inactions that may lead to the termination of assistance must be described in the PHA administrative plan.*

This termination policy is further described in the termination of HCV assistance section below. This does not apply to households determined elderly or disabled.

#### **1.15 Portability**

##### **1.15.1 Moving out of the WHA's Jurisdiction**

A participant family may move to a unit outside of the WHA's jurisdiction after being certified for the Housing Choice Voucher Program so long as they are a

resident of City of Westerly at the time of certification. The WHA operates within all of the jurisdictions located within City of Westerly.

If the participant family is not a resident of City of Westerly at time of certification, the following applies to the family during the first twelve (12) months after admission to the program:

1. The family may lease a unit within the WHA's jurisdiction
2. The family does not have any right to portability
3. The WHA may choose to allow the family to port outside the WHA's jurisdiction
4. Both the WHA and the receiving housing authority must agree to allow the family to lease a unit outside of the WHA's jurisdiction

It is the WHA's policy not to allow a family to port out to any other housing agency in City of Westerly where WHA has jurisdiction to administer housing assistance. Exceptions to this policy may be granted at the discretion of WHA.

#### **1.15.2 Absorption of Incoming Portables**

Absorption of incoming portable vouchers will be based on the following criteria:

1. The WHA must determine the family's unit size for the portable family according to WHA's subsidy standards
2. The WHA may make the determination to deny or terminate assistance to a portable family in accordance with all previously described policies and procedures in this Admin Plan.
3. The WHA shall attempt to obtain criminal history checks, including sex offender, in the state(s) where the household members have moved from, in addition to local criminal and State of Rhode Island sex offender checks.
4. The same conditions apply for incoming portable families participating in the Family Self-Sufficiency (FSS) program in the PHA initiating the portability process
5. Availability of assistance and funding
6. Number of incoming Portables from a specific jurisdiction
7. Possibility of swapping vouchers within a given jurisdiction

#### **1.16 Housing Quality Standards (HQS) Inspections**

##### **1.16.1 HQS Violation and Abatement of Payment**

For HQS violations by owners, the housing assistance payments are abated. For HQS violations by the family, termination of assistance occurs.

- ❖ All units must pass HQS prior to commencement of housing assistance payments.
- ❖ For homeownership voucher inspections, if the unit is in full HQS compliance with the exception of a working range and refrigeration, the unit will pass with the additional requirement that the responsible party provide a written statement as verification of compliance to WHA that the appliances have been installed and are fully functional prior to the family moving into the unit. The verification of compliance must be signed and dated by both the seller and the buyer. The inspector will monitor to ensure verification of compliance is received.

- ❖ The inspection will assure compliance with HQS as established by HUD.
- ❖ If there are deficiencies found during an inspection, they must be corrected before the unit is passed and assistance begins.
- ❖ Generally, inspections will be conducted within ten business days of receipt of a completed Request for Inspection form for initial inspections and unit transfers.
- ❖ An annual re-inspection will be scheduled within 12 months of initial inspection and will be performed in each succeeding 12-month period.
- ❖ WHA inspectors will use a HUD inspection form and WHA inspection summary when conducting an inspection.
- ❖ Initial and annual inspections should be attended by the head of household or owner or their designee (designee must be 18 years or older).
- ❖ Under no circumstances will the inspector conduct an inspection on an empty or occupied unit unless the head of household, owner or designee is present at the unit during the inspection.
- ❖ Each unit must have a permanent heat source that provides adequate heat to each room used for living or sleeping. During the period of October to May, the heat source must be capable of maintaining a minimum temperature of 65 degrees within three feet of the floor and exterior walls in all living/sleeping rooms.
- ❖ A landlord may not reside in the same building structure as a unit being occupied by a participating family (i.e., participating family lives in the main area of the building while the landlord occupies the finished basement or garage area even if there is a separate entrance).
- ❖ If the landlord lives in the same building structure or on the same property location as the participating family, the unit must be a separate structure or unit from the participating family's unit (i.e., a separate apartment in a multi-complex unit, a house or mobile home, etc.).

**1.16.2 HQS Inspections after Initial Lease Up**

- ❖ For health and/or safety violations noted below, only 24 hours will be given to make repairs.
  - i. No water
  - ii. No heat (in cold weather)
  - iii. No electricity
  - iv. Life threatening problems
- ❖ A re-inspection will be made after 24 hours (2 business days) and if the problem is not corrected, the subsidy will be abated and the family may be required to relocate.
- ❖ If utilities are disconnected, upon receipt of the inspection request, the inspector will contact the utility provider to verify utility service has been disconnected. If disconnection is due to nonpayment of utility expenses, the inspector will inform the landlord and tenant. The inspector will follow the process for failing a unit for a 24-hour violation. The inspector will contact the utility company in 24 hours (2 business days) to determine if

utility service has been reconnected. If not, the inspector will follow normal abatement/termination procedures.

- ❖ In the event that the utility provider will not release the requested information, the inspector will contact the rental housing coordinator. The rental housing coordinator will fax the request and the participant's signed Authorization to Release Information form to the utility provider. Once confirmation is received, the rental housing coordinator will forward the information to the inspector for processing.
- ❖ Gas may be turned off during the months of May through August 31 without being considered an HQS violation if the gas operates the **heat only**. The HQS inspector will contact the utility company before September 5 to verify that the gas has been turned back on.
- ❖ No more than four HQS inspections will be performed on the same unit. The family will be required to look for another unit if violations are found after four inspections.
- ❖ For annual inspections, an owner/family is given up to 30 days to repair/correct any deficiencies. A re-inspection will be conducted within 30 days and if the unit does not pass HQS, the housing assistance payments will be abated and family may be required to move.

However, WHA may grant a winter waiver for exterior repairs required for failed annual inspections during the months of November through May 31 where the only HQS violation is exterior repairs. This waiver would be granted only for exterior repairs that cannot be made during these months due to weather conditions. Any deviation from this time frame must be approved by management on a case-by-case basis.

In addition, WHA may grant a winter waiver for non-working air conditioning repairs for annual inspections conducted during the months of November through May. A follow-up inspection will be scheduled to confirm repairs have been made. Any deviation from this time frame must be approved by management on a case-by-case basis.

### **1.16.3 Quality Control Inspections**

Quality control inspections will be performed by the Tenant-Based Rental Assistance assistant director of HQS in addition to the inspector managers and other designated WHA staff. Other quality control inspections may be performed by HUD staff. WHA strives to exceed the minimum number of quality control inspections. Quality control inspections will focus on HQS noncompliance not a complete general inspection. A review of the corresponding inspection paperwork and time frames will also be completed as part of the quality control inspection. Quality control inspection documents will be maintained in a filing system separate from family records.

### **1.16.4 Complaint Inspections**

WHA inspectors will conduct complaint inspections in the following situations:

- ❖ The owner reports the unit does not comply with HQS. In this instance, the owner must first notify the family in writing with a copy to WHA allowing ten days

- for repairs. If the family does not respond, a complaint inspection will be scheduled within three days.
- ❖ WHA obtains information which indicates the unit does not comply with HQS.
  - ❖ The family reports the unit does not comply with HQS. In this instance, the family must first notify the owner in writing with a copy to WHA allowing ten days for repairs. If the owner does not respond, a complaint inspection will be scheduled within three days.
  - ❖ For emergency items, a complaint inspection will be conducted within two business days.

#### **1.16.5 Lead Based Paint Regulations**

Effective September 15, 2000, lead-based paint regulations set hazard reduction requirements that give much greater emphasis than previous regulations to reducing lead in house dust. Governing regulations require dust testing after paint is disturbed to make sure the home is safe from lead, and an affidavit signed by the landlord certifying that they are in compliance with RIGL.

The following types of housing are not covered by this rule:

- ❖ Housing built since January 1, 1978.
- ❖ Housing for the elderly.
- ❖ Zero-bedroom units.
- ❖ Property that has been found to be lead-free by a certified lead-based paint inspector.
- ❖ Property where all lead-based paint has been removed.
- ❖ Unoccupied housing that will remain vacant until it is demolished.
- ❖ Nonresidential property.
- ❖ Any rehabilitation or housing improvement that does not disturb a painted surface.
- ❖ In the Section 8 Housing Choice Voucher Program, this regulation will apply to all units that house a child under the age of six years where the unit was built prior to 1978.

#### **1.16.5.1 Lead Hazard Mitigation Law**

Effective November 1, 2005; the Lead Hazard Mitigation Law was designed to provide all Rhode Island residents with access to housing that is adequately maintained. The Law sets minimum standards that will help to keep properties safe and healthy for residents, and will improve the overall housing stock in Rhode Island.

The Lead Hazard Mitigation Law requires that most owners of rental properties built before 1978, or their designee, meet the following requirements: (1) Attend a Lead Hazard Awareness Class, (2) Conduct a visual assessment of their rental property, (3) Fix lead hazards on their rental property, (4) Have an Independent Clearance Inspection in order to obtain a Certificate of Conformance for their rental unit(s), (5) Give tenants information about lead hazards and a copy of the Inspection Report, (6) Respond to tenant concerns, (7) Perform regular maintenance on their rental unit(s), and (8) Keep their

Certificate of Conformance current. Meeting these requirements will ensure that your units are properly maintained and safe for tenants.

All landlords who own properties that were built prior to December 31, 1977 must certify to WHA that they have complied with all sections of the Lead Hazard Mitigation Law and provide WHA with a copy of the Certificate of Conformance (*A Certificate of Conformance is issued by a Rhode Island Licensed Lead Inspector or Lead Inspector Technician once a rental property has met the requirements of the Lead Hazard Mitigation Law based on visual inspection and dust testing*) or a Certificate of Presumptive Compliance issued by the Housing Resources Commission.

The lead hazard mitigation law applies to most owners of residential rental properties built prior to 1978. If you own the following types of pre-1978 rental dwelling units, you are now exempt from the requirements of the Lead Hazard Mitigation Law:

1. Rental units with a current Lead Safe or Lead Free certificate;
2. Temporary housing or seasonal housing, which is defined as housing that is rented for no more than one hundred (100) days in a calendar year to the same tenant;
3. Housing that is specifically designated by a regulatory agreement or a zoning ordinance to house persons sixty-two (62) years of age or older;
4. Two (2) or three (3) unit properties in which one of the units is occupied by the property owner.

Owners of all other types of rental properties must comply with the Law. Failure to comply with the lead hazard mitigation law will be considered a violation of Housing Quality Standards and may result in abatement of the Section 8 assistance until the landlord complies with the law.

#### **1.17 Termination of Assistance**

##### **1.17.1 Grounds for Termination of Assistance**

1. Housing Choice Voucher housing is a scarce resource and the WHA holds the position that Housing Choice Voucher families must be held accountable for their actions as it relates to their tenancy under the Housing Choice Voucher program.

The WHA shall terminate assistance for participant family, tenants (where applicable), on any of the following grounds:

- a. If the family violates any family obligation stipulated in federal housing regulation under the program;
- b. If the family fails to sign and submit consent forms;
- c. If any family member participates in criminal activity, specifically drug related or violent criminal activity, including sex offenders and medical marijuana users. The WHA shall consider the following:



- i. the WHA shall terminate assistance if a family member has engaged in criminal activity with a disposition of the charge as either:
            - ❖ Guilty
            - ❖ Guilty/convicted
            - ❖ Nolo Contendre
            - ❖ Convicted
            - ❖ Fined
            - ❖ Adjudicated
            - ❖ Adjudication withheld
        - d. Zero or Nominal Income Household – If a household claims zero or nominal income for a period of 6 months, and the family cannot detail how they are able to pay for their household expenses to the satisfaction of WHA, then WHA shall terminate the assistance of the household. The household will be given a written notice of the termination and will be provided (as with all terminations) a right to informal hearing. Households who are (a) elderly, (b) disabled, or (c) a student or participant in a job training program shall be exempt from termination due to zero or nominal income status. Households who are (a) elderly, (b) disabled, or (c) a full time student or participant in a job training program shall be exempt from termination due to zero income status.
2. Where the family has no pre or post pattern of repeated engagement in criminal activity and the disposition of the One Strike Policy offense is dropped, nolle prosequere, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, the family shall not be recommended for termination of assistance.
3. Open cases shall be held pending final disposition. Upon a disposition from the court, the WHA shall either recommend termination or take no action based on the outcome as defined above.
4. In circumstances where the family member admits to the crime, whether or not an arrest, charge, or conviction takes place, the family shall be recommended for termination based on the admission.
5. Except as stipulated under *Mitigating Circumstances*, the WHA shall recommend termination for One Strike Policy violations that includes, but is not limited to, battery, rape, robbery, murder, assault/batteries, threatening the livelihood of others, as follows:
  - a. The WHA shall recommend terminating assistance for the following violent criminal activities within ten (10) years from the date of arrest, except violent sex-related offenses described under 3 e. iii below:
    - i. First or second degree murder
    - ii. Kidnapping
    - iii. Arson
    - iv. Violent sex-related offenses, including but not limited to rape, sexual assault/battery, sexual battery, or child molestation
  - b. The WHA shall recommend terminating assistance within five years from the date of the arrest for manslaughter, sex offenses, except sex

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offenses described above and below, or for non-murder violent criminal activity.

- c. The WHA shall terminate assistance permanently for any member of the household subject to a lifetime registration requirement under a state sex offender registration program, as registered on the Rhode Island Department of Law Enforcement website.
- d. If any household member is currently engaged in any illegal use or possession of a drug within one (1) year from date of arrest, or within five (5) years from date of arrest if a pattern of illegal use or possession of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other participants. (24 CFR § 982).
- e. If the WHA determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing (24 CFR § 982.553).
- f. If any family member has participated in other criminal activity (non-violent) within three (3) years from the date of arrest that threatens the health, safety or right to peaceful enjoyment of the premises by other participants or persons residing in the immediate vicinity, as provided by (24 CFR §§ 982).
- g. If any family member is fleeing to avoid prosecution, custody, or confinement after conviction, for a crime or an attempt to commit a crime that is a felony.
- h. If any family member violates a condition of probation or parole imposed under federal or state law.
- i. If any member of the family has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program within ten years from the date of the act;
- j. If the family currently owes rent or other amounts to the WHA or to another housing authority in connection with Housing Choice Voucher or public housing assistance under the 1937 Act;
- k. If the family has not reimbursed any housing authority for amounts paid to an owner under a HAP contract for rent, damages to the unit or other amounts owed by the family under the lease;
- l. If the family breaches an agreement with the WHA to pay amounts owed to the WHA or amounts paid to an owner by the WHA;
- m. If the family has engaged in or threatened abusive or violent behavior toward the WHA personnel;
- n. If the family has made threatening behaviors to others or has failed to maintain the property or caused severe damage to the unit;
- o. If the family fails to pay utilities pursuant to his/her responsibility as stipulated in the lease; If the family repeatedly breaks obligations under the lease or for serious violations of the lease;
- p. If the WHA determines 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 tenants within three (3) years of the abuse ((24 CFR §982).

- q. Full-time or part-time students who do not meet student eligibility requirements.
- r. Any other grounds for termination permitted by HUD.

**1.17.2 Mitigating Circumstances**

The factors below will be taken into consideration, as well as the family's pre and post criminal history. If a tenant asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, the WHA shall evaluate the evidence and verify the mitigating circumstance in accordance with WHA's Reasonable Accommodation Policies and Procedures document included under Attachment C of this Plan. Providing documentation of mitigating circumstances as described below is the responsibility of the family. It is incumbent upon the family to provide documentation, evidence and any and all other third party proof at any time including but not limited to the investigation interviews, appointments with the WHA staff, at time of the hearing or within the time limit set by the hearing officer to provide substantiating information challenging the recommendation to terminate assistance.

**a. Request to Remove Family Member with One-Strike Policy Violation**

If a participating Housing Choice Voucher family notifies the WHA and advises of any criminal activity that is in violation of the One Strike Policy; of a family member or if the WHA determines a violation of the One Strike Policy or other criminal activity as described within this Administrative Plan, through the Criminal Justice Information System or any other source, including but not limited to referrals from law enforcement agencies, the U.S. or State Attorney's Offices, HUD, then the family may request removal of the offending family member permanently from the family composition and the family member may not reside in the Housing Choice Voucher unit in order for the family to remain in the program. If the offending family member(s) is not removed, then the entire family shall be recommended for termination from the Program.

In circumstances where the offending family member is the head of household, the entire family shall be recommended for termination from the Program.

If the family member is removed but is subsequently found to reside in the unit without the WHA's approval, the family member is considered an unauthorized boarder and the entire family shall be recommended for termination from the Program pursuant to (24 CFR § 982).

**b. Non-Violent Charges Involving Firearms**

Charges limited to the specific crime of illegal possession or unlawful display of firearm shall not constitute a violation of the One Strike Policy.

**c. Prior Criminal History**

In cases of multiple prior charges of one or more family members where the disposition of the cases was dropped, nolle prosequere, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, the WHA may take both the family and individual family member's history and /or outcome into consideration at arriving at a final determination of continued assistance.

d. Violation of Peaceful Enjoyment

Prior to the WHA's decision to recommend termination of assistance for criminal activity that threatens the health, safety or right of peaceful enjoyment of the premises by other participants, the WHA may consider all circumstances relevant to a particular case, such as the seriousness of the offending action, the extent of participation by the head of household or household member(s) in the offending activity and the extent to which the head of household or household member(s) has shown personal responsibility to prevent or mitigate the offending action.

Upon determination by the hearing officer or the WHA Director, the WHA may require a tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for the action or failure to act that warrants termination. If the WHA determines that the family may continue to reside in the unit by excluding the household member (s) who participated in or was culpable for the action or failure to act warranting termination, the WHA may recommend for termination the family's tenancy if another household member(s) commits a criminal activity warranting termination within five (5) years of the first offending activity.

e. Substance Abuse Rehabilitation

Upon determination by the hearing officer or, the WHA, in their decision whether to recommend termination for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, may consider whether such household member was remanded by the court and is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, the WHA shall require the tenant to submit evidence of the household member's current participation in or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

f. Domestic Violence

Provided the tenant has no pattern of repeated engagement in criminal activity, in circumstances of domestic violence, sexual assault/battery, dating violence or stalking, where an individual certifies on form HUD-50066 as may be amended or can provide evidence in lieu of or in

addition to that they have been a victim of domestic violence, These may be considered as mitigating factors on their behalf by the hearing officer. Such certification or documents must be provided by the tenant at the informal hearing or upon request by the hearing officer subsequent to the hearing for consideration of continued assistance. In addition, if mandated by the court, the individual must show successful completion of any court-mandated diversion program and bring proof of same. See Section 2.15 for further information.

The Violence Against Women and Justice Department Reauthorization Act (VAWA) of 2005 affords protection for victims of domestic violence, dating violence, or stalking as defined under Section 2.15.

The WHA will request a participant to certify that he/she is a victim of domestic violence, sexual assault, dating violence, or stalking and that the incidence(s) of threatened or actual abuse are bona-fide in determining whether the protections afforded to such individuals are applicable under VAWA. The family must complete and submit form HUD form 50066, Certification of Domestic Violence, Dating Violence, or Stalking, or information in lieu of this certification within 14 business days of receiving the written request for this certification. The certification or alternate documentation must be returned to the WHA. If the family has not provided the requested certification or documentation by the 14th business day or any extension as authorized by the WHA, none of the protections afforded by VAWA apply in the WHA's decision to terminate assistance under the Housing Choice Voucher program.

Documents that may be submitted in lieu of HUD form 50066, or in addition to the certification form, are: a police or court record, or documentation signed by an authorized employee, agent, or volunteer of a victim service provider, such as the City of Westerly Rape Treatment Center, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of such abuse, in which the professional must attest to the certainty that the incident(s) in question are bona fide incident(s) of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation. All information provided by the participant family will be retained in a confidential manner.

The WHA will allow the perpetrator of the domestic violence, dating violence, or stalking to be removed from the household at the request of the family member who is the victim. Additionally, WHA will implement specific provisions and steps to afford victims of domestic violence protections under the law.

**1.17.3 Notice**

If the WHA recommends termination of a family's participation in the program, the family will be notified in writing stating the grounds for proposed termination of assistance and the effective date of termination. The notice will also state whether the participant has a right to a hearing in accordance with the regulations, the procedure for requesting a hearing, and that the participant may be represented at the hearing at their own expense. The owner will receive notice of the recommendation of termination of a family's participation. The same provision stipulated above shall apply to the Family Unification Program. However, the WHA shall notify the Department of Children and Families if a family is at-risk of termination in order to allow timely intervention.

**1.18 Payment Standards and Rent Reasonableness**

**1.18.1 Setting the Payment Standards**

For each local program in WHA's Statewide Program, payment standards are established within the allowed "basic range" (90 percent and 110 percent of the applicable HUD published Fair Market Rent (FMR). Specific payment standards for all bedroom sizes in each jurisdiction are established per the unique market forces at play in each local program area.

WHA may, within the HUD-allowed basic range, approve a higher payment standard for a designated part of a WHA FMR area if it is needed to expand housing opportunities outside areas of minority or poverty concentration.

WHA may also, approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities.

**1.18.2 Revising the Payment Standards**

WHA will review payment standard levels annually, concurrent with publication of Fair Market Rents. WHA may also request payment standard adjustments at times other than the annual review when circumstances warrant.

Adequacy/appropriateness of existing payment standard levels will consider:

1. The percentage of annual income families pay for rent under the voucher program (rent burdens);
2. Program utilization rates;
3. Rents for units currently leased;
4. Size and quality of units leased under the program;
5. Rental vacancy rates and rents in the market area; and
6. Success rates of voucher holders in finding units.

If it is determined that existing payment standard levels present an obstacle to achieving favorable success and/or utilization rates, reasonable rent burdens or that families are generally renting low quality units, WHA may, within the basic range, raise the payment standard to a higher level. WHA staff will be responsible for initiating this process by providing WHA with analyses that

document the nature of the problem and recommend specific payment standard levels that will alleviate these hardships.

WHA, either acting alone or on the advice of WHA staff, may also reduce a payment standard for a specific bedroom size or all bedroom sizes if analysis shows a significant percentage of leased units of moderate to high quality have rents that are substantially below the payment standard level.

**1.18.3 Rent to Owner in Housing Choice Voucher Program**

The allowable rent to owner is limited primarily by rent reasonableness. However, if the proposed gross rent for a unit is above the payment standard, the impact this will have on a family's maximum allowed rent burden also becomes a factor. At the time a family initially receives Housing Choice Voucher (HCV) assistance, whether a new admission or a move to a different unit, the family share may not exceed 40 percent of the family's monthly adjusted income when the gross rent for the unit exceeds the applicable payment standard for the family.

All owners will be advised that by accepting each monthly housing assistance payment they are certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the same premises. If requested, the owner must give the PHA information on rents charged by the owner for other units in the premises or elsewhere.

**1.18.4 Rent Reasonableness**

HUD requires PHAs to have a written method to determine and document that rent being charged by an owner is reasonable based on current rents for comparable unassisted units. Rent reasonableness determinations are mandated in the following instances: at initial lease-up; before an increase in the rent to the owner; and if there is a five percent decrease in the published FMR in effect 60 days before the HAP contract anniversary date.

WHA staff will maintain records which include comparable data on unassisted units in the market. This data will be used by staff in making their rent reasonableness determinations.

Records must take into account the following nine factors:

- ❖ location
- ❖ age of unit
- ❖ size
- ❖ amenities
- ❖ type
- ❖ housing services
- ❖ quality
- ❖ maintenance
- ❖ utilities provided by the owner

The primary staff person responsible to assure compliance with rent reasonableness policies is the rental market coordinator. Aside from the

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information noted here, forms and other supporting material are available in the family files.

### General Guidelines:

- Assisted units cannot be used as comparables.
- Gather data -- This can be done by conducting telephone interviews, utilizing newspaper advertisements, obtaining the missing information by telephone, reviewing or conducting market surveys, contacting current owners for other owner referrals and other unit data, conducting site visits, contacting real estate agents, viewing posted vacancy signs, following up by telephone and using tax roll reports from local county PVA office.
- When an assisted unit is vacated, that unit can then be added to the rent reasonableness database if re-rented by an unassisted family.
- Each rent comparable unit is numbered for easy reference. All rent comparables will have an eight-digit code assigned for ease in identification. The first three digits will be the county code number. The fourth digit will be a letter signifying the structure type: A-low rise apartment, D-duplex, H-single family home, E-elevator/high rise apartment, M-manufactured home, T-townhouse/row house. The fifth digit identifies the bedroom size, and the last three digits will be the individual comparable number.
- The rental information will be updated annually.
- When rent increases are requested, the same references can be used unless there has been a significant change in the unit. In this case, a new comparable will be identified and used.
- Two comparables must be submitted for each rent increase requested and approved. Where WHA staff do not have data to support the reasonableness of rent requested by an owner, the following options are available:
  - The owner must provide information on at least two comparable unassisted units owned by other parties. Units must be viewed by staff to assure comparableness and added to rent reasonableness database; or
  - The rent can be lowered to what is reasonable based on WHA data; or
  - The unit becomes ineligible for the program.

For larger bedroom size units where there is an inadequate supply of comparables, smaller size units may be used with reasonable adjustments for size differences.

Reasonable accommodations may be approved on a case-by-case basis for persons with disabilities. This may include obtaining approval from HUD for exception rents and providing documentation of such in the family file.

### 1.19 Owner Charges in Addition to Rent

Owner's will execute their own lease with tenants but all owners will be required to include as an addendum to their lease the form HUD 52641-A, Tenancy Addendum for Housing Choice Voucher Program. Among other restrictions in this addendum, this addendum to the lease restricts other fees and charges to the tenant. Owners may not require (a) that requires that the family pay for charges related to supportive services or meals or furniture which may be provided by the owner and (b) owner's may not charge the tenants extra amounts for items customarily included in the rent in the locality



(Westerly) or items that are provided to unsubsidized tenants at no cost (i.e. parking, trash removal, etc). If there are agreed upon charges in addition to rent, non-payment of these charges is not grounds for termination. Owners who fail to abide by the terms of the lease addendum may result in disapproval of the owner.

### **1.20 Special Housing Types**

The Housing Choice Voucher (HCV) Program will only approve one of the following special housing types when it is necessary to provide a reasonable accommodation for a family with disabilities:

- Congregate housing;
- Group homes;
- Shared housing;
- Assisted living facilities; and
- Single room occupancy housing.

The HCV Program will approve other HUD-permitted housing types including:

- Single family dwellings;
- Apartments;
- Manufactured housing; and
- Manufactured home space rentals.

### **1.21 Repayment of Amounts Owed to WHA**

Except as otherwise required under *Enterprise Income Verification, Third Party Verification, and Factors Affecting Eligibility and Family Rent* (see below), the WHA has the discretion to enter into repayment agreements with program participants for amounts owed to the WHA, if it is in the best interest of the WHA, the debt has not been expunged by operation of law, and the participant has not intentionally committed any act that led to the amount owed. Currently, the debt will be considered expunged by operation of law if the time period has exceeded five (5) years and the WHA has not attempted to collect the debt within the five-year period.

#### **1.21.1 Standards for Repayment**

If a repayment agreement is offered to a participant in lieu of full payment, it will be in writing and may be within the following guidelines:

1. Down payment of at least twenty percent (20%) to be paid at time of signing the repayment agreement by money order or cashier's check.
2. The balance is to be paid within twelve (12) consecutive monthly payments starting thirty (30) days from the date of down payment.
3. **If the repayment is due to fraud WHA reserves the right to require payment in full within 30 days or the participant will be terminated from the program,**

#### **1.21.2 Exceptions**

Any terms allowing more time for repayment or for a lower down payment must be approved by Housing Choice Voucher Program director or his/her designee. A hearing officer shall also have the discretion to set the amounts and length of time for repayment, if a repayment agreement is a stipulation of participation determined at an informal hearing. Strict adherence to the terms of the repayment agreement by the participant is necessary otherwise benefits may be terminated in accordance with this plan.

## 1.22 Providing Information and Complaints

### 1.22.1 Information to Owner

A potential owner will be provided the following information about the program participant on the Owner/Agent Certification form upon request:

- a. The participant's current and prior address as shown in WHA records;
- b. The address of the participant's current and prior landlord; and
- c. A statement to the effect that the Agency has not screened the family's background or suitability for tenancy with the exception of a criminal and sex offender background check in accordance with WHA's policies.

The landlord is responsible for any other screening to be completed in a non-discriminatory manner. Landlords are responsible for determining whether to conduct their own criminal background checks to decide if the family is suitable for tenancy. If the current or potential owner requests criminal background information on an applicant/tenant, the WHA may not release details of the criminal background check but may notify the owner verbally over the telephone or in writing whether the family is eligible for assistance.

### 1.22.2 Complaints

The WHA shall promptly notify the owner of any complaints by or about the family concerning its tenancy or housing as it relates to their tenancy or the Housing Choice Voucher program. The WHA has the right to request action by the owner or a response as to the resolution or outcome of the issue. In responding to a complaint, the WHA may require the family to come to the Housing Choice Voucher Office for an interview to address its concerns regarding participation in the Housing Choice Voucher program. Members of the public may file complaints against owners, tenants, and employees of the WHA by submitting a letter describing the specific problems to:

Director, Westerly Housing Authority  
5 Chestnut Street  
Rhode Island 02891

The WHA and its authorized contractor investigate allegations of fraud or illegal activity committed by housing program applicants and tenants. Incidents of fraud or illegal activity may be reported by calling the WHA's fraud hotline number. All calls are confidential and callers remain anonymous at all times.

Additional information on the WHA's Fraud Program can be found by contacting the WHA office. Except as described in Fair Housing and Equal Opportunity and Grievance Procedures, all non-fair housing and ADA complaints shall be reviewed by an appropriate staff member and answered in no more than thirty (30) calendar days. Persons filing complaints shall be informed on a regular basis as to the progress of their complaint and any decisions made by the WHA. Persons wishing to report welfare fraud may do so by calling or writing:

Rhode Island Department of Human Services

600 New London Avenue  
Cranston, Rhode Island 02920

**1.22.3 Transfer of Ownership**

Section 14 of the existing HAP contract requires the owner to obtain the prior written consent of the WHA before any assignment of the HAP contract. In the event prior written consent was not requested nor granted, the HAP contract is terminated.

Where a transfer of ownership has been approved when a Housing Choice Voucher family is residing in the unit, Housing Choice Voucher staff shall notify Accounting, by providing Accounting with a copy of the Transfer of Ownership documents upon receipt from the owner, but no later than ten (10) business days after receipt. The new owner must submit all necessary paperwork and documents to Housing Choice Voucher Program staff and be qualified as an owner. At the time of notification, Accounting shall stop payment to the former owner. If there is an overlap between the transfer of ownership date and the date the payments are stopped, the WHA shall not be responsible for funds already disbursed to the former owner and Housing Assistance Payment disbursements shall be settled between the new and the previous owners.

**1.22.4 Foreclosure**

Any notification of foreclosure of a unit received by the housing agency shall be placed in the tenant file. A change of dwelling shall be given to the family at the discretion of the Agency. Preliminary notice of foreclosure action does not necessitate that the family move. The WHA may contact the owner or the foreclosing party (mortgage holder) for information. Failure of the WHA to make housing assistance payments when payment is owed and due shall not be the responsibility of the family. In such cases, the Agency shall expedite payment, including remittance of emergency check to assure continued tenancy for the Housing Choice Voucher family.

If a property is foreclosed during the term of the lease, the new owner cannot require the tenant to vacate the property prior to the effective date of transfer of ownership. However, the tenancy can be terminated as of the effective date of transfer if the owner:

- a. Will occupy the unit as a primary resident; and
- b. Has provided the tenant 90 days notice to vacate.

Otherwise, the new owner shall assume the same lease and HAP contract that was effective between the prior owner, tenant, and WHA or its contractor.

**1.23 Disapproval of Owners: Conditions**

The WHA shall limit, deny or terminate participation of owners in any of the following circumstances:

1. When the owner is debarred, suspended, or subject to a limited denial of participation by HUD;
2. When directed by HUD as a result of an administrative or judicial action in violation of the Fair Housing Act;
3. When an owner has a history of uncorrected HQS;

4. When an owner has a history of fair housing violations or complaints;
5. When an owner has been convicted of fraud, bribery or any corrupt or criminal act in connection with any federal housing program;
6. When an owner has violated a HAP contract pursuant to the federal regulation at (24 CFR part 982);
7. When an owner has engaged in any drug-related or violent criminal activity;
8. When an owner has not paid local property real estate taxes, fines or assessments;
9. When an owner has claimed homestead exemption on the assisted unit;
10. When the owner is any member of the participant family, unless the WHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities;
11. When the owner has not paid in full all utility bills related to the tenancy of a Housing Choice Voucher family that are owner responsibility;
12. When an owner has a history of failing to terminate the tenancy of Housing Choice Voucher tenants for activity engaged by the tenant, any member of the household, guest or other person that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants, for drug- related criminal activity; or violent criminal activity;
13. When the owner fails to execute the Housing Choice Voucher Landlord Certification of Responsibility form.
14. When an owner has a history of being abusive towards the WHA's staff or program participants.

Nothing in this Administrative Plan is intended to give or confer any rights upon any owner any right to participate in the WHA's Housing Choice Voucher Program. There are no appeal rights for the Agency's decision to disapprove owner participation.

#### **1.24 Definitions**

- i. Adult -- A person who is eighteen (18) years of age or older, or who has been convicted of a crime as an adult under any Federal, State or tribal law.
- ii. Child/Minor --Means a member of the family other than the family head or spouse who is under eighteen (18) years of age.
- iii. Criminal Records --All criminal arrest records for persons 18 years of age or older, including but not limited to, sex offender records and registration records, and any court dispositions, including but not limited to, nolo contendere, nolle prosequi, withholds of adjudication and adjudications of guilt. The term "criminal records" does not include records unavailable to the WHA by operation of law, including juvenile records, sealed or expunged records, exempt records under Rhode Island's Public Records Act, or other records unavailable to the WHA under state and federal laws. WHA will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses.
- iv. Dating Violence -- Violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship,

- and (iii) the frequency of interaction between the persons involved in the relationship.
- v. Dependent --A member of the family (excluding foster children, foster adults, or live-in aides) other than the family head or spouse, who is under eighteen (18) years of age, or is a person with disabilities, or is a Full-time student.
  - vi. Domestic Violence --Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabited with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  - vii. Disabled Family -- A family whose head, spouse, or sole member is a person with disabilities; or two (2) or more persons with disabilities living together; or one (1) or more persons with disabilities living with one or more live-in aides.
  - viii. 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 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.
  - ix. Displaced Family -- Includes persons who can document that they have been displaced by a natural disaster declared by the President of the United States, displaced through no fault of their own, by governmental action, or displaced by domestic violence.
  - x. Drug-related Criminal Activity -- Illegal manufacture, sale, distribution, or use of a drug, or possession of a drug, with the intent to manufacture, sell, distribute or use the drug pursuant to Rhode Island State law.
  - xi. Elderly Family --A family whose head, spouse, or sole member is a person who is at least sixty-two (62) years of age; or two or more persons who are at least sixty-two (62) years of age living together; or one or more persons who are at least sixty-two (62) years of age living with one or more live-in aides.
  - xii. Elderly Person -- A person sixty-two (62) years of age or older.
  - xiii. Family -- Family includes but is not limited to:
    - o A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
    - o An elderly family;
    - o A near-elderly family;
    - o A disabled family;
    - o A displaced family;
    - o The remaining member of a tenant family;
    - o A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family;
    - o A single person or a group of persons who reside together; and who are related by blood or marriage, or who exhibit a stable familial relationship.

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WHA will accept documentation proving that adult, domestic partners have a stable relationship (e.g. they have lived together for at least one year).

- Family Income -- Family Income means the annual income derived from all sources of the family members expected to reside in the dwelling unit and upon which rent is to be based.
- Fraud --Deceit or trickery deliberately practiced to gain some advantage dishonestly. Fraud is an intentional deception and is not committed accidentally.
- Full-Time Student -- A person registered for and carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.
- Geographic zones -- The areas of City of Westerly which may be divided with HUD approval for purposes of making offers of, and referrals for, project-based assistance.
- Good Cause --With respect to refusal of a housing offer, "good cause" shall mean that an applicant who is offered a unit can demonstrate through objective evidence that a move into the unit offered would result in a hardship related to the ability of the applicant or a member of the applicant's family to retain his or her employment or retain particular day care or medical services uniquely suited to the affected individual's needs, or is outside the applicant's preferred geographical zone. In addition, a hardship may relate to the person's inability to conveniently use the facility because of his or her disability and a lack of the necessary accessibility features.
- Group Moves -- Moves of multiple families arranged by the Housing Center and the WHA in promoting desegregative housing.
- Head of Household --The family member who is 18 years or older and held responsible and accountable for the family, normally considered to be the official tenant of record on the lease.
- Income Limits -- Income limits are those published by HUD that determine a family's eligibility for the Housing Choice Voucher.
- Immediate Family Members --Immediate family members are as follows: sons, daughters, brothers, sisters, parents, grandparents and grandchildren
- Live-in Aide-- A person eighteen (18) years of age or older who resides with one (1) or more elderly persons, or near elderly persons, or persons with disabilities who:
  - Is determined to be essential to the care and well-being of the persons;
  - Is not obligated for the financial support of the persons; and
  - Would not be living in the unit except to provide the necessary supportive services.
  - The live-in aide's income is not counted when determining family income.

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- Low Income Family -- A family who's Annual Income does not exceed eighty percent (80%) of the median family Income for the area, as determined by HUD with adjustments for smaller and larger families.
- Near-Elderly Family -- A family whose head of household, spouse or sole member is a person who is at least 50 years of age but below the age of 62; or two 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.
- Offer -- The term "offer" is used in the context of project-based assistance and means an offer of a unit that is vacant, appropriate for the household in size and type, and meets applicable housing quality standards.
- Persons with Disabilities -- Under federal discrimination law, an individual is disabled if he/she has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. This definition does not include any individual who is a drug addict and is currently using illegal drugs, or an alcoholic, who poses a direct threat to the health, safety, and right to peaceful enjoyment of the premises by other residents.
- Reasonable Accommodation -A reasonable accommodation is a change, modification, alteration, or adaptation in a policy, procedure, practice, program facility or unit that provides a person with a disability the opportunity to participate in, or benefit from, a program (housing or non-housing), service or activity.
- Reexamination/Recertification Date --The date on which the annual re-examination of eligibility for continued occupancy is due and which may or may not result in a rent change.
- Single Person -- A person living alone and who does not qualify as an elderly family, disabled family, displaced person, or as the remaining member of a tenant family.
- Stalking -- To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.
- Tenant Error -- Occurs when the tenant by action or by inaction breaches a lease, regulation or other program requirement because of a misunderstanding of rules. Tenant errors are considered unintentional program violations, as compared to fraud (see definition).
- Uniform Federal Accessibility Standards -- A dwelling unit that is designed, constructed, altered or adapted to comply with Uniform Federal Accessibility Standards (UFAS) and is located in accessible route.
- Units with Accessible Features -- A unit which has been altered in a manner that has some accessible features that assist persons with disabilities.

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- Unrestricted Tenant-Based Benefits -Tenant-based subsidies that have been designated by HUD or Congress for use only for certain programs, such as:
  - Veterans Assisted Supportive Housing (VASH);
  - HOPE for Elderly Independence;
  - HOPE VI;
  - Family Unification Program (FUP);
  - Continued assistance for previously assisted families;
  - Any other award that HUD sets aside for particular uses.
- Very Low Income Family -- A family who's Annual Income does not exceed fifty percent (50%) of the median family income for the area, as determined by HUD, with adjustments for smaller and larger families.
- Violent Criminal Activity -- Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage pursuant to Rhode Island State law.
- Waiting List -- The list of applicants who are waiting to be verified eligible for admittance to housing programs administered by the WHA and offered the benefit as it becomes available.



## 2 ADMISSIONS AND CONTINUED OCCUPANCY POLICY

This Admissions and Continued Occupancy Policy defines the Westerly Housing Authority's policies for the operation of the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail. This admissions and continued occupancy policy (herein, ACOP) will list through the following sections and sub-sections the policies and procedures of the WHA in relation to the existing Public Housing developments, which consists of both housing for the elderly and for families.

### **2.1 Fair Housing (24 CFR 960.103 (a))**

It is the policy of the Westerly Housing Authority (WHA) 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.

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

To further its commitment to full compliance with applicable Civil Rights laws, the Westerly 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, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Westerly Housing Authority office.

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

### **2.2 Reasonable Accommodations (24 CFR 966.7 & (24 CFR 100.204)**

Individuals with disabilities may need a reasonable accommodation in order to take full advantage of the Westerly Housing Authority housing programs and related services. The WHA will provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation. 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.

**2.2.1 Compliance with ADA and Section 504**

It is the WHA's policy to comply fully with all federal, state, and county antidiscrimination laws including, but not limited to, the Fair Housing Act; Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act.

No person shall, on the basis of race, color, sex, religion, national or ethnic origin, familial or marital status, sexual orientation, ancestry, age pregnancy, source of income, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under programs operated or funded by the WHA.

To further its commitment to full compliance with applicable civil rights laws, the WHA will provide federal/state/local information to applicants for, and participants in the Public Housing program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. The WHA will display the Fair Housing poster at the main office.

**2.2.2 Processing Discrimination Complaints and Reasonable Accommodations**

All applicable Fair Housing Information and Discrimination Complaint forms will be made available at the WHA's ADA Coordinator's office or by the ADA Coordinator mailing copies of information to person requesting same. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The WHA's ADA coordinator will assist any family that believes they have suffered illegal discrimination by providing copies of the federal and local housing discrimination forms and the addresses of the applicable offices. Also, the WHA's ADA coordinator will facilitate conciliation of discrimination complaints upon the request of complainants, to the greatest extent feasible.

The WHA will cooperate with HUD in conducting monitoring and compliance reviews and complaint investigations, pursuant to all applicable civil rights statutes and regulations, Executive Orders, and all civil rights related program requirements.

**2.2.3 Section 504 Grievance Procedure**

If the requesting individual with a disability is not satisfied with the WHA's response to the individual's request(s) for an auxiliary aid or service, the individual may file a formal grievance, including appropriate supporting documentation, if any, with WHA's Section 504/ADA Coordinator. The grievance may be communicated orally or in writing.

However, all oral grievances must be reduced to writing and maintained in WHA's files. In addition, WHA shall provide assistance to any individual who requests assistance in filing a grievance, including assistance in reducing the individual's grievance to writing. All grievances shall be dated and time-stamped.

- o Within seventy-two (72) hours of receipt, WHA's Section 504/ADA Coordinator will respond to the individual's grievance.

- o The Section 504/ADA Coordinator will provide his/her formal decision, in writing, within ten (10) business days after receipt of the grievance.

If the individual is dissatisfied with the WHA Section 504/ADA Coordinator's determination, the individual may pursue remedies under WHA's HUD-approved Grievance Procedures.

#### **2.2.4 Medical Marijuana**

If a household is prescribed medical marijuana, the family will not be allowed to have marijuana in their dwelling unit, and may not under any circumstance partake of the drug in any common areas or facilities (such as exteriors of the units, walkways, community rooms, etc) and may not share the drug with any persons and may not distribute the drug. Any instance of public use, distribution, or sharing of the drug will be considered a severe lease violation. In accordance with a memorandum from HUD dated February 10, 2011, medical marijuana use in public housing and housing choice voucher programs is not permitted and cannot be considered a reasonable accommodation.

#### **2.3 Services for Non-English Speaking Participants (24 CFR 5.502)**

The Westerly Housing Authority will endeavor to provide accommodations for people who are not proficient in the English language. WHA subscribes to a telephone interpreter service that provides interpretation in over 140 languages. At any time, a non-English speaking client family may request the use of this service in their contacts with the Housing Authority. See Section 3.7 for information regarding WHA's policy on Limited English Proficiency.

#### **2.4 Family Outreach**

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

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

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

#### **2.5 Right to Privacy (24 CFR 5.212)**

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/

## 2.6 Required Postings (24 CFR 966.5)

The Westerly Housing Authority will make available, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy
- B. Notice of the status of the waiting list (opened or closed)
- C. Income Limits for Admission
- D. Excess Utility Charges (if applicable)
- E. Utility Allowance Schedule
- F. Current Schedule of Routine Maintenance Charges
- G. Dwelling Lease
- H. Fair Housing Poster
- I. Equal Opportunity in Employment Poster
- J. Any current Westerly Housing Authority Notices

## 2.7 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 posted times at the Westerly Housing Authority Offices.

- ❖ Upon request, applications will be mailed to interested families who do not reside in Westerly, or who are unable, due to a disability or other good cause, to visit the Westerly Housing Authority office.
- ❖ Applications are taken to compile a waiting list. Due to the demand for housing in the Westerly Housing Authority jurisdiction, the Westerly Housing Authority may take applications on an open enrollment basis, depending on the length of the waiting list.
- ❖ Only completed applications will be accepted for all applicants and the Westerly Housing Authority will verify the information.
- ❖ The completed application will be dated and time stamped upon its return to the Westerly Housing Authority.
- ❖ Persons with disabilities who require a reasonable accommodation in completing an application may call the Westerly Housing Authority to make special arrangements.
- ❖ A Telecommunication Device for the Deaf (TDD) is available for the hearing impaired. The TDD telephone number is XXX-XXX-XXXX.
- ❖ The application process will involve two phases. The first phase requires the household to provide limited basic information including name, address, phone number, household composition, racial or ethnic designation, income and information establishing any preferences to which they may be entitled. This first phase results in the household's placement on the waiting list.
- ❖ Upon receipt of the family's application, the Westerly Housing Authority will make a preliminary determination of eligibility. The Westerly 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 Westerly Housing Authority determines the family to be ineligible, the notice will state the

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reasons therefore and will offer the family the opportunity of an informal review of the determination.

- ❖ The applicant must report change in their applicant status, in writing, including changes in address, family composition, income, or preference factors. The Westerly Housing Authority will annotate the applicant's file and will update their information on the waiting list.
- ❖ The second phase is the final determination of eligibility, and is referred to as the full application. The full application takes place when the family nears the top of the waiting list. The Westerly 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.

**2.8 Eligibility for Admissions**

**2.8.1 Introduction**

There are five eligibility requirements for admission to Public Housing. The applicant must:

1. Qualify as a family
2. Have an income within the income limits
3. Meet citizenship/eligible immigrant criteria
4. Provide documentation of Social Security numbers, birth certificates, photo id's
5. Sign HUD consent form 9886 and other WHA required authorization documents
6. Has not been involved in drug-related or criminal behavior or has not displayed a Pattern of other criminal behavior in the past 5 years.

In addition to the eligibility criteria, families must also meet the Westerly Housing Authority suitability criteria in order to be admitted to Public Housing.

**2.8.2 Eligibility Criteria**

**2.8.2.1 Family status At the Time of Admission (24 CFR 960.201 (a) (1))**

- 1) A family is defined as:
  - a. A single person 62 years or older.
  - b. A disabled person either who is 18 years or older and is not declared as a dependent by a parent or guardian or who is a dependent living in a group home or similar supervised residence.
  - c. A household with a child or children who resides in the unit 51% of the time. (A child who is temporarily away from the home because of placement in foster care is considered a member of the family).
  - d. Two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides.
  - e. Two or more persons related by blood, marriage, domestic partnership, adoption or placement by a governmental or social service agency, as defined by Westerly City Code.
  - f. A single adult that is not a part of another household.

**2.8.2.2 Income eligibility (24 CFR 960.202 (a) (2))**

- a. Income limits apply at admission and are applicable for continued occupancy, though will not be considered grounds for the termination of

tenancy when a household is receiving the Earned Income Disallowance or is enrolled in a Family Self-Sufficiency program

- b. 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 Westerly Housing Authority.
- c. If the Westerly 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.
- d. Income limit restrictions do not apply to families transferring within our Public Housing Program.
- e. If there are no eligible families on the waiting list and the Westerly 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 within 30 days if an eligible family applies unless they are currently receiving the Earned Income Disallowance or are enrolled in a Family Self-Sufficiency Program.

**2.8.3 Citizenship/Eligibility Status (42 USC 1436 a)**

- a. To be eligible, each member of the family must be a citizen, national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(a)).
- b. Family eligibility for assistance.
  - i. 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.
  - ii. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 2.12.6 for calculating rents under the noncitizen rule)
  - iii. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

**2.8.4 Social Security Number Documentation (24 CFR 960.259 (a)(3)(i))**

- a. To be eligible, all family members must provide a Social Security number.

**2.8.5 Signing Consent Forms (24 CFR 960.259(b))**

- a. 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.
- b. The consent form must contain, at a minimum, the following:
- c. A provision authorizing HUD or the Westerly Housing Authority to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
- d. A provision authorizing HUD to request income information from the IRS, the Department of Human Services, and the SSA for the sole purpose of

verifying income information pertinent to the family's eligibility or level of benefits; and

- e. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

#### **2.8.6 Tenant Selection Criteria**

In selecting families for admission to its Public Housing program, the WHA is responsible for screening family behavior and suitability for assistance. The WHA may consider all relevant information. The tenant selection criteria and information are reasonably related to individual attributes and behavior of an applicant and not related to those which may be imputed to a particular group or category of persons of which an applicant may be a member. This policy takes into account the importance of screening for program integrity, and the demand for assisted housing by families who will adhere to program responsibilities.

In selection of families for admission to its Public Housing program, the WHA may consider all relevant information, which may include, but not limited to:

- a. An applicant's past performance in meeting financial obligations, especially rent;
- b. A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other tenants; and
- c. A history of criminal activity involving crimes of physical violence to persons or property and any other criminal acts which would adversely affect the health, safety or welfare of other tenants.
- d. A history of abusing alcohol or drugs which would adversely affect the health, safety or welfare of other tenants.
- e. A history of fraud or intentional misrepresentation in connection with any Federal housing assistance program.

#### **2.8.7 Grounds for Denial**

Must deny 1-Year Period of Ineligibility

- a) In accordance with (24 CFR 5.216), applicants and participants (including each member of the household) must disclose his/her assigned Social Security Number, failure to disclose will result in denial of assistance.

##### **b) Life-Time Bans**

- a. The Housing Authority Must Prohibit Admission To Public Housing If Any Household Member:
  - i. Is subject to a "lifetime" registration requirement under a State sex offender registration program.
  - ii. Has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of Federally assisted housing.
- b. The Housing Authority May Prohibit Admission To Public Housing If Any Household Member:
  - i. Is subject to "any" registration requirement under a State sex offender registration program.

c) Ability to Comply with Lease

Applicants must provide information demonstrating their ability to comply with the essential elements of the lease. The Housing Authority may prohibit admission to Public Housing for failure to provide this information.

- a. A credit check of the head, spouse and co-head;
- b. A rental history check of all adult family members;
- c. A check of employment history of all adult family members;
- d. A criminal background check on all household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last five (5) years.
- e. All family members over the age of 18 must sign an affidavit certifying that that no family members (including minors) have participated in any criminal behavior listed in this section.
- f. The WHA may require a home visit to provide 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.

d) Documentation Requirements - The WHA must prohibit admission to Public Housing if:

- a. The family fails to supply any information that the Housing Authority or HUD determines is necessary in administration of the Public Housing program, including submission of required evidence of citizenship or eligible immigration status (as provided by (24 CFR part 5, subpart E). "Information includes any requested certification, release or other documentation.
  - b. If the family fails to supply any information requested by the Housing Authority or HUD for use in a regularly scheduled reexamination or an interim reexamination of family income and composition in accordance with HUD requirements.
  - c. If the family fails to comply with the requirements of (24 CFR part 5, subpart B of this title regarding family verification and disclosure of social security numbers and family execution and submission of consent forms for obtaining wage and claim information from State Wage Information Collection Agencies (SWICAs).
  - d. If any information supplied by the family is not true and complete.
- e) Eviction/Current Criminal Activity and Alcohol Abuse - The Housing Authority must prohibit to Public Housing to:
- a. For an applicant for three (3) years from the date of the eviction if any household member has been evicted from federally assisted housing for drug-related criminal activity. However, the Housing Authority may admit the household if the Housing Authority determines:
    - i. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Housing Authority;



- ii. The circumstances leading to the eviction no longer exist (e.g., the criminal household member has died or is imprisoned).
  - b. If the WHA determines that any household member is currently engaging in illegal use of a drug (For purposes of this section, a household member is "currently engaged in" the criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current).
  - c. If the WHA determines 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.
  - d. If the WHA determines 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.
- f) Rental History:
  - a. WHA will require that all applicants provide at least 5 years of rental history from prior landlords. WHA will verify directly with the landlord (or other verifier) about the history of the applicant as a tenant with the landlord. WHA will verify:
    - i. Applicant's history of rental payments
    - ii. Applicant's history of maintaining the dwelling unit
    - iii. Applicant's history of behavior with other tenants and in the community (if known)
  - b. WHA will not consider negatively applicants who:
    - i. Have never rented an apartment or other dwelling unit
    - ii. Have owned housing in the past 5-10 years and therefore have no rental history
    - iii. Have lived with family (or other similar) members and have no history of leased housing
- g) Discretion to Deny for Criminal Activity (3-year period of ineligibility).

If any household member is currently engaged in, or has engaged in within five years before the admission the following criminal activity the HA may deny assistance, based on a preponderance of evidence, regardless of whether the household member has been arrested or convicted for such activity:

  - a. Drug-related criminal activity (defined at (24 CFR 5.100);
  - b. Violent criminal activity (defined at (24 CFR 5.100) [Note the exception for victims of domestic violence.]
  - c. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity;
  - d. Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA

(including a WHA employee or a WHA contractor, subcontractor or agent);

- e. Theft or fraudulent practice the equivalent of a Felony under Rhode Island law or repeat misdemeanor convictions (three times within the last 10 years);
- f. Forgery or fraudulent criminal acts;
- g. Disorderly conduct;
- h. Required to register under a State sex offender registration program. With respect to criminal activity, the WHA may require an applicant to exclude a household member in order to be admitted to the housing program if that household member has participated in or been culpable for actions described in (24 CFR 960.204 that warrants denial.

If a person is denied for any reason listed above, the person will be ineligible for assistance for three years after the date of the denial notice.

#### **2.8.8 Discretion to Deny for Other Miscellaneous Reasons**

The Housing Authority may prohibit admission:

- a. If any member of the family has ever been terminated from assistance under a Section 8 program or evicted from federally assisted housing.
- b. If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.
- c. If the family currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance or any other Federally assisted housing under the 1937 Act (as amended).
- d. If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under a Section 8 assisted lease.
- e. If the family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel.
- f. If a Welfare-to-Work (WTW) family fails, willfully and persistently, to fulfill its obligations under the WTW voucher program.
- g. If the WHA 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.
- h. Use of an alias in the commission of a crime, in the application for government benefits or assistance, or to mislead or defraud a creditor.
- i. If a person is denied for any reason listed above, the person will be ineligible for assistance for one year after the date of the denial notice.
- j. WHA houses people who are 62 years old or disabled at any age. WHA may deny assistance to a person who is disabled if that disability is based on an addiction to illegal drugs or alcohol.

#### **2.8.9 Additional Considerations**

The following applies to the WHA's determination to approve or deny admission due to the action or failure to act by members of the family.

1. In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent with the Housing Authority's policies, procedures and practices, consideration may be given to factors which might indicate a reasonable probability of favorable future conduct, including but not limited to:
  - a. Evidence of rehabilitation; and
  - b. Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs;
  - c. The effect the denial will have on family members not involved in the criminal activity and the extent to which the offending family member and applicant have taken personal responsibility and have taken all reasonable steps to prevent or mitigate the offending behavior.
2. In determining whether to deny admission for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, the Housing Authority may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the Housing Authority may require the applicant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.
3. Exception for Victims of Domestic Violence  
Although the HA may deny Public Housing assistance if a member of the tenant family has engaged in violent criminal activity, there is an exception for victims of domestic violence. Domestic violence includes threatened domestic violence, dating violence, and stalking as those terms are defined in 42 U.S.C. 1437d. The Housing Authority may deny Public Housing assistance to the member of the household who committed the domestic violence but not to the victim. The Housing Authority may, however, deny the assistance to the victim for other reasons not premised on the act of domestic violence.

#### **2.8.10 Consumer Credit History**

Credit History – Each applicant will have a consumer credit report run at the time of admissions, applicants with any of the following will be considered ineligible, as these elements on their credit report will be considered as a hindrance to the applicant's ability to pay rent and utilities:

- ❖ Debt to Income Ratio: if the household's debt to income ratio exceeds 50% of the household wages, then the household will be considered to be ineligible.
- ❖ Household Utilities: if the household has a history of non-payment with utility companies, such as Electric, Gas, Propane, Oil, Water, Sewer, etc, then the applicant will not be eligible for assistance.

- ❖ Household Credit History: If the credit report reveals any instances of revolving or other credit that were defaulted on in the last three years, then the household will be considered to be ineligible.

## **2.9 Managing the Waitlist**

### **2.9.1 Opening and Closing the Waitlist (24 CFR 960.206)**

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. 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 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.

### **2.9.2 Organization of Waitlist (24 CFR 960.206 (e)(1))**

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

- a. The application will be part of an active applicant's/tenant's permanent file, all dropped application will be kept for three (3) years.
- b. All applications will be maintained in order of bedroom size, preference, and then in order of date and time of application; and
- c. Any contacts between the Westerly Housing Authority and the applicant will be documented in the applicant file.
- d. The applicant shall provide the necessary documents to verify their income with the original application to insure proper placement on the waiting list based on income targeting criteria.

### **2.9.3 Families Nearing the Top of the Waitlist**

When a family appears to be within three (3) months of being offered a unit, the family will be sent a Tenant Information Form (TIF) to complete and return to the WHA. This begins the verification process. 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 place on the waiting list. The Westerly Housing Authority must notify the family, in writing, of this determination and give the family the opportunity for an informal review.

If not already done, the family will provide copies of social security cards, certified birth certificates, photo identification for all adult members, citizenship/eligible immigrant information and sign the consent for release of information forms.

### **2.9.4 Purging the Waitlist**

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

### **2.9.5 Removal of Applicants from the Waitlist**

The Westerly Housing Authority shall remove an applicant's name from the waiting list when:

- 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 (this includes mail undeliverable by the Postal Service which is returned to the WHA); or
- c. The applicant does not meet either the eligibility or suitability criteria for the program.
- d. Application forms from applicants removed from the waiting list will be destroyed three (3) years from date of removal.

### **2.9.6 Missed Appointments**

If an applicant fails to keep a scheduled appointment, the Westerly Housing Authority will allow the family to reschedule for good cause, as determined by the WHA. 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 Westerly Housing Authority will work closely with the family to find a more suitable time.

### **2.9.7 Notifications of Negative Actions (24CFR 24 960.208 (a))**

Any applicant whose name is being removed from the waiting list will be notified by the Westerly Housing Authority, in writing, that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified.

The Westerly Housing Authority system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the WHA will verify that there is, in fact, a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

## **2.10 Tenant Selection and Assignment Plan**

### **2.10.1 Preferences**

The WHA will select families based on the following preferences within each bedroom size category (24 CFR 960.206 (a)(1)). Families eligible under multiple categories of preferences will be assigned higher placement on the waitlist accordingly. For example, if a family is eligible under the working family preference and the local area residence, their application will be given even greater priority.

#### **2.10.1.1 Working Family Preference:**

Families who are working as of the date of the application, and have been working for a period of at least 6 months at the same place of employment for at least 20 hour per week, shall be eligible for this preference. This preference defines a "working family" as any family with at least one working adult member; if there are other members of the family who are adults and not currently employed, the family will still be eligible for this preference.

**2.10.1.2 Local Area Residency Preference:**

Families who are local area residents (no P.O. Boxes will be accepted without a specific street address in Westerly) shall be given preference for admissions to the program. If an applicant can show that they have been a resident of Westerly, RI they will be eligible for this preference. Proof of residency can include a) proof of ownership of real estate, b) a lease executed for a Westerly address of more than six months prior to the date of application, c) Utility bills from the address from six months or more, d) Signed and dated letter from official source of City of Westerly, including but not limited to, police officials, school officials, building officials. Other forms of verification will be considered but are subject to review and approval by WHA staff.

**2.10.1.3 Displaced Individuals or Families**

a. Families or individuals displaced by government action or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.



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

❖ NOTE: The use of a residency preference will not have the purpose or effect of delaying or otherwise denying admission to the HCV program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

❖ 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, must 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. (24 CFR 960.206 (c))

**2.10.2 Assignment of Bedroom Sizes**

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

Number of Bedrooms	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.

- ❖ In determining bedroom size, the Westerly Housing Authority will include the presence of children who are in the household at least 51% of the time, 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 (less than 1 year) in foster-care. Other pending custody issues will be evaluated on a case by case basis, taking into account the reasonable likelihood of success. Documentation of guardianship will be required.
- ❖ In addition, the following considerations may be taken in determining bedroom size:
  - a. Children of the same sex may share a bedroom.
  - b. Children of the opposite sex, both under the age of 5 may share a bedroom.
  - c. Adults and children will not be required to share a bedroom. Foster adults and/or foster children will not be required to share a bedroom with family members.
  - d. Live-in aides will get a separate bedroom.
  - e. Exceptions to normal bedroom size standards include the following:
    - i. Units smaller than assigned through the above guidelines – A family may request a smaller unit size than the guidelines allow. The Westerly Housing Authority may allow the smaller size unit so long as generally no more than two (2) people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for one year or until the family size changes, whichever may occur first. The WHA is under no obligation to allow a larger size unit and any moves allowed will be at the family's own expense.
    - ii. Units larger than assigned through the above guidelines – A family may request a larger unit size than the guidelines allow. The Westerly Housing Authority may allow the larger size unit if the family provides a verified medical need that the family must be housed in a larger unit.
    - iii. If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the family's own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30-day notice before being required to move.
    - iv. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

**2.10.3 Selection from the Waiting List (24 CFR 960.202)**

The Westerly Housing Authority shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income is at or below 30% of the area median income. To insure this requirement is met, the WHA shall quarterly 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, higher income families on the waiting list will be skipped to reach extremely low-income families. Outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement will be considered to meet the 40% requirement explained in the preceding paragraph. A quarterly report will also be provided to the board of commissioners identifying the the income categories and number of families on the waiting list

**2.10.4 Deconcentration Policy (24 CFR 960.202)**

The Town Of Westerly Housing Authority meets the requirements for income mixing identified in this administrative plan. (see 24 CFR 903.2.b.i))

**2.10.5 Offer of a Unit**

- ❖ When the WHA 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.
- ❖ The WHA will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given five (5) business days from the date the letter was mailed to contact the WHA 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 Westerly Housing Authority will send the family a letter documenting the offer and the rejection.

**2.10.6 Rejection of Unit**

- ❖ If in making the offer to the family, the WHA skipped over other families on the waiting list 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 WHA did not skip over other families on the waiting list to reach this family and the family rejects the unit without good cause, the family will be removed from the waiting list and will need to reapply if they desire future consideration.
- ❖ 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.

**2.10.7 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.
- ❖ The applicant will be provided a copy of the lease, the grievance procedure, utility allowances, utility charges, the current schedule of routine maintenance charges, and a request for reasonable accommodation form. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and that they have



reviewed them with WHA personnel. The certification will be filed in the tenant's file.

- ❖ 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 WHA will retain the original executed lease in the tenant's file. A copy of the grievance procedure will be attached to the resident's copy of the lease.
- ❖ The family will pay a security deposit at the time of lease signing. The security deposit will be equal to the Total Tenant Payment. An additional deposit will be required for approved pets.
- ❖ In exceptional situations, the WHA reserves the right to allow a new resident to pay their security deposit in up to three (3) payments. One third shall be paid in advance; one third with their second rent payment, and one-third with their third rent payment. This shall be at the sole discretion of the Housing Authority.
- ❖ In the case of a move within Public Housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family.
- ❖ In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

### **2.11 Income, Exclusions from Income, & Deductions from Income**

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

#### **2.11.1 Annual Income**

- 1) Annual income means all amounts, monetary or not, that:
  - a. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; (24 CFR 5.609 (a)(1) 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; (24 CFR 5.609(a)(2) and
  - c. Are not specifically excluded from annual income. (24 CFR 5.609(a)(3)  
Annual income includes, but is not limited to:
    - i. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services. (24 CFR 5.609(b)(1)
    - ii. 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. (24 CFR 5.609(b)(2)

- iii. 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. (24 CFR 5.609(b)(3)
- iv. 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.) (24 CFR 5.609(b)(4)
- v. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.) (24 CFR 5.609(b)(5)
- vi. Welfare assistance (24 CFR 5.609(b)(6).
- vii. 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: (24 CFR 5.609(b)(6)
- viii. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus (24 CFR 5.609(b)(6)(i)
- ix. The maximum amounts 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. (24 CFR 5.609(b)(6)(i)

- x. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud. (24 CFR 5.615 (c))
- xi. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income. (24 CFR 5.615(c))
- xii. 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. (24 CFR 5.609(b)(7))
- xiii. 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.) (24 CFR 5.609(b)(8))
- xiv. All income from child support and alimony will be counted as income in the amount stated in the latest active court order. In the event a person claims they are not receiving their payments, the burden will be on the participant to demonstrate these payments are not being made. Evidence of non payment can be from state disbursement reports, court actions filed for non payment, or other verifiable documents approved by WHA.

#### **2.11.2 Annual Income Exclusions**

- 1) Annual income does not include the following:
  - a. Income from employment of children (including foster children) under the age of 18 years; (24 CFR 5.609(c)(1))
  - 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); (24 CFR 5.609(c)(2))
  - 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; (24 CFR 5.609(c)(3))
  - d. Amounts received by the family that is specifically for or in reimbursement of, the cost of medical expenses for any family member; (24 CFR 5.609(c)(4))
  - e. Income of a live-in aide; (24 CFR 5.609(c)(5))
  - f. The full amount of student financial assistance paid directly to the student or to the educational institution; (24 CFR 5.609(c)(6))
  - g. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire; (24 CFR 5.609(c)(7))
  - h. Self-Sufficiency Incentives (24 CFR 960.255)

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- i. When an increase in annual income occurs as the result of employment under any of the following conditions:
  - i. Family member was previously unemployed for one or more years (previously unemployed means no more than would be earned for 10 hours of work per week for 50 weeks at the established minimum wage.) (24 CFR 960.255 (i) or
  - ii. Family member has new employment as a result of participation in an economic self-sufficiency or other job-training program. (24 CFR 960.255 (ii) or
  - iii. Family member has new employment during or within 6 months of receiving benefits or services under any state program for temporary assistance for needy families (FIP), provided that the total amount over a six-month period is at least \$500. (24 CFR 960.255
  - iv. If any of the above conditions exist, that family member is eligible for 100% income exclusion of the income increase for a period of 12 cumulative months. (24 CFR 960.255 (b))
    - 1. During the second cumulative 12-month period, the family member is entitled to a 50% exclusion of the income increase. (24 CFR 960.255 (b) (2)
    - 2. There is a maximum lifetime disallowance of four years. (24 CFR 960.255 (b) (3)
    - 3. The disallowance period shall begin as of the month following the first date of employment for the qualified family member. (24 CFR 960.255 (b)
    - 4. The exclusion of increases in income as a result of employment under this section does not apply for purposes of admission to the Public Housing program (including the determination of income eligibility and income targeting). (24 CFR 960.255 (c).
- j. The amounts received from the following programs:
  - i. Amounts received under training programs funded by HUD; (24 CFR 5.609(c)(8)(i)
  - ii. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS); (24 CFR 5.609(c)(8)(ii)
  - iii. 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; (24 CFR 5.609(c)(8)(iii)
  - iv. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the

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, and resident initiative coordination. No resident may receive more than one such stipend during the same period of time; (24 CFR 5.609(c)(8)(iv)

- k. 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; (24 CFR 5.609(c)(8)(v)
- l. Temporary, nonrecurring or sporadic income (including gifts); (24 CFR 5.609(c)(9)
- m. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era; (24 CFR 5.609(c)(10))
- n. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse); (24 CFR 5.609(c)(11)
- o. Adoption assistance payments in excess of \$480 per adopted child; (24 CFR 5.609(c)(12)
- p. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply: (24 CFR 5.609(c)(13) (24 CFR 5.609(c)(13)
  - i. Comparable Federal, State or local law means a program providing employment training and supportive services that: (24 CFR 5.609(c)(13)(ii)(A)
    - 1. Is authorized by a Federal, State or local law;
    - 2. Is funded by the Federal, State or local government;
    - 3. Is operated or administered by a public agency; and
    - 4. Has as its objective to assist participants in acquiring employment skills.
  - ii. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by Public Housing assistance under the 1937

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Act. If the family member is terminated from employment with good cause, the exclusion period shall end. (24 CFR 5.609(c)(13)(ii)(B))

- q. Earnings and benefits mean the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job. (24 CFR 5.609(c)(13)(ii)(C))
- r. The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families: (24 CFR 5.609(c)(8)(v))
- s. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
- t. Families whose income increases during the participation of a family member in any family self-sufficiency program.
- u. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts; (24 CFR 5.609(c)(13)(ii)(C)(14))
- v. 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; (24 CFR 5.609(c)(13)(ii)(C)(15))
- w. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; (24 CFR 5.609(c)(13)(ii)(C)(16) or
- x. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. (24 CFR 5.609(c)(13)(ii)(C)(17))
  - i. These exclusions include:
    - 1. The value of the allotment of food stamps
    - 2. Payments to volunteers under the Domestic Volunteer Services Act of 1973
    - 3. Payments received under the Alaska Native Claims Settlement Act
    - 4. Income from submarginal land of the U.S. that is held in trusts for certain Indian tribes
    - 5. Payments made under HHS's Low-Income Energy Assistance Program
    - 6. Payments received under the Job Training Partnership Act
    - 7. Income from the disposition of funds of the Grand River Band of Ottawa Indians
    - 8. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
    - 9. Amount of scholarships awarded under Title IV including Work-Study
    - 10. Payments received under the Older Americans Act of 1965

11. Payments from Agent Orange Settlement
  12. Payments received under the Maine Indian Claims Act
  13. The value of child care under the Child Care and Development Block Grant Act of 1990
  14. Earned income tax credit refund payments
  15. Payments for living expenses under the Americorps Program
  16. Additional income exclusions provided by and funded by the Westerly Housing Authority
- y. The Westerly Housing Authority will not provide exclusions from income in addition to those already provided for by HUD.

### **2.11.3 Deductions from Income (24 CFR 5.611)**

- 1) The following annual deductions will be made from annual income:
- a. \$480 for each dependent; (24 CFR 5.611 (a))
  - b. \$400 for any elderly family or disabled family; (24 CFR 5.611 (b))
  - c. For any family that is not an elderly or disabled family but has a member (other than the head, co-head, or spouse) who is a person with a disability, disability assistance expenses in excess of 3% of annual income. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities. (24 CFR 5.611 (c))
  - d. For any elderly or disabled family:
  - e. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income; (24 CFR 5.611 (d)(1))
  - f. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses; (24 CFR 5.611 (d)(2))
  - g. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 3% of annual income. (24 CFR 5.611 (d)(3))
  - h. In addition, when calculating medical expenses the WHA will use IRS Publication 502 for allowable medical deductions. Only those expenses specifically outlined in IRS 502 or (24 CFR 5.611) will be allowed.
  - i. Child care expenses. Only if head of household and co-head / spouse are working and/or are a full time student. Childcare payments to appropriately verified providers allowed for working/school hours only. (24 CFR 5.611 (e))

### **2.11.4 Verification**

The Westerly 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 noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance. (24 CFR 960.206)

**2.11.5 Acceptable Methods of Verification**

- ❖ Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship, documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family. CFR 24 5.216(a) & CFR 24 5.508 (b)
- ❖ Other information will be verified by third party verification. This type of verification includes written documentation with forms sent directly to and received directly by a source, not passed through the hands of the family. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the Westerly Housing Authority or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name date of contact, amount received, etc. (24 CFR 5.617 (b))
- ❖ When third party verification cannot be obtained, the Westerly Housing Authority will accept documentation received from the applicant/tenant. Hand-carried documentation will be accepted if the Westerly Housing Authority has been unable to obtain third party verification in a 4-week period of time. Photocopies of the documents provided by the family will be maintained in the file.
- ❖ When neither third party verification nor hand-carried verification can be obtained, the Westerly Housing Authority will accept a notarized statement signed by the head, spouse or co head. Such documents will be maintained in the file.

**2.11.6 Types of Verification (24 CFR 5.617 (b))**

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the WHA will send a request form to the source along with a release form signed by the applicant/tenant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3rd party verification	Hand-carried verification
General Eligibility Items		



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<b>Verification Requirements for Individual Items</b>		
<b>Item to Be Verified</b>	<b>3rd party verification</b>	<b>Hand-carried verification</b>
Social Security Number	An original SSN card issued by SSA; An original SSA-issued document, which contains the name and SSN of the individual; or An original document issued by a federal, state, or local government agency which contains the name and SSN of the individual	Social Security card
Citizenship	N/A	Signed HUD self-certification, Certificate of U.S. Citizenship, Certificate of Naturalization, state-certified birth certificate.
Eligible immigration status	INS SAVE confirmation #	Permanent lawful resident card, I 551 stamp on passport, or other INS documentation
Proof of Age	N/A	State certified birth certificate
Physical Characteristics (if > 18)	N/A	Photo i.d.
Disability	Verification from medical professional, SSI, Etc.	Proof of SSI or Social Security disability payments
Full time student status (if > 18)	Verification from the school/educational institution where enrolled	N/A
Need for a live-in aide	Letter from physician verifying condition requires a live-in aide	N/A
Child care costs	Verification from child care provider of out of pocket childcare expenses	Bills and receipts
Disability assistance expenses	Verification from supplier, care givers, etc.	Bills and records of payment
Medical expenses	Verification from providers, Prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed, etc.	Bills, receipts, records of payment, for over the counter drugs etc.
<b>Value of and Income from Assets</b>		

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<b>Verification Requirements for Individual Items</b>		
<b>Item to Be Verified</b>	<b>3rd party verification</b>	<b>Hand-carried verification</b>
Savings, checking accounts	Verification from financial institution	Most current statements
CDs, bonds, etc.	Verification from financial institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Verification 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
<b>Income</b>		
Earned income	1. Verification from employer 2. Verification from RI Workforce Development 3. Verification from HUD	1. Multiple pay stubs if verification from employer fails 2. Employer Wage Record records 3. Up-Front Income Verification (UIV) system.
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence if requested
Alimony/child support	Clerk of Court, Collection Services Center, letter from Human Services or child support recovery unit	Record of deposits, Collection Services Center, certified payment history, payment record from Clerk of Court

Verification Requirements for Individual Items		
Item to Be Verified	3rd party verification	Hand-carried verification
Periodic payments (i.e. social security, welfare, pensions, workers comp, unemployment insurance.)	Verification of electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating - whether enrolled or completed - whether training is HUD - funded - whether Federal, State, local govt., or local program - whether it is employment training - whether it has clearly defined goals and objectives - whether program has supportive services - whether payments are for out-of-pocket expenses incurred in order to participate in a program - date of first job after program completion	N/A Evidence of Job Start

**2.11.7 Verification of Citizenship or Eligible Non-Citizen Status**

- ❖ The citizenship/eligible noncitizen status of each family member regardless of age must be determined. (24 CFR 5.508(a))
- ❖ Prior to being admitted all citizens and nationals will be required to sign a declaration under penalty of perjury. (A parent or guardian will sign on behalf of minors.) They will be required to show proof of their status by such means as a Social Security card, birth certificate, military ID, or military DD 214 Form. (24 CFR 5.508 (b)(1)) Prior to being admitted all eligible noncitizens 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. (24 CFR 5.508 (b)(2))
- ❖ Prior to being admitted all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. (A parent or guardian will sign on behalf of minors.) The Westerly Housing Authority will make a copy of the individual's INS documentation and place the copy in the file. The Westerly Housing Authority will also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility; the Westerly Housing Authority will mail information to the INS in order that a manual check can be made of INS records. (24 CFR 5.512)

- ❖ Family members who do not claim to be citizens, nationals, or eligible noncitizens must be listed on a statement of non-eligible members and the head of the household must sign the list. (24 CFR 5.508 (e))
- ❖ Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to Public Housing. 42 U.S.C. §1436 (c)(2)(A))
- ❖ Any family member who does not choose to declare their status must be listed on the statement of non-eligible members. (24 CFR 5.508 (e))
- ❖ If no family member is determined to be eligible under this section, the family's eligibility will be denied. 42 U.S.C. §1436a (a); (24 CFR 506)
- ❖ 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. (24 CFR 5.514 (b))
- ❖ If the Westerly Housing Authority determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their Public Housing unit, the family will be evicted. Such family will not be eligible to be readmitted to Public Housing for a period of 24 months from the date of eviction or termination. (24 CFR 5.514 (c)(ii)(B)(iii))

#### **2.11.8 Verification of Social Security Numbers (24 CFR 5.216)**

Prior to admission, each household member who is at least six (6) years of age must provide verification of his or her social security number. Verification of social security numbers for all children under six (6) will be requested. Verification for social security cards for children in assisted households is required to be provided at the first regular reexamination after turning six (6).

Verification of the social security number is the original social security card. If the card is not available, the WHA will accept letters from the Social Security Administration that establish and state the number. Passports, or other official documents that establish and state the number, are also acceptable.

If a member of a household indicates that they have a social security number, but cannot verify it, they shall be asked to certify to this fact and shall have up to 60 days to provide the verification. If the individual is at least 62 years of age, they will be given 120 days to provide the verification. If the individual fails to provide the verification within the time allowed the household will be denied assistance or will have their assistance terminated and be evicted from the Public Housing unit.

#### **2.11.9 Timing of Verification**

- ❖ Verification of information must be dated within one hundred twenty (120) days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.
- ❖ When an interim reexamination is conducted, the WHA will verify and update only those elements reported to have changed. It is the client's responsibility to report any changes within 30 days of the event.

- ❖ The WHA reserves the right to have the tenant sign a new lease for any interim, reexamination.

**2.11.10 Frequent of Obtaining Verification**

- ❖ For each family member, citizenship/eligible noncitizen 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 noncitizen status will be verified. (24 CFR 5.508 (g))
- ❖ For each household member, verification of social security number will be obtained only once. This verification will be obtained prior to admission. When a child turns six (6), their verification will be obtained at the next regular reexamination. (24 CFR 5.216)
- ❖ Family composition, annual household income, and other factors affecting tenant rent will be verified at least annually.

**2.12 Determination of Total Tenant Payment and Tenant Rent**

**2.12.1 Family Rent 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 formula method or having their rent set at the flat rent amount.

At the annual review, families will be instructed to make their choice by comparing their current rent to the Flat Rent for their unit. Upon completion of the annual review process, the WHA will compare the two rent calculations. If the choice the family made is not the most beneficial to them, the WHA will contact the family to further discuss their choice.

1. Families who opt for the flat rent will be required to go through the income reexamination process annually. (24 CFR 960.257 (a)(2))
2. Families who opt for the flat rent may request to have a reexamination and return to the formula based method at any time for any of the following reasons:
  3. The family's income has decreased. (24 CFR 960.253 (f)(3)(i))
  4. The family's circumstances have changed increasing their expenses for childcare, medical care, etc. (24 CFR 960.253 (f)(3)(ii))
  5. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family. (24 CFR 960.253 (f)(3)(iii))

**2.12.2 The Formula Method (24 CFR 5.628(a))**

- 1) The total tenant payment is equal to the highest of:
  - a. 10% of monthly income;
  - b. 30% of adjusted monthly income; or
  - c. \$50 minimum rent
- 2) In the case of a family who has qualified for the income exclusion at Section 11.2(H)(11) of this document, upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following

the 12-month period of disallowance, the resulting rent increase will be capped at 50 percent of the rent increase the family would have otherwise received.

**2.12.3 Minimum Rent**

- 1) The Westerly Housing Authority has set the minimum rent at \$50 (24 CFR 5.630) However if the family requests a hardship exemption, the Westerly Housing Authority may suspend the minimum rent for the family until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature. (24 CFR 5.630(b))
- 2) A hardship may exist in the following circumstances:
  - a. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program; (24 CFR 5.630(b)(i))
  - b. When the family would be evicted as a result of the imposition of the minimum rent requirement; (24 CFR 5.630(b)(ii))
  - c. When the income of the family has decreased because of changed circumstances, including loss of employment; (24 CFR 5.630(b)(iii))
  - d. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items; (24 CFR 5.630(b)(v))
  - e. When a death has occurred in the family. (24 CFR 5.630(b)(iv))
- 3) 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. (24 CFR 5.630(b)(v)(2)(B)(iii))
- 4) 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 not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The WHA will offer a repayment agreement 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. (24 CFR 5.630(b)(2)(v)(2)(C)0
- 5) Long-term hardship. If the WHA determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists. (24 CFR 5.630(b)(2)(v)(2)(B))
- 6) Appeals. The family may use the grievance procedure to appeal the WHA's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure. (24 CFR 5.630(b)(2)(v)(2)(C)(3))

**2.12.4 Flat Rent**

The WHA 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 condition, amenities, services, and neighborhood. The WHA 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. Affected families will be given a 30-day notice of any rent change. Adjustments are applied annually for each affected family. (24 CFR 960.253 (b) The Westerly Housing Authority will post the flat rents in the Public Housing Coordinator's office.

### 2.12.5 Ceiling Rent

The Westerly Housing Authority has set ceiling rents to be equal to flat rents. (24 CFR 960.253 (d))

### 2.12.6 Rent for Families under the Non-Citizen Rule

- 1) A mixed family is a family whose members include both those with citizenship or eligible immigration status, as well as those without citizenship or eligible immigration status. A mixed family will receive full continuation of assistance if all of the following conditions are met:
  - a. The family's head or spouse has eligible immigration status; (24 CFR 5.518(a)(ii) and
  - b. 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. (24 CFR 5.518(a)(iii))
- 2) 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. The maximum period of time for assistance under the provision is eighteen (18) months. The Westerly 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 Westerly Housing Authority will provide additional search periods up to the maximum time allowable. (24 CFR 5.518(a)(iii)(2)(b))
- 3) 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%.
- 4) The family's assistance is prorated in the following manner:
  - a. Determine the 95<sup>th</sup> percentile of gross rents for the appropriate size unit (tenant rent plus utility allowance) for the Westerly Housing Authority. The 95<sup>th</sup> percentile is called the maximum rent. (24 CFR 5.520 (d)(2))
  - b. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy. (24 CFR 5.520 (d)(2))
  - c. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy. (24 CFR 5.520 (d)(3))
  - d. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent. (24 CFR 5.520 (d)(5))

### 2.12.7 Effective Date of Rent Changes for Annual Recertifications

The new rent will generally be effective upon the anniversary date with thirty-(30) day's notice of any rent increase to the family. (24 CFR 966.4 (c)(1))

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 the anniversary date.

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

#### **2.12.8 Utility Allowance**

The WHA shall establish a utility allowance for all tenant-paid utilities (telephone, internet, and cable excluded). 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 WHA 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. (24 CFR 960.253(c) &(d) and 966.4(c)(4)

- ❖ The utility allowance will be subtracted from the family's formula or flat rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the Westerly 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.
- ❖ Utility allowance revisions based on rate changes shall be on the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual reexamination.
- ❖ Requests for relief from surcharges for excess consumption of Westerly Housing Authority purchased utilities or from payment of utility supplier billings in excess of the utility allowance for tenant-paid utility costs may be granted by the Westerly Housing Authority on reasonable grounds. Requests shall be granted to families that include an elderly member or a member with disabilities. Requests by the family shall be submitted under the Reasonable Accommodation Policy. Families shall be advised of their right to individual relief at admission to Public Housing and at time of utility allowance changes.

### **2.13 Paying Rent**

#### **2.13.1 Payment Location and Methods**

Rent and other charges are due and payable on the first day of the month. All rents should be paid at the WHA office in person or by mail. WHA may, when practical, may provide rent collection at Chestnut Court on the 3rd working day of the month. Rent collection may occur at Parkview on the 5th working day of the month. If rents are collected in the complexes, they will be considered on time and no late fees will apply. Cash is not accepted.



### 2.13.2 Late Fees

If the rent is not paid by the fifth of the month, the rent is considered delinquent and a late charge \$5.00 per day (maximum \$30) shall be charged to the tenant.

### 2.13.3 NSF Checks

If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus an additional charge of \$10 for processing costs. (24 CFR 966.4 (b)(3))

### 2.13.4 Eviction Proceedings

Any household who has failed to pay their rent or other fees by the 15<sup>th</sup> of any month will be issued a 5 day notice of termination of their lease. This notice of termination shall serve as a legal termination of the tenant's lease, in accordance with the RIGL, and if the resident has not cured the balance at the end of the 5 day period outlined in the notice of termination, then WHA may proceed to eviction proceedings and seek to take possession of the unit.

## 2.14 Continued Occupancy and Community Service Requirement

All Public Housing tenants 18 years of age or older, unless exempt, must perform eight (8) hours of community service per month. ((24 CFR 960.603) Community service is defined as the performance of voluntary work or duties that are a public benefit, and serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not defined as employment and may not include political activities. ((24 CFR 960.601(b))

### 2.14.1 Exempt Persons: (24 CFR 960.601)

An exemption from the community service requirement will be made for any adult who:

- ❖ Is 62 years of age or older; (24 CFR 960.601 (b)(1)(a))
- ❖ Is a blind or disabled individual, {as defined under 216(l)(1) or 1614 of the Social Security Act (42 U.S.C.416(i)(1); 1382c)}, and who certifies that because of this disability she or he is unable to comply with the service provisions of (24 CFR 960.601 (b)(2)(i) or
- ❖ Is a primary caretaker of such individual; (24 CFR 960.601 (b)(2)(ii)
- ❖ Is engaged in work activities; (24 CFR 960.601 (b)(3)
  - The Westerly Housing Authority (WHA) defines "work activities" as working at least 30 hours per week or maintaining full time student status.
  - Eligible "work activities" are:
    - Employment
    - On-the-job training;
    - Job search and job readiness assistance; (Resident Opportunity and Self Sufficiency program (ROSS), vocational rehabilitation, Promise Jobs, etc.)
    - Community service programs;
- ❖ Job skills training directly related to employment;
- ❖ Education directly related to employment, in the case of a tenant who has not received a high school diploma or a certificate of high school equivalency;

- ❖ Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a tenant who has not completed secondary school or received such a certificate; and
- ❖ The provision of childcare services to an individual who is participating in a community service program.
- ❖ Meets the work requirements for being exempt from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program; (24 CFR 960.601 (b)(4) or
- ❖ Is a member of a family who is receiving assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work (Promise Jobs) program, and has not been found by the State or other administering entity to be in noncompliance with such a program. ((24 CFR 960.601(b)(5))

#### **2.14.2 General Requirements (24 CFR 960.603**

Except for any family member who is an exempt individual, each adult tenant of Public Housing must:

- Provide 8 hours of community services per month (excluding political activities); (24 CFR 960.603 (a)(1) or
- Participate in an economic self-sufficiency program for 8 hours per month; (24 CFR 960.603 (a)(2) or
- Complete 8 hours per month of combined activities as indicated in (1) and (2) of this section. (24 CFR 960.603 (a)(3)
- ❖ The WHA Public Housing lease will specify that it shall be renewed automatically for all purposes, unless the family fails to comply with the service requirement. Violation of the service requirement is grounds for nonrenewal of the lease at the end of the twelve (12) month lease term, but not for termination of tenancy during the course of the twelve-month lease term. ((24 CFR 960.603 (b))

#### **2.14.3 Administration of the Service Requirement (24 CFR 960.605 (c)(1))**

##### **1. Exempt Status**

- a. The WHA will verify the status of all tenants claiming an exemption from community service requirement.
- b. All exemptions will be confirmed by 3rd party verifications except for blind/disabled tenants claiming an exemption.
- c. Blind/disabled tenants claiming an exemption will be provided with a Self-Certification form allowing the tenant to provide an explanation as to why they are unable to complete the requirement. The WHA will review the Self-Certification and make the final determination of exempt status.
- d. Except in the case of an adult who is 62 years of age or older, the exempt status will be re-verified annually and may be changed at anytime based on a change in the tenant's circumstance.

- e. Tenants are required to report all changes in income, assets, family composition, and allowances. Tenants Community Service requirements will be based on the months of the non-exempt status.
- 2. Tracking of Eligible Community Service Activities
  - a. The WHA will provide a Community Service Tracking sheet to each non-exempt Public Housing tenant.
  - b. The tenant will be required to maintain the sheet, securing the signature of a supervisor at the agency in which community service is performed.
  - c. The tenant will be required to submit the Community Service Tracking Sheet to the WHA with the annual recertification packet.
  - d. All entries will be reviewed and verification of family compliance will be secured from such third parties.

**2.14.4 WHA Responsibilities (24 CFR 960.605 (c)(2))**

The WHA will provide a written description of the service requirements and the process for claiming status as an exempt person to each adult Public Housing tenant. The description will include the WHA process for verification of such status. The WHA will also notify the family of its determination, identifying the family members who are subject to the service requirement and the family members who are exempt persons. (24 CFR 960.605 (c)(2))

- ❖ The WHA will verify compliance annually, at least 30-days before the end of the twelve (12) month lease. (24 CFR 960.605 (3))
- ❖ The WHA must retain reasonable documentation of service requirement performance or exemption in participant files. (24 CFR 960.605 (4))
- ❖ The WHA must comply with non-discrimination and equal opportunity requirements listed at (24 CFR 5.105 (a) & (24 CFR 960.605 (5))

**2.14.5 Assuring Resident Compliance (24 CFR 960.607)**

- 1) WHA notice of noncompliance.
  - (i) If the WHA determines that there is a family member who is required to fulfill a service requirement, but who has violated this family obligation (noncompliant resident), the WHA must notify the tenant of this determination. (24 CFR 960.607 (b))
  - (ii) The WHA notice to the tenant must:
    - 1. Briefly describe the noncompliance. (24 CFR 960.601(b)(2)(i))
    - 2. State that the WHA will not renew the lease at the end of the twelve (12) month period unless: (24 CFR 960.601 (b)(2)(ii))
  - (iii) Tenant and any other adult (non-compliant tenant) enter into a written agreement with the WHA, in an effort to cure the non compliance, and in fact cure such non compliance in accordance to such agreement; or
  - (iv) The family provides written notice of assurance satisfactory to the WHA that the tenant and non-compliant tenant are no longer living in the unit.
    - 1. State that the tenant may request a right to an appeal through a grievance hearing within ten (10) calendar days

of notifying tenant of decision not to renew and that the tenant may exercise any available judicial remedy to seek timely redress for the WHA's nonrenewal of the lease because of such determination. ((24 CFR 960.607)

- iv. Tenant agreement to comply with service requirement. If the tenant or another family member has violated the service requirement, the PHA may not renew the lease upon expiration of the term unless: ((24 CFR 960.607 (c))
  1. The tenant, and any other non compliant tenant, enter into a written agreement with the WHA, in the form and manner required by the WHA, to cure such noncompliance by completing the additional hours of community service or economic self-sufficiency activity needed to make up the total number of hours required over the twelve-month term of the new lease, (24 CFR 960.607 (c)(1)) and
  2. All other members of the family who are subject to the service requirement are currently complying with the service requirement or are not longer residing in the unit. (24 CFR 960.607 (c)(2))

### **2.15 Recertifications**

At least annually, the Westerly Housing Authority will conduct a reexamination of family income and circumstances. WHA may require a tenant to have a re-examination in less than a 12 month period to conform to a schedule prepared by WHA for their particular unit. 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. (24 CFR 960.209)

#### **2.15.1 General**

The Westerly Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination, and giving them the option of selecting either the flat rent or formula method. If the family thinks they may want to switch from a flat rent to a formula rent, they should request an appointment.

At the appointment, the family will make their final decision regarding which rent method they will choose. The letter also includes forms for the family to complete in preparation for their annual review. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

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

#### **2.15.2 Non-Response**

If the family fails to respond to the initial letter, a second letter will be mailed. The second letter will advise of a new date by which the necessary forms must be completed and submitted, allowing for the same considerations for rescheduling

and accommodation as above. The letter will also advise that failure by the family to submit the necessary paperwork will result in the Westerly Housing Authority taking eviction actions against the family.

### **2.15.3 Flat Rent Recertifications**

The annual letter to flat rent payers regarding the reexamination process will state the following:

- A. Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount. (24 CFR 960.253 (a))
- B. The amount of the flat rent. (24 CFR 960.253 (e)(2))
- C. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories allowances that can be deducted from income.
- D. Families who opt for the flat rent will be required to go through the income reexamination at their annual review.
- E. Families who opt for the flat rent may request to have a reexamination and return to the formula-based method at any time for any of the following reasons: (24 CFR 960.253 (f)(1))
- F. The family's income has decreased. (24 CFR 960.253 (f)(3)(i))
- G. The family's circumstances have changed increasing their expenses for childcare, medical care, etc. (24 CFR 960.253 (f)(3)(ii))
- H. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family. (24 CFR 960.253 (f)(3)(iii))
- I. The dates upon which the WHA expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.
- J. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
- K. A certification for the family to sign accepting or declining the flat rent.
- L. Each year prior to their anniversary date, Westerly Housing Authority will send a reexamination letter to the family offering the choice between a flat and a formula rent. The opportunity to select the flat rent is available only at this time. At that time, the WHA may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with the WHA representative, they may make the selection on the form and return the form to the WHA. (24 CFR 960.253 (a))

### **2.15.4 Interim Recertifications**

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified. (24 CFR 960.257 (b)) Families are required to report the following changes to the Westerly Housing Authority between regular reexaminations. If the family's rent is being determined under the formula method, and the income has decreased, these changes will trigger an interim

reexamination. The family shall report these changes within ten (10) days of their occurrence. (24 CFR 966.4 (c)(2))

- A. A member has been added to the family through birth, adoption, or court-awarded custody.
- B. A household member is leaving or has left the family unit.
- C. The family has experienced a change in household income.
- D. 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. 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 card, birth certificate, photo ID and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. The Westerly Housing Authority will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the suitability screening criteria, they will be advised in writing and the family will be given the opportunity for an informal review. If they are found to be eligible and do pass the suitability screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the formula 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 paragraph below 15.7.
- E. 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 Westerly Housing Authority will take timely action to process the interim reexamination and recalculate the tenant's rent.
- F. Rent reductions, based on tenant reported changes, will take effect the month following the tenant's written notification to the WHA. If a 3rd party verification cannot be secured prior to the first of the month, the WHA will accept the tenant's notification to process the change and secure the 3rd party verification. If the 3rd party verification does not support the information supplied by the family, the WHA will require reimbursement by the tenant and will enforce the family obligations.
- G. Interim reexaminations based on increases in earned and unearned income will be processed. \*\* Social Security cost of living increases will be processed at annual review only.
- H. Reexamination may be required if fraud is suspected.

#### **2.15.5 Special Re-examinations**

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 Westerly Housing Authority may schedule special reexaminations

every sixty (60) days until the income stabilizes and an annual income can be determined. (24 CFR 5.609 (e))

### **2.15.6 Zero and Nominal Income Households**

#### **2.15.6.1 New Zero or Nominal Income Reporting**

Households in the Chestnut Court and Parkview Apartments who have previously received income and wish to report that their income has now switched to zero or nominal income levels, the household will be asked to verify that the income change will last for more than 30 days, if the household cannot verify that the change will last for more than 30 days, a certification changing the TTP will not occur.

#### **2.15.6.2 Interim Reporting for Zero and Nominal Income Households**

For households who certify that their total gross household income is either \$0.00 annually or less than \$100 per month (or \$1200 annually), then the household will be required to submit to an interim certification every 90 days until they have restored income above the nominal level. At the time of these interim and annual certifications of households who claim zero or nominal income, the household will be asked to explain how they are able to pay for any and all standard household expenses; any contributions from persons or organizations outside the household will be considered income to the household and will be used to establish the household total tenant payment amount.

#### **A) Family Scattered Site Households**

For households who certify that their total gross household income is less than \$700 per month (or \$8400 annually), then the household will be required to submit to an interim certification every 90 days until they have restored income above the nominal level. At the time of these interim and annual certifications of households who claim nominal income, the household will be asked to explain how they are able to pay for any and all standard household expenses via a form created by WHA; any contributions from persons or organizations outside the household will be considered income to the household and will be used to establish the household total tenant payment amount. If a household refuses to complete the verification form, their lease will not be renewed upon expiration and assistance terminated.

#### **2.15.6.3 Discrepancies in Zero Income Reporting**

Any discrepancies discovered in the household income due to misreporting on the part of the tenant will result in the tenant being charged back in full for any month that their income was not properly represented. If a household refuses to complete the form, their lease will not be renewed upon expiration and assistance terminated.

#### **2.15.6.4 Restrictions on Zero Income for More than 6 Months**

If the household has an income of \$0.00 total income for a period of six months and cannot account for how their household expenses are paid, then the WHA will seek to terminate the household's lease and occupancy.

### **2.15.7 Effective Date of Rent Changes for Interim Certifications**

A change in circumstances or household income that would result in a decrease in the tenant's rent must be expected to last for at least thirty days before an interim review will be conducted. Any decrease in household income or increase in allowances or deductions that is reported to the Westerly Housing Authority will be effective the first of the following month. If the family caused a delay or did not report the change in a timely manner, the change will be effective the first of the month after the change is reported.

### **2.16 Unit Transfers**

1. Tenant agrees that if the Authority determines that the size or design of the dwelling unit is no longer appropriate to Tenant's needs, the Authority shall send Tenant written notice. Tenant further agrees to accept a new lease for a different dwelling unit of the appropriate size or design. (24 CFR 966.4 (c)(3))
2. The Authority may require a Tenant to move into another unit if it is determined necessary to rehabilitate or demolish Tenant's unit.
3. If a Tenant makes a written request for special unit features in support of a documented disability or handicap, the Authority may modify Tenant's existing unit. If the cost and extent of the modifications needed are similar to those required for a fully accessible unit, the Authority may transfer Tenant to another unit with the features.
4. A tenant without disabilities who is housed in a unit with special features may be required to transfer to a unit without such features should a Tenant with disabilities need the unit.
5. In the case of involuntary transfers, Tenant shall be required to move into the dwelling unit made available by the Authority. Tenant shall be given 10 days time in which to move following delivery of a transfer notice. If Tenant refuses to move, the Authority may terminate the Lease. (24 CFR 966.4 (c)(3))
6. Involuntary transfers are subject to the Administrative Grievance Procedure, and no such transfers may be made until either the time to request a Grievance has expired or the procedure has been completed. 14 CFR 966.4 (c)(4) (7) The Authority will consider any Tenant requests for transfers in accordance with the transfer priorities established in the Admissions and Occupancy Policies.

#### **2.16.1 Objectives of the Transfer Policy**

1. 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 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 expense due to unnecessary transfers.



### **2.16.2 Categories of Transfers**

1. Category 1: 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.
2. Category 2: Immediate administrative transfers. These transfers are necessary in order to permit family needing accessible features to move to a unit with such a feature or to enable modernization work to proceed.
3. Category 3: Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain Westerly Housing Authority occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers approved by the Westerly Housing Authority when a transfer is the only or best way of solving a serious problem. The Tenant Ownership Program of the WHA may precipitate a move in order to accommodate a homeownership opportunity for a pre-qualified family.

### **2.16.3 Documentation**

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

### **2.16.4 Cost of the Family's Move**

- 1) The cost of the transfer 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.
- 2) The cost of the transfer will be borne by the Westerly 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 Westerly Housing Authority has caused the unit to be unsafe or inhabitable.
- 3) The responsibility for moving costs in other circumstances will be determined on a case by case basis.

### **2.16.5 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 Westerly 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.

#### **2.16.6 Transfer Requests**

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

The Westerly Housing Authority will grant or deny the transfer request in writing within ten (10) calendar 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. Upon transfer, the household is not eligible for consideration of another transfer for at least 1 year.

#### **2.16.7 Rights of the WHA in the 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.

### **2.17 Inspections**

An authorized representative of the WHA and an adult family member will inspect the premises prior to commencement of occupancy. A move-in form indicating the condition of the premises will be made, all equipment will be provided, and the form will be signed by both parties with a copy retained in the WHA file and a copy given to the family member. An authorized WHA representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made. The resident's security deposit can be used to offset against any tenant caused damages to the unit. (24 CFR 966.4 (h)(4)(i))

#### **2.17.1 Move In Inspections**

The Westerly 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. (24 CFR 966.4 (h)(4)(i))

#### **2.17.2 Annual Inspections**

The Westerly Housing Authority will inspect each Public Housing unit annually to ensure that each unit meets the Westerly Housing Authority's housing standards. Work orders will be submitted and completed to correct any deficiencies. (24 CFR 5.705 (a) Tenant caused damages and repairs will be billed to the tenant.

#### **2.17.3 Preventative Maintenance Inspections**

This is generally conducted prior to 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. (24 CFR 966.4 (j)(1))

**2.17.4 Exterior Inspections**

The Westerly Housing Authority may periodically inspect the exterior of the dwelling and premises to ensure lease compliance. No advance notice of such inspections will be given.

**2.17.5 Special Inspections**

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

**2.17.6 Housekeeping Inspections**

Generally, at the time of annual reexamination, or at other times as necessary, the Westerly Housing Authority will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition. (24 CFR 966.4 (j)(1))

**2.17.7 Notice of Inspections**

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections the Westerly Housing Authority will give the tenant at least 48 hours notice. (24 CFR 966.4 (j)(1))

**2.17.8 Emergency Inspections**

If any employee and/or agent of the Westerly Housing Authority has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) who 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. (24 CFR 966.4 (j)(2))

**2.17.9 Pre-Move Out Inspections**

When a tenant gives notice that they intend to move, the Westerly Housing Authority will offer to schedule a pre-move-out inspection with the family. The inspection allows the Westerly Housing Authority to help the family identify any problems which, if left uncorrected, could lead to tenant charges. This inspection is a courtesy to the family and has been found to be helpful both in reducing costs to the family and in enabling the WHA to ready units more quickly for the future occupants. (24 CFR 966.4 (h)(4)(i))

**2.17.10 Move Out Inspections**

The Westerly Housing Authority conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the tenant is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit. (24 CFR 966.4 (h)(4)(i))

**2.18 Pet Policy (24 CFR 960.707)**

**2.18.1 Exclusions (24 CFR 5.303 (a))**

WHA only allows pets on the properties that have been registered with WHA; no visiting pets will be allowed on any WHA property.

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals, that have current rabies and distemper inoculations and a current City license 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.

**2.18.2 Permits**

Application for WHA Pet Permit, prior to housing any pet on premises, the resident shall apply to the Westerly Housing Authority for a pet permit. When the permit is returned it shall be accompanied by the following:

- a. A current license issued by the City of Westerly (all dogs and cats must be licensed).
- b. Evidence that the pet has been spayed or neutered, and, with respect to cats, that the pet has been declawed on all four paws;
- c. Evidence that the pet has received current rabies and distemper inoculations or boosters by a licensed veterinarian. (This information must be updated annually).
- d. Picture of pet
- e. The Westerly Housing Authority, in its sole discretion, shall determine adequacy of the evidence.
- f. A pet deposit of \$200 which applies to new residents, current residents with new pets, or transfers.
- g. Tenants must identify in writing the name, address, and phone number of an alternate custodian for pets in the event of tenant illness or other absence from the dwelling unit. The identification of an alternate custodian must occur prior to the WHA issuing a pet registration permit.
- h. The privilege of maintaining a pet in a facility owned and/or operated by the WHA shall be subject to the rules set forth in 18.4. This privilege may be revoked at any time subject to the WHA Administrative Hearing if the animal should become destructive, create a nuisance, represent a threat to the safety and security of other residents, or create a problem in the area of cleanliness and sanitation.

**2.18.3 Approval**

Residents must have the prior approval of the Housing Authority before moving a pet into their unit. Residents must apply for a pet permit, which must be fully completed before the Housing Authority will consider approval of the request.

**2.18.4 Types and Numbers of Pets**

All tenants with pets permitted to be kept on the premises shall comply with the following rules:

- a. The Westerly Housing Authority does not allow any pets prohibited or restricted as listed in the Rhode Island City Housing Code 8.4 1. (See Appendix II)
- b. All dogs and cats must be neutered or spayed. All cats must be declawed.
- c. No animal may exceed 30" (adult size) in height (measured from paw to top of head).
- d. Only one (1) 4 legged animal per unit allowed.
- e. In the case of fish, the maximum aquarium size is 50 gallons.
- f. Birds must be confined to a cage and there is a limit of two.
- g. No reptiles are allowed, with the exception of turtles.

- h. Any animal deemed to be potentially harmful to the health or safety of others, including attack or fight trained dogs, will not be allowed.
- i. Tenants are prohibited from feeding or harboring stray animals. The feeding of stray animals shall constitute having a pet without the written permission of the WHA and is a violation of the Dwelling Lease.

**2.18.5 Inoculations and Licenses**

Pets must be licensed yearly with the City of Rhode Island. City and tenants must provide the WHA with a copy of the renewal as well as proof of current rabies and distemper booster inoculations.

**2.18.6 Pet Deposit**

A pet deposit of \$200 is required at the time of registering a pet. The deposit is refundable after the family vacates the unit, (even if the pet is removed earlier) less any amounts owed due to damage beyond normal wear and tear.

**2.18.7 Financial Obligations 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 Westerly Housing Authority reserves the right to exterminate and charge the resident.

**2.18.8 Nuisance or Threat to Health or Safety**

Tenants shall not permit their pet to disturb, interfere or diminish the peaceful enjoyment of other tenants. The term "disturb, interfere and diminish" shall include, but are not limited to, barking, howling, chirping, biting, scratching, and other similar activities. VICIOUS AND/OR INTIMIDATING PETS WILL NOT BE ALLOWED.

- ❖ Repeated substantiated complaints of this nature by neighbors or Westerly Housing Authority personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance shall constitute a violation of the lease and may result in the revocation of the pet permit, termination of the Dwelling Lease agreement, or both.
- ❖ 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. Tenant pet owners are solely responsible for the safety and health of their pet during those scheduled occasions when the dwelling units in the facility are being treated for de-infestation. The WHA shall not be liable for the ill health or death of a pet as a result of the periodic de-infestation treatment.

**2.18.9 Designation of Pet Areas**

Pets must be kept in the owner's apartment or on a leash and controlled by an adult at all times when outside. No outdoor cages may be constructed. Birds must be confined to a cage at all times. Pet owners must clean up after their pets and are responsible for disposing of pet waste. Tenants shall take adequate precautions and measures necessary to eliminate pet odors within or around the unit and shall maintain the unit in a sanitary condition at all times. Tenants must provide litter boxes for cat waste, which must be kept in the dwelling unit. Tenants shall not permit refuse from litter boxes to accumulate nor to become unsightly or

unsanitary. Tenants are solely responsible for cleaning up pet droppings, if any, outside the unit and on facility grounds. Droppings must be disposed of by being placed in a sack and then placed in an acceptable refuse container outside the building.

#### **2.18.10 Visiting Pets**

Westerly Housing Authority does not allow any visiting pets on any WHA property.

#### **2.18.11 Removal of Pets**

The Westerly Housing Authority, or an appropriate community authority, shall require the removal of any pet from a unit 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 unit or of other persons in the community where the unit is located.

- ❖ If pets are left unattended for a period of twenty-four (24) hours or more, the Westerly Housing Authority may enter the dwelling unit, remove the pet and transfer it to the proper authorities, subject to the provisions of Rhode Island state law and pertinent local ordinances. The Westerly Housing Authority accepts no responsibility for the animal under such circumstances.
- ❖ In the event of the death of a pet, the tenants shall immediately remove and properly dispose of the remains. The remains shall not be placed in any container inside a WHA facility or in a container on WHA grounds. If a new pet is desired, a new WHA pet permit will be required.
- ❖ Should a breach of the rules as set forth above occur, the lease will stand in violation and the WHA may exercise any remedy available, under Federal, State or local law, including eviction.

#### **2.18.12 Pet Policy Glossary of Terms**

As used in the Pet Policy, the following definitions shall apply:

- ❖ ANIMAL: Any living creature, domestic or wild, except a human being.
- ❖ ANIMAL ACTS OR EXHIBITIONS: Any display containing one or more live animals, which are exposed to public view for entertainment, instruction, or advertisement.
- ❖ BOARDING KENNEL: Any commercial place or establishment, other than the City animal shelter, where dogs or cats or other animals not owned by the proprietor, owner, or person in possession of the premises are sheltered, fed, watered and generally cared for in return for consideration of a fee.
- ❖ BREEDER: Any person who causes the breeding of a male or female dog or cat, or makes or allows a dog or cat to be available for breeding, or a person who offers to sell a puppy or kitten that is a direct offspring of their adult dog or cat. All breeders must possess a valid permit issued by the Division of Animal Control or its successor.
- ❖ CAT KENNEL: Any lot, building, structure, enclosure or premises where five (5) or more cats over the age of four (4) months are kept or maintained.
- ❖ CIRCUS: An event or performance which charges members of the public an admission fee to watch trained lions, tigers, elephants, or other animals perform under the whip or command of a ringmaster, trainer, or handler.

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- ❖ CITY POUND: Any public animal shelter or pound established or maintained by the City which may include any private or charitable organization or facility leased by the City or with whom the City has a contractual agreement for impoundment services.
- ❖ COMMERCIAL KENNEL: A place or establishment where the owner or employees perform grooming or training services for dogs or cats in return for a consideration or fee.
- ❖ DEFILEMENT: To foul, dirty, pollute or make filthy, either by the animal's body or wastes or by the animal carrying or dragging any foul material.
- ❖ DOG KENNEL: Any lot, building, structure, enclosure, or premises where four (4) or more dogs over the age of four (4) months are kept or maintained.
- ❖ DOG OR CAT SHOW: Any place where dogs or cats are being exhibited and/or judged.
- ❖ FENCE: A physical barrier intended to prevent escape or intrusion, entry or exit, made of posts and wire, boards, stone, brick, or similar material. Invisible fencing systems using underground wire or electronic collar devices are not considered fencing for the purposes of this pet policy.
- ❖ GUARD/ATTACK DOG: A dog trained to attack persons upon the command of its master or custodian or upon the actions of an individual.
- ❖ LEASH: A rope, line, thong, chain or other similar restraint, not more than ten feet (10') in length, of sufficient strength to hold the animal in check.
- ❖ LIVESTOCK: An animal belonging to the bovine, caprine, equine, ovine, or porcine species; ostriches, rheas, emus; farm deer, as defined in section 481A.1, Code of Rhode Island, as amended; or poultry.
- ❖ MICROCHIP: An encapsulated biocompatible computer chip, programmed with a unique identification number, injected under the skin of an animal to provide permanent identification.
- ❖ MOLEST: Includes not only biting and scratching a human or other animal, but also any annoyance, interference with or meddling with any such human or animal.
- ❖ MOTION PICTURE, TELEVISION, OR THEATRICAL PERFORMANCE: Any place or performance where one or more animals are used in the production of any motion picture, television, radio or theatrical performance, whether for entertainment, instruction, or advertising.
- ❖ OWNER: In addition to its ordinary meaning, includes any person who owns, keeps or harbors an animal.
- ❖ PET SHOP: Any place of business or other commercial establishment where animals are bought, sold, exchanged, or offered for sale.
- ❖ PIGEON OR DOVE LOFT: Any cage, loft, or enclosure where five (5) or more pigeons or doves are kept or maintained.
- ❖ PRIVATE PROPERTY: All buildings and other property owned by a private person, including buildings, yards and service and parking areas.
- ❖ PROHIBITED ANIMALS: The following genus/species of animals are hereby declared to be prohibited:
  - Canidae within the order Carnivora (e.g., wolves, wolf-dog hybrids which are at least 50 percent wolf, coyotes, coyote-dog hybrids which

- are at least 50 percent coyote, foxes, jackals), but excluding *Canis familiaris*, the domestic dog.
- Felidae within the order Carnivora (e.g., lions, tigers, jaguars, leopards, cougars, lynx, ocelots, bobcats, jungle cats), but excluding *Felis domestica*, the domestic cat.
  - Procyonidae within the order Carnivora (e.g., coatis, pandas, raccoons, procynonids).
  - Ursidae of the order Carnivora (e.g., black bears, brown bears, grizzly bears, polar bears).
  - Chiroptera (e.g., bats).
  - Cetacea (e.g., whales, dolphins, porpoises).
  - Pinnipedia (e.g., seals, sea lions, walrus).
  - Sirenia (e.g., sea cows, manatees).
  - Primates, including all families, (e.g., Cebidae, Cercopithecidae, Callithricidae, Lemuridae, Lorisidae, Tarsiidae, Colobinae, Hylobatidae, Pongidae; (e.g., monkeys, baboons, marmosets, tamarins, capuchin, chimpanzees, orangutan, gorillas, apes)).
  - Formicidae within the order Hymenoptera (e.g., fire ants).
  - Apidae; specifically Africanized strains of the *Apis Mellifera* honey bee.
  - Proboscidea, Hyracoidea, Tubulidentata (e.g., elephants, hyraxes, aardvarks).
  - Edentata, Pholidota (e.g., anteaters, sloths, armadillos).
  - Marsupialia (e.g., kangaroos, wallabies, koala), except for sugar gliders.
  - Crocodylidae of the order Squamata (e.g., crocodiles, alligators,
  - Helodermatidae of the order Squamata (e.g., gila monsters, beeded lizards).
  - Lizards of the species komodoensis, salvadorii, salvator, niloticus, albigularis, and indicus.
  - Crotalidae, Viperidae, Elapidae, Opisthoglyphous Colubridae, and all other orders which include poisonous or venomous reptiles (e.g., rattlesnakes, vipers, corals, copperheads, cottonmouths, moccasins, sea snakes, puff adders, malagasy hogsnoses).
  - Euneptes of the order Squamata (e.g., green anaconda).
  - *Python sebae*, *Python reticulatus*, *Python molorus*, *Morelia amethystina* of the order Squamata.
  - Venomous spiders of the families Teridiidae and Loxoscelidae respectively, and scorpions of the order Scorpiones, excluding *Pandinus imperator* (emperor scorpion).
    - All wild animals indigenous to the State of Rhode Island
- ❖ PUBLIC PROPERTY: Buildings, right of way or other public property owned or dedicated to the use of the City
  - ❖ and other governmental entities.
  - ❖ RESTRICTED ANIMALS: The following genus/species of animals are hereby declared to be restricted:



- Ferrets.
  - Iguana iguana, lizards of the order of Chamaeleontidae, and lizards of the genus Varanus, but excluding the species komodoensis, salvadorii, salvator, niloticus, albigularis, and indicus.
  - Vietnamese potbellied pigs (also subject to zoning requirements).
  - Ostriches, emus, rheas, and peafowls (also subject to zoning requirements).
  - Artiodactyla and Camelidae, including camels, alpacas, llamas, and vicuna (also subject to zoning requirements).
  - Sugar gliders.
  - Other small livestock-type animals (also subject to zoning requirements).
- ❖ **RODEO:** A contest, exhibition or competition which charges members of the public an admission fee to watch the skill of contestants or entrants in horseridership where lassoing is performed involving cattle, horses, bulls, goats, pigs, and wild bovine and/or where contestants ride wild bulls or wild horses for public entertainment.
  - ❖ **VETERINARIAN:** A person duly licensed by the State of Rhode Island to practice veterinary medicine.
  - ❖ **VETERINARY HOSPITAL:** An establishment regularly maintained and operated by a veterinarian for the diagnosis and treatment of diseases and injuries to animals and which may board animals.

### 2.19 Repayment Agreements

When a resident owes money to the Westerly Housing Authority for back charges and is unable to pay the balance by the due date, the resident may request that the Westerly Housing Authority allow them to enter into a Repayment Agreement. The Westerly Housing Authority has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twelve (12) months. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures and judicial collection of the amount owed.

- ❖ The WHA will allow for repayment agreements for those tenants whose rental amount is the minimum rent and who have had their rent abated for a temporary period.
- ❖ **Family Break-Ups** - If there is a family break up and the initial household owes the WHA a debt, all parties signed on the lease are jointly and severally liable for the debt. The responsible parties may not receive assistance in another assisted household until the debt is paid. This includes an individual being added as a live-in aid.
- ❖ If the WHA determines that the family committed fraud or was grossly irresponsible, the WHA may require the family to repay the entire amount in full within 30 days or have its assistance terminated, since fraud or gross irresponsibility are considered a violation of a family obligation.
- ❖ In no case does the WHA have a responsibility to enter into a repayment agreement. If the family's assistance is terminated and repayment has not

been made, the money will still be considered to be owed and the WHA may take action to collect the amounts owed.

## **2.20 Termination**

### **2.20.1 Termination by Tenant**

The tenant may terminate the lease at any time after the expiration of the initial lease term by 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.

### **2.20.2 Termination by Housing Authority**

The Westerly Housing Authority may terminate the lease for serious or repeated violations of material lease terms. Such violations include but are not limited to the following: (24 CFR 966.4

- a. Nonpayment of rent or other charges; (24 CFR 966.4 (l)(2)(i))
- b. A history of late rental payments; (24 CFR 966.4 (l)(2)(i))
- c. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent; (24 CFR 966.4 (c))
- d. Failure to allow inspection of the unit; (24 CFR 966.4 (j)(1))
- e. Failure to maintain the unit in a safe and sanitary manner; (24 CFR 966.4 (f)(6))
- f. Assignment or subletting of the premises; (24 CFR 966.4 (f)(1))
- g. Use of the premises for purposes other than as a dwelling unit (other than for Westerly Housing Authority approved resident businesses) (24 CFR 966.4 (f)(3))
- h. Acts of destruction, defacement, or removal of any part of the dwelling unit or project. (24 CFR 966.4 (f)(9))
- i. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents. (24 CFR 966.4 (f) (12))
- j. Any alcohol abuse or pattern of alcohol abuse on the property that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (24 CFR 966.4 (f) (12));
- k. Or furnishing false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers. (24 CFR 966.4 (l)(5)(vi))
- l. Drug-related criminal activity on or off the premises. (24 CFR 966.4 (f)(12)(A &B))
- m. 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.
- n. Violation of the Pet Policy
- o. Failure to fulfill family obligations; (24 CFR 966.4 (f))
- p. Other good cause. (24 CFR 966.4 (l) (2) (ii))

The Westerly Housing Authority must terminate the lease for the following:

- a. A lifetime registration requirement under a State sex offender registration program. (24 CFR 966.4(l)(5)(i)(A))

- b. Conviction of drug-related criminal activity for manufacture or production of methamphetamines on the premises of Federally assisted housing; (24 CFR 966.4 (e)(5)(i)(A)
- c. Non-compliance with the Non-Citizen requirements. (24 CFR Part 5;
- d. In accordance with (24 CFR 5.216, applicants and participants (including each member of the household) must disclose his/her assigned Social Security Number. Failure to disclose will result in termination of assistance.

Consideration of circumstance - In a manner consistent with such policies, procedures and practices, the WHA may consider all circumstances relevant to a particular case such as the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, the effects that the eviction would have on family members not involved in the offending activity and the extent to which the leaseholder has shown personal responsibility and has taken all reasonable steps to prevent or mitigate the offending action.

The WHA may impose, as a condition of continued assistance for other household members, a requirement that household members who participated in, or were culpable for, the action or inaction will not reside in or visit the unit. The WHA may permit other members of a household to receive assistance.

In determining whether to terminate tenancy for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, the PHA may consider whether such household member:

- a. Is participating in or has successfully completed a supervised drug or alcohol rehabilitation program.
- b. Has otherwise been rehabilitated successfully. For this purpose, the PHA may require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

**Exception for Domestic Violence:**

Although the HA may terminate Public Housing assistance if a member of the tenant family has engaged in violent criminal activity, there is an exception for victims of domestic violence. Domestic violence includes threatened domestic violence, dating violence, and stalking as those terms are defined in 42 U.S.C. 1437d. The Housing Authority may terminate assistance to the member of the household who committed the domestic violence but not to the victim. The Housing Authority may, however, deny the assistance to the victim for other reasons not premised on the act of domestic violence.

**2.20.3 Penalties**

Tenants terminated by the Westerly Housing Authority will be denied all forms of rental assistance and are ineligible for any assistance for a minimum of 1 year and a maximum of 3 years pending the determination of the WHA or the Hearing

Officer. Severity and duplication of the violation will be taken into consideration when determining the duration of the penalty and the tenant will be notified in writing of the decision.

**2.20.4 Abandonment**

The Westerly Housing Authority will consider a unit to be abandoned when a resident has fallen behind in rent AND has clearly indicated by words or actions an intention not to continue living in the unit AND is not residing in the unit. The WHA will take necessary steps to evict the tenant.

**2.21 Return of Security Deposit (24 CFR 966.4 (b)(5))**

After a family moves out, the Westerly Housing Authority will return the security deposit within 20 days (per Rhode Island law) or give the family a written statement of why all or part of the security deposit is not being returned. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear.

The Westerly Housing Authority will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within 20 days

**2.22 Appeals**

**2.22.1 Admissions Review (Applicants Only)**

- 1) Applicability
  - a. The Westerly Housing Authority will provide an opportunity for an Admission Review regarding a decision denying assistance to an applicant, including a decision:
  - b. Denying placement on the waiting list.
  - c. Denying participation in the Public Housing Program.
  - d. Denying a preference in determining eligibility for the Public Housing Program.
  - e. The Housing Agency is not required to provide an opportunity for an Admissions Review:
  - f. To review discretionary administrative determinations by the Westerly Housing Authority, or to consider general policy issues or class grievances.
  - g. To review the WHA's determination of the number of bedrooms allowed under the standards established by the WHA in accordance with HUD regulations.
- 2) Procedures
  - a. The Westerly Housing Authority shall give an applicant prompt written notice of a decision denying assistance to the applicant, including a decision of ineligibility for housing, ineligibility for any of the selection preferences adopted by the Westerly Housing Authority, or removal from or denying placement on the waiting list. The notice shall also state that the applicant may request in writing an Admissions Review of the decision, and shall describe how to obtain the Admission Review.
  - b. The applicant must submit a written request for an Admission Review within ten (10) calendar days of notification of the decision denying assistance.

- c. If the applicant's request is not submitted within ten (10) calendar days or in another way fails to comply with requirements, the request will be denied and the applicant will be promptly notified in writing.
- d. If the request meets the criteria, an Admissions Review will be scheduled within a reasonable time period.
- e. The Admissions Review shall be conducted by any person or persons designated by the Administrator, other than a person who made or approved the decision under review or a subordinate of such person.
- f. The applicant shall be given an opportunity to present written or oral objections to the Westerly Housing Authority's decision.
- g. The Westerly Housing Authority shall notify the applicant in writing of the final decision within fourteen (14) calendar days after the Admissions Review, including a brief statement of the reason(s) for the final decision.

**2.22.2 INS/Citizenship Denial Informal Review**

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

The participant family may request that the Westerly Housing Authority provide for an Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within 30 days of receipt of the Notice of Denial or Termination of Assistance, or within 30 days of receipt of the INS appeal decision.

**2.22.3 Tenant Grievance Procedures (24 CFR 966 .50)**

This Grievance Procedure sets forth the requirements, standards and criteria used by the WHA to assure tenants are afforded an opportunity for a hearing if the tenant disputes within ten (10) days from the receipt of any WHA action or failure to act involving the tenant's Dwelling Lease with the WHA or WHA regulations which adversely affect the individual tenant's rights, duties, welfare, or status.

1. Not Applicable

- a. The WHA Grievance Procedure shall not be applicable to disputes between tenant not involving the WHA or to class grievances. (24 CFR 966.51(b))
- b. This Grievance Procedure is not intended, nor shall be used for, initiating or negotiating policy changes between a group or groups of tenants and the WHA's Administrator or City Council. (24 CFR 966.51(b))
- c. Rhode Island has been determined by HUD to be a "due process" state, therefore, this Grievance Procedure does not apply to termination of tenancy or evictions that involve:
- d. Any activity that threatens the health, safety or right to peaceful enjoyment or the premises of other tenants or employees of the WHA. 24CFR 966.51(a)(2) (A)
- e. Drug-related criminal activity that occurs on or off the WHA premises. (24CFR 966.51(a)(2)(B))

- f. Violent criminal activity that occurs on or off the WHA premises.
  - g. Upon any termination of tenancy or eviction referenced in Item 3 above, the tenant will be given the right to a full "due process" hearing in the appropriate judicial proceeding. (24 CFR 966.51 (a)(2)(iv))
2. General Procedures
- a. If the Westerly Housing Authority is unable to reach the tenant or if the grieving party does not request a hearing in accordance with these procedures, the WHA's disposition of the grievance shall become final, provided that failure to request a hearing shall not constitute a waiver by the tenant of his right thereafter to contest the WHA's action in disposing of the complaint in an appropriate judicial proceeding. (24 CFR 966.54(c))
  - b. Before an Administrative Hearing is scheduled for any grievance for rent or other charges as specified in the Dwelling Lease which the WHA claims is due, the complainant shall pay to the WHA an amount equal to the amount of the rent and other charges due and payable as of the first of the month preceding the month in which the act or failure took place. Deposits of the monthly rent, when due and owing, shall be made until the grievance is resolved. Failure to make such payments shall end the Hearing process but shall not constitute a waiver of any right the complainant may have to contest the WHA's disposition of his/her grievances in an appropriate judicial proceeding. (24 CFR 966.55(e))
  - c. The escrow deposit will be waived for financial hardship as defined in (24 CFR 966.55 (d)(2)).
3. The Westerly Housing Authority must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. (24 CFR 966.56(h))
4. If the tenant is visually impaired, any required notices to the tenant must be in an accessible format. (24 CFR 966.56 (h) (2))
5. Procedures to Obtain an Informal Settlement Hearing
- a. The complainant shall submit a written request for an Informal Settlement Hearing to the WHA administrative office within ten (10) days after receipt of the action of the WHA citing: (24 CFR 966.55(a))
  - b. The reasons the tenant is disputing the WHA actions; and (24 CFR 966.55 (a)(1))
  - c. The action or relief the tenant is requesting. (24 CFR 966.55(a)(2))
  - d. Upon receipt of a written request for an Informal Settlement Hearing, the Westerly Housing Authority will make at least two attempts to contact the tenant and discuss the reason for the WHA's action. A summary of such discussion shall be prepared within 20 days and one copy shall be given to the tenant and one copy retained in the WHA's tenant file. The summary shall specify the names of those present, the date of the discussion, the nature of the disposition and the reasons therefore. (24 CFR 966.54)

- e. If the grievance has not been resolved to the satisfaction of both parties, the summary will advise the tenant that they may request an Administrative Hearing by submitting a written request within 10 calendar days of receipt of the summary. Notification of the Administrative Hearing date will be sent to the tenant within a reasonable time. The written notice shall specify the time, place and the procedures governing the Administrative Hearing and shall be delivered to the tenant and the appropriate WHA staff.
  - f. The Administrative Hearing Officer shall be the Chairman of the Board of Commissioners or their designee.
  - g. At the Administrative Hearing both parties (WHA and tenant) will discuss the grievance. Both parties will have the opportunity to present any and all information regarding the grievance and support their position regarding the action taken by the WHA.
6. Procedures Governing the Administrative Hearing
- a. The Administrative Hearing shall be held before the Administrative Hearing officer. (24 CFR 966.56 (a))
  - b. The tenant shall be afforded the opportunity to:
    - i. Examine before the Administrative Hearing, and at the expense of the tenant, to copy all documents, records and regulations of the WHA that are relevant to the Hearing. Any documents requested by the tenant, but not made available by the WHA to the tenant, may not be relied on by the WHA. (24 CFR 966.56 (b)(1))
    - ii. The right to be represented by counsel or other person. (24 CFR 966.56 (b)(2))
    - iii. The right to a private Hearing unless a public hearing is requested. (24 CFR 966.56 (b)(3))
    - iv. The right to present evidence and arguments in support of his/her complaint, to controvert evidence relied on by the WHA, and to confront and cross-examine all witnesses on whose testimony or information the WHA relies. (24 CFR 966.56 (b)(4))
    - v. A decision based solely and exclusively upon the facts presented at the hearing. (24 CFR 966.56 (c))
  - c. The Administrative Hearing Officer may render a decision without proceeding with the hearing if the Administrative Hearing Officer determines that an identical or similar issue has been previously decided in another proceeding. (24 CFR 966.56 (c))
  - d. If the tenant or the WHA fails to appear at the scheduled Hearing, the Administrative Hearing Office may make a determination to postpone the Hearing for a period not to exceed four (4) business days, or may make a determination that the party has waived his/her right to a Hearing. Both the WHA and the tenant shall be notified of the determination provided that, if a tenant has waived his/her right to a Hearing, this shall not constitute a waiver of any right the tenant may

- have to contest the WHA's disposition in an appropriate judicial proceeding. (24 CFR 966.56 (d))
- e. At the Hearing, the tenant must first demonstrate he/she is entitled to the relief sought and thereafter the WHA must justify the action or failure to act in the matter against which the grievance is directed. (24 CFR 966.56 (e))
  - f. The Hearing shall be conducted informally by the Administrative Hearing Officer and both oral and documentary evidence pertinent to the facts and issues raised by the tenant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Administrative Hearing Office shall require the WHA, the tenant, counsel, and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with this procedure may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and the granting or denial of the relief sought. (24 CFR 966.56 (f))
7. Decision of the Administrative Hearing Officer
- a. The Administrative Hearing Officer shall prepare a written decision, together with the reasons therefore, within ten (14) calendar days after the Hearing. A copy of the decision shall be sent to the tenant and the WHA. The WHA shall retain a copy of the decision in the tenant's file. A copy of this decision, with all names and identifying references deleted, shall be maintained on file by the WHA and made available for inspection by the tenant, his/her representative or the Administrative Hearing Officer. (24 CFR 966.57 (a))
  - b. The decision of the Administrative Hearing Officer shall be binding on the WHA that shall take all actions, or refrain from any actions, necessary to carry out the decision. (24 CFR 966.57 (b))
  - c. A decision by the Administrative Hearing Officer, in favor of the WHA or which denies the relief requested by the tenant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the tenant may have to a trial de novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter. (24 CFR 966.57 (c))
8. Procedures Governing the Expedited Hearing Process (This process will be used ONLY if Rhode Island is determined by HUD to be a "due process" state.) The WHA may use the expedited grievance procedure when the following conditions exist: (24 CFR 966.55 (g))
- a. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premise by other residents or employees of the WHA. (24 CFR 966.55 (g)(1)(i))
  - b. Any drug-related criminal activity on or near such premises. (24 CFR 966.55 (g)(1)(ii) In the case of an Expedited Hearing the following procedures will be followed:
    - i. The resident will be notified in the Notice of Termination that the WHA has opted for an Expedited Hearing.



- ii. A request for a hearing must be made by the family, in writing, within 5 days of receiving the Notice of Termination.
  - iii. The Informal Settlement Hearing is not applicable. (24 CFR 966.55 (g)(2).
  - iv. The Expedited Hearing shall occur within 7 days of the written request by the resident.
  - v. Notification of the Expedited Hearing date will be sent within 2 days of the request for hearing and will specify the time, place and procedures governing the Expedited Hearing.
  - vi. The Expedited Hearing will be held before the Chairman of the Board of Commissioners or their designee.
  - vii. The procedures listed in (D) (6) above shall be in effect for this hearing.
  - viii. If the tenant fails to appear for the Expedited Hearing he/she shall waive the right to a hearing. This shall not constitute a waiver of any right the tenant may have to contest the WHA's disposition in an appropriate judicial proceeding.
  - ix. The decision of the Administrative Hearing Officer shall be rendered within 5 business days of the hearing.
  - x. The decision of the Administrative Hearing Officer shall be binding on the WHA who shall take all actions, or refrain from any actions, necessary to carry out the decision. (24 CFR 966.57 (b)
  - xi. A decision by the Administrative Hearing Officer, in favor of the WHA or which denies the relief requested by the tenant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the tenant may have to a trial de novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter. (24 CFR 966.57 (c)
9. Determination of Good Cause: Purpose: To provide substantive guidelines for the determination of good cause for permitting untimely action or excusing the failure to act as required for good cause shown (e.g., late appeals, request to reschedule hearings, etc.).

Substantive Guidelines: In determining whether good cause has been shown for permitting an untimely action or excusing the failure to act as required, the Housing Authority may consider any relevant factors including, but not limited to, whether the party acted in the manner that a reasonably prudent individual would have acted under the same or similar circumstances, whether the party received timely notice of the need to act, whether there was administrative error by the Housing Authority, whether there were factors outside the control of the party that prevented a timely action, the efforts made by the party to seek an extension of time by promptly notifying the Housing Authority, the party's inability (i.e., physical and/or mental disability) to take timely action, the length of time the action was untimely, and whether any other interested party has been prejudiced by the untimely

action. However, good cause cannot be established to accept or permit an untimely action or to excuse the failure to act, as required, that was caused by the party's failure to keep the Housing Authority directly and promptly informed by written, signed statement of his or her current and correct mailing address in person, by mail, by facsimile machine, or by Housing Authority-approved electronic means. A written decision concerning the existence of good cause need not contain findings of fact on every relevant factor, but the basis for the decision must be apparent from the decision.

### 2.23 Glossary of Terms

- ❖ 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.
- ❖ 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:
  - 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 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)
- ❖ 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.)
- ❖ Ceiling Rent: Maximum rent allowed for public housing units.
  - ❖ 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 childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. ((24 CFR 5.603(d))
  - ❖ Citizen: A citizen or national of the United States. (24 CFR 5.504(b))
  - ❖ Consent Form: Any consent form approved by HUD or the Westery Housing Authority 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)
  - ❖ 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, co-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]
  - ❖ Domicile: The legal residence of the household head or spouse as determined in accordance with state and local law.
  - ❖ 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).
  - ❖ Elderly Family: A family whose head, co-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 30% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.
  - ❖ 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 single person 62 years or older.
    - A disabled person either who is 18 years or older and is not declared as a dependent by a parent or guardian or who is a dependent living in a group home or similar supervised residence.
    - Household with a child or children who resides in the unit 51% of the time. (A child who is temporarily away from the home because of placement in foster care is considered a member of the family).
    - Two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides.
    - Two or more persons related by blood, marriage, domestic partnership (certified by City of Rhode Island City Clerk)), adoption or placement by a governmental or social service agency, as defined by City of Rhode Island City code
  - ❖ 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,

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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))
- ❖ Family Investment Program (FIP): 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.
- ❖ Flat Rent: A rent amount the family may choose to pay in lieu of having their rent determined under the formula 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.
- ❖ Formula 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 formula method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.
- ❖ Full-Time Student: A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 5.603(d))
- ❖ 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 is listed on the lease.
- ❖ 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.
- ❖ 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).
- ❖ 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:
  - Is determined to be essential to the care and well-being of the persons;
  - Is not obligated for the support of the persons; and
  - Would not be living in the unit except to provide the necessary supportive services. (24 CFR 5.403(b))

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- ❖ Low-Income Families: Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80% of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes. (1937Act)
- ❖ 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, 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))
- ❖ 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))
- ❖ Net Family Assets:
  - 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.
  - 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.
  - In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))
- ❖ Non-Citizen: A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

- ❖ Occupancy Standards: The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.
- ❖ Person with Disabilities: A person who:
  - Has a disability as defined in Section 223 of the Social Security Act, which states:
  - "Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or
  - In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."
  - Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment that:
    - Is expected to be of long-continued and indefinite duration;
    - Substantially impedes his or her ability to live independently; and
    - Is of such a nature that such ability could be improved by more suitable housing conditions, or
  - Has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act, which states:
- ❖ "Severe chronic disability that:
  - Is attributable to a mental or physical impairment or combination of mental and physical impairments;
  - Is manifested before the person attains age 22;
  - Is likely to continue indefinitely;
  - Results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (e) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and
  - Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated."
- ❖ 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. (1937 Act)
- ❖ No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.
- ❖ 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 CFR5.520)

- ❖ Public Housing Agency (PHA): Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. ((24 CFR 5.100)
- ❖ Recertification: The annual reexamination of a family's income, expenses, and composition to determine the family's rent.
- ❖ Remaining Member of a Tenant Family: A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b.)
- ❖ 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.
- ❖ 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)
- ❖ Rhode Island Workforce Development: 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)
- ❖ 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 cable) 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):
  - Total tenant payment for families whose initial lease is effective on or after August 1, 1982:
    - Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of:
      - 30% of the family's monthly adjusted income;
      - 10% of the family's monthly income; or
      - 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.



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- ❖ 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) should be the amount resulting from one application of the percentage.
- ❖ Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.
  - 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: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50% of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)
- ❖ Violent Criminal Activity: [A]ny criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. (24 CFR 5.100)
- ❖ 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))

### **3 Agency Operations Policies and Procedures**

#### **3.1 Procurement Policy**

This Procurement Policy complies with HUD's Annual Contribution Contract (ACC), HUD Handbook 7460.8, Procurement Handbook for Public Housing Agencies, and the procurement standards of (24 CFR 85.36).

#### **3.1.1 General Provisions**

##### **3.1.1.1 Purpose**

The purpose of this Procurement Policy is to provide for the fair and equitable treatment of all persons or firms involved in purchasing by the WHA; assure that supplies, services, and construction are procured efficiently, effectively and at the most favorable prices available to the WHA; when possible, energy star products. Promote competition in contracting; provide safeguards for maintaining a procurement system of quality for integrity; and assure that the WHA purchasing actions are in full compliance with applicable Federal standards, HUD regulations, and State and local laws.

##### **3.1.1.2 Application**

This Procurement Policy applies to all contracts for the procurement of supplies, services and construction entered into by the WHA after the Resolution of the Board of Commissioners of the WHA.

- a) It shall apply to every expenditure of funds by the WHA for public purchasing, irrespective of the source of funds, including contracts which do not involve an obligation of funds (such as concession contracts); however, nothing in this Procurement Policy shall prevent the WHA from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with law. The term "procurement" as used in this policy

includes both contracts and modifications (including change orders) for construction or services, as well as purchase, lease, or rental of supplies and equipment.

- b) Public Access to Procurement Information shall be a matter of public record to the extent providing Chapter 33-2-1 through 13 of the General Laws of the State of Rhode Island and shall be available to the public as provided in said statute.

### 3.1.2 Procurement Authority and Administration

- a) All procurement transactions shall be administered by the Contracting Officer, who shall be the Executive Director or other individual he or she has authorized in writing. The Executive Director shall issue operational procedures to implement this policy, which shall be based on HOD Handbook 7460.8. The Executive Director shall also establish a system of sanctions for violations of the ethical standards described below, consistent with State Law.
- b) It is crucial that the Board of Directors play an important role with the procurement review process. In order to achieve this, the WHA has included the following policies to ensure that the Board is properly informed at all times.
- c) The Executive Director and his/her designee shall ensure that:
  - 1) procurement requirements are subject to an annual process to assure efficient and economically planned purchases;
  - 2) contracts and modifications are in writing, clearly specifying the desired supplies, services or construction, and are supported by sufficient documentation regarding the history of the procurement, including as a minimum the method of procurement chosen, the selection of the contract type, the rationale for selecting or rejecting offers, and the basis for the contract price;
  - 3) for procurements other than small purchases, public notice is given of each upcoming procurement at least ten (10) days, as required by State law, before a solicitation is issued; responses to such notice are honored to the maximum of fifteen (15) days, as required by State law, is provided for preparation and submission of bids or proposals; and notice of contract awards is made available to the public;
  - 4) solicitation procedures are conducted in full compliance with Federal standards stated in (24 CFR 85.36, or State and local laws that are more stringent, provided they are consistent with (24 CFR 85.36);
  - 5) an independent cost estimate is prepared before solicitation issuance and is appropriately safeguarded for each procurement above the small purchase limitation, and a cost or price analysis is conducted of the responses received for all procurements;
  - 6) contract award is made to the lowest and/or responsible bidder (for sealed bid contracts or contract award is made to the offeror whose proposal offers the greatest value to the WHA, considering price,

- technical, and other factors as specified in the solicitation (for contracts awarded based on competitive proposals); unsuccessful firms are notified within ten (10) days (or other time period required by State or local law) after contract award;
- 7) there are sufficient unencumbered funds available to cover the anticipated cost of each procurement before contract award or modification (including change orders), work is inspected before payment, and payment is made promptly for contract work performed and accepted; and
  - 8) the WHA complies with applicable HUD review requirements. As provided in the operational procedures supplementing this policy.
- d) This Policy and any later changes shall be submitted to the Board of Commissioners for their approval. The Board delegates procurement authority to the Executive Director and is responsible for ensuring that any procurement policies adopted are appropriate for the WHA.
  - e) Two signatures from members of the Board of Directors are required for each check
  - f) Purchases over \$2500.
    - (a) For purchases in excess of \$2500 but not more than \$50,000, no less than three offers shall be solicited to submit price quotations, which may be obtained orally, by telephone, or in writing, as allowed by state or local laws. Award shall be made to the offeror providing the lowest acceptable quotation, unless justified in writing based on price and other specific factors, such as for architect or engineering contracts. If non-price factors are used, they shall be disclosed to all those solicited. The names, addresses, and/or telephone numbers of the offeror and persons contracted, and the date and amount of each quotation shall be recorded and maintained as a public record in accordance with State and Local law. It will be the practice of the WHA to buy American made products whenever possible.

### **3.1.3 Procurement Methods**

#### **3.1.3.1 Selection of Method**

- a) It has been decided that the WHA will directly purchase the required items, and one of the following procurement methods shall be chosen, based on the nature and anticipated dollar value of the total requirement.
- g) Small Purchase Procedures
  - i) General. Contracts not exceeding \$50,000.00 may be made in accordance with the purchase procedures authorized in this section. Contract requirements shall not be artificially divided so as to constitute a small purchase under this section.
- h) Petty Cash Procedures.
  - ii) Small purchases under \$100 which can be satisfied by local sources may be processed through the use of a petty cash account. The contracting officer shall ensure that:
    - ❖ the account is established in an amount sufficient to cover small purchases made during the month;

- ❖ security is maintained and only authorized individuals have access to the account;
  - ❖ the account is periodically reconciled and replenished by submission of a voucher to the WHA finance officer; and
  - ❖ the account is periodically audited by the finance officer to designee to validate proper use and to verify that the account total equals cash on hand plus the total of accumulated vouchers.
- iii) For purchases below \$500 only one quotation need be solicited if the price received is reasonable. Such purchases must be distributed equitably among qualified sources. If practical, a quotation shall be solicited from other than previous sources before placing a repeat order:
- iv) Small purchases over \$500. For purchases in excess of \$500 but not more than \$2500 less than three offers shall be solicited to submit price quotations, which may be obtained orally, by telephone, or in writing, as allowed by State or local laws. Award shall be made to the offeror providing the lowest acceptable quotation, unless justified in writing based on price and others specified factors, such as for architect-engineer contracts. If non-price factors are used, they shall be disclosed to all those solicited. The names, addresses, and/or telephone numbers of the offeror and persons contracted, and the date and amount of each quotation shall be recorded and maintained as a public record in accordance with State and local law.

### **3.1.3.2 Sealed Bids**

- a) Conditions for use. Contracts shall be awarded based on competitive sealed bidding if the following conditions are present
- i) A complete, adequate, and realistic specification or purchase description is available; two or more responsible bidders are willing and able to compete effectively for the work, the procurement lends itself to a firm fixed price contract; and the selection of the successful bidder can be made principally on the basis of price.
  - ii) Sealed bidding is the preferred method for construction procurement. For procurement under CIAP, sealed bidding shall be used for all construction and equipment contracts exceeding the small purchase limitation. For professional services contracts, sealed bidding should not be used.
- b) Solicitation and Receipt of Bids. An invitation for bids shall be issued including specifications and all contractual terms and conditions applicable to the procurement; including a statement that award will be made to the lowest responsible bidder whose bid meets the requirements of the invitation for bids. The invitation for bids shall state the time and place for both the receipt of bids and the public bid opening. All bids received shall be time-stamped but not opened until bid opening. A bidder may withdraw its bid at any time prior to bid opening.
- c) Bid Opening. Bids shall be opened publicly and in the presence of at least one witness. An abstract of bids shall be recorded and the bids shall be available for public inspection. Award shall be made by approval of the

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board of commissioners as provided in the invitation for bids by written notice to the successful bidder..

- d) Mistakes in Bids.
  - i) Correction or withdrawal of inadvertently erroneous bids may be permitted, where appropriate, before bid opening by written or telegraphic notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only if the bidder can show clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. A low bidder alleging nonjudgmental mistake may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document but the intended bid is unclear or the bidder submits convincing evidence that a mistake was made.
  - ii) All decisions to allow correction or withdrawal of bid mistakes shall be supported by a written determination signed by the Contracting Officer. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the WHA or fair competition shall be permitted.
- e) Bonds. In addition to the other requirements of this policy, the following requirements apply:
  - a) For construction contracts exceeding \$5000 other than those specified in 5B and 5C below, contractors shall be required to submit the following, unless otherwise required by State or local laws or regulations:
    - 1) a bid guarantee from each bidder equivalent to 5% of the bid Price
    - 2) a performance bond for 100% of the contract price
    - 3) a payment bond for 100% of the contract price
  - b) In the case of construction of conventional development projects funded pursuant to the U.S. Housing Act of 1937, the contractor shall be required to submit the following, unless otherwise required by State or local laws or regulations.
  - c) a bid guarantee from each bidder equivalent to 5% of the bid price; and
  - d) one of the following:
    - (a) a performance and payment bond for 100% of the contract price; or
    - (b) a 20% cash escrow; or
    - (c) a 25% irrevocable letter of Credit.
  - e) In the case of contraction under CIAP funded pursuant to the U.S. Housing Act of 1937, for any contract over \$5000.00 the contractor shall be required to submit the following, unless otherwise required by State or local law or regulations:
    - (1) a bid guarantee from each bidder equivalent to 5% of the bid price and;

(2) one of the following:

- (i) a performance and payment bond for 100% of the contract price; or
- (ii) Separate performance and payment bonds, each for 50% or more of the contract price; or
- (iii) a 20% cash escrow; or
- (iv) a 25% irrevocable letter of credit.

**3.1.3.3 Competitive Proposals**

- a) Conditions for use. Competitive proposals (including turnkey proposals for development) may be used if there is an adequate method of evaluating technical proposals and where the WHA determines that conditions are not appropriate for the use of sealed bids. An adequate number of qualified sources shall be solicited.
- b) Solicitation. The request for proposals (RFP) shall clearly identify the relative importance of price and other evaluation factors and sub-factors, including the weight given to each technical factor and sub-factor. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors, and the contents of their proposals. The proposals shall be evaluated only on the criteria stated in the request for proposals.
- c) Negotiations. Unless there is no need for negotiations with any of the offerors, negotiations shall be conducted with offerors who submit proposals determined to have a reasonable chance of being selected for award, based on evaluation against the technical and price factors as specified in the RFP. Such offerors shall be accorded fair and equal treatment with respect to any opportunity for-negotiation and revision of-proposals. The purpose of negotiations shall be to seek clarification with regard to and advise offerors of the deficiencies in both the technical and price aspects of their proposals so as to assure full understanding of and informance to the solicitation requirements. No offeror shall be provided information about any other offeror's proposal, and/or offeror shall be assisted in bringing its proposal up to the level of any other proposal. Offerors shall not be directed to reduce their proposed prices to a specific amount in order to be considered for award. A common deadline shall be established for receipt of proposal revisions based on negotiations.
- d) Award. After evaluation of proposal revisions, if any, the contract shall be awarded by the board of commissioners to the responsible firm whose qualifications, price and other factors considered, are the most advantageous to the Housing Authority of the local community.
- e) Architect and/or Engineer Services. Architect and/or Engineer Services in the excess of the small purchase limitation may be obtained by either the competitive proposals method or qualifications-based selection procedures, unless State law mandates the specific method. Sealed bidding, however, shall not be used to obtain architect/engineer services. Under qualifications-based selection procedures, competitors' qualifications are evaluated and

the most qualified competitor is selected, subject to the negotiation offer and reasonable compensation. Price is not used as a selection factor under this method.

- i) Qualifications- based selection procedures shall not be used to purchase other types of services even though architect/engineer firms are potential sources.

**3.1.3.4 Non-competitive Proposals**

- a) Conditions for use. Procurements shall be conducted competitively to the maximum extent possible. Procurement by non-competitive proposals may be used only when the award of a contract is not feasible using small purchase procedures, sealed bids, or competitive proposals, and one of the following applies:
  - (i) The item is available only from a single source, based on a good faith review of available sources;
  - (ii) An emergency exists that seriously threatens the public health, welfare or safety, or endangers property, or would otherwise cause serious injury to the WHA, as may arise by reason of a flood, earthquake, epidemic, riot, equipment failure, or similar event. In such cases, there must be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any other procurement methods and the emergency procurement shall be limited to those supplies, services, or construction necessary to meet the emergency.
  - (iii) BUD authorizes the use of non-competitive proposals; or
  - (iv) After solicitation of a number of sources, competition is determined inadequate.
- b) Justification. Each procured contract that is based on non-competitive proposals shall be supported by a written justification for using such procedures. The justification shall be approved in writing by the contracting officer.
- c) Price reasonableness. The reasonableness of the price for all procurements based on noncompetitive proposals shall be determined by performing a cost analysis, as described in paragraph 5(c) below.

**3.1.3.5 Cost and Price Analysis**

- a) General. A cost or price analysis shall be performed for all procurement actions, including contract modifications. The method of analysis shall be determined as follows. The degree of analysis shall depend on the facts surrounding each procured contract.
- b) Submission of Cost or Pricing Information. If the procurement is based on non-competitive proposals, or when only one offer is received, or for the procurements as deemed necessary by the WHA , the offeror shall be required to submit:
  - i) cost breakdown showing projected costs and profit;
  - ii) commercial pricing and sales information, sufficient to enable the WHA to verify the reasonableness of the proposed price as a catalog



or market price of a commercial product sold in substantial quantities to the general public; or

- iii) Documentation showing that the offered price set by law or regulation.
- c) Cost analysis. Cost analysis shall be performed if an offeror/contractor is required to submit a cost breakdown as part of its proposal. When a cost breakdown is submitted: a cost analysis shall be performed of the individual cost elements; the WHA shall have a right to audit the contractor's books and records pertinent to such costs; and profit shall be analyzed separately. Costs shall be allowable only to the extent that they are consistent with applicable Federal cost principles. In establishing profit, the WHA shall consider factors such as the complexity and risk of the work involved the contractor's investment and productivity, the amount of subcontracting, the quality of past performance, and industry profit rates in the area for similar work.
- d) Price Analysis. A comparison of prices shall be used in all cases other than those described above.

#### **3.1.3.6 Cancellation of solicitations**

- a) An invitation for bids, requests for proposals, or other solicitations maybe canceled before offers are due if: the WHA no longer requires the supplies, services or construction, the WHA can no longer reasonably expect to fund the procurement; proposed amendments to the solicitation would be of such magnitude that a new solicitation would be desirable; or similar reasons.
- b) A solicitation may be canceled and all bids or proposals that have already been received may be rejected if: the supplies, services, or construction are no longer required; ambiguous or otherwise inadequate specifications were part of the solicitation; the solicitation did not provide for consideration of all factors of significance to the WHA; prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds; there is reason to believe that bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith; or for good cause of a similar nature when it is in the best interest of the WHA.
- c) The reasons for cancellation shall be documented in the procurement file and the reasons for cancellation and/or rejection shall be provided upon request to any offeror solicited.
- d) A notice of cancellation shall be sent to all offerors solicited and, if appropriate shall explain that they will be given an opportunity on any re-solicitation or future procurement of similar items.
- e) If all otherwise acceptable bids received in response to an invitation for bids are at unreasonable prices, or only one bid is received and the price is unreasonable, the WHA shall cancel the solicitation and either:
  - i) Re-solicit using a request for proposals; or
  - ii) complete the procurement by using the competitive proposals method when more than one unacceptable bid has been received, or by using the noncompetitive proposals method (when only one bid is received at an unreasonable price); provided, that the contract officer determines in

writing that such action is appropriate, all bidders are informed of the WHA intent to negotiate, and each responsible bidder is given a reasonable opportunity to negotiate.

#### **3.1.3.7 Cooperative Purchasing**

The WHA may enter into State and local intergovernmental agreements to purchase or use common goods and services. The decision to use an intergovernmental agreement or conduct a direct procurement shall be based on economy and efficiency. If used, the intergovernmental agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment and other relevant terms and conditions. The WHA is encouraged to use Federal or State excess and surplus property instead of purchasing new equipment and property whenever such use is feasible and reduces project costs.

#### **3.1.4 Contractor Qualifications and Duties**

- 1) Contractor responsibility -Procurements shall be conducted only with responsible contractors, i.e., those who have technical and financial competence to perform and who have a satisfactory record of integrity. Before awarding a contract, the WHA shall review the proposed contractor's ability to perform the contract successfully, considering factors such as the contractor's integrity (including review of the List of Parties Excluded from Federal Procurement and Non-procurement Programs published by the U.S. General Services Administration), compliance with public policy, record of past performance (including contacting previous clients of the contractor, such as other authorities), and financial and technical resources. If a prospective contractor is found to be not responsible, a written determination of non responsibility shall be prepared and included in the contract file and the prospective contractor shall be advised of the reasons for the determination.
- 2) Suspension and debarment Contracts shall not be awarded to debarred, suspended, or ineligible contractors. Contractors may be suspended, debarred or determined ineligible by HUD in accordance with regulations, 24 CFR Part 24, when necessary to protect the WHA in its business dealings.
- 3) Qualified bidder's list Interested businesses shall be given an opportunity to be included on qualified bidder's lists. Any prequalified lists of persons, firms, or products which are used in the procurement of supplies and services shall be kept current and shall include enough qualified sources to ensure competition. Firms shall not be precluded from qualifying during the solicitation period. Solicitation mailing lists of potential contractors shall include, but not be limited to, such prequalified suppliers.

#### **3.1.5 Types of Contracts, Clauses and Contract Administration**

- 1) Types of Contracts, Clauses and Contract Administration

##### **a) Contract types**

Any type of contract which is appropriate to the procurement and which will promote the best interests of the WHA may be used, provided that the cost-plus-a-percentage-of-cost and percentage of construction cost methods are prohibited. All procurements shall include the clauses and provisions necessary to define the rights and responsibilities of the parties. A cost reimbursement

contract shall not be used unless it is likely to be less costly or it is impractical to satisfy the WHA needs otherwise, and the proposed contractor's accounting system is adequate to allocate costs in accordance with applicable cost principles found in 48 CFR chapter 1. A time and material contract may be used only if a written determination is made that no other contract type is suitable, and the contract includes a ceiling price that the contractor exceeds at its own risk.

b) Options

Options for additional quantities or performance periods may be included in contracts, provided that:

- i) the option is contained in the solicitation;
- ii) the contract states a right of the WHA
- iii) the contract states a limit on the additional quantities and the overall term of the contract;
- iv) the options are evaluated as part of the initial competition;
- v) the contract states the period within which the options may be exercised;
- vi) the options may be exercised only at the price specified in or reasonably determinable from the contract; and
- vii) the options may be exercised only if determined to be more advantageous to the WHA than conducting a new procurement

c) Contract Clauses

In addition to containing a clause identifying the contract type, all contracts shall include any clauses required by Federal statutes, executive orders, and their implementing regulations, as provided in 24CFR85.36 (i) such as the following:

- (b) Termination for convenience
- (c) Termination for default
- (d) Equal Employment Opportunity
- (e) Anti-kickback Act
- (f) Davis-Bacon Act
- (g) Contract work hours and Safety Standards Act, reporting requirements
- (h) Patent rights
- (i) Rights in data
- (j) Examination of records by Comptroller General, retention of records for three years after closeout
- (k) Clean air and water act
- (l) Energy efficiency standards
- (m) Bid protests and contract claims
- (n) Value engineering
- (o) Payment of funds to influence certain Federal transactions
- (p) The operational procedures required by this policy shall contain the text of all clauses and required certifications used by the WHA.

d) Contract Administration

A contract administration system designed to insure that contractors perform in accordance with their contracts shall be maintained. The operational

procedures shall contain guidelines for inspection of supplies, services, or construction, as well as monitoring contractor performance, status reporting on construction contracts, and similar matters. For cost reimbursement contracts with commercial firms, costs are allowable only to the extent that they are consistent with the cost principles outlined in this procurement policy.

### **3.1.6 Specifications**

- 1) General - All specifications shall be drafted so as to promote overall economy for the purposes intended and to encourage competition in satisfying the WHA needs. Specifications shall be reviewed prior to solicitation to ensure that they are not unduly restrictive or represent unnecessary or duplicative items. Functional or performance specifications shall be avoided whenever possible. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. For equipment purchases, a lease versus purchase analysis should be performed to determine the most economical form of procurement
- 2) Limitations -The following specification limitations shall be avoided: geographic restrictions not mandated or encouraged by applicable Federal law, except architect; engineer contracts; unnecessary bonding or experience requirements; brand name or equal specifications. Nothing in this procurement policy shall preempt any State licensing law. Specifications shall be scrutinized to ensure that organizational conflicts of interest do not occur.

### **3.1.7 Appeals and Remedies**

- 1) General - It is the WHA policy to resolve all contractual issues informally at the Authority level, without litigation. Disputes shall not be referred to HUD until all administrative WHA may consider the use of informal discussions between the parties by individuals who did not participate substantially in the matter in dispute, to help resolve the differences. HUD will only review protests in cases of violations of Federal law or regulations and failure of the Authority to review a complaint or protest.
- 2) Bid Protests -Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations for the principles of this policy. Any protest against a solicitation must be received before the due date for receipt of bids or proposals, any protest against the award of a contract must be received within ten (10) calendar days after contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to the Contracting Officer or designee who shall issue a written decision on the matter. The contracting officer may, at his her discretion, suspend the procurement pending resolution of the protest, if warranted by the facts presented.
- 3) Contract Claims -All claims by a contractor relating to performance of a contract shall be submitted in writing to the Contracting Officer or designee for a written decision. The contractor may request a conference on the claim. The Contracting Officer's decision shall inform the contractor of its appeal rights to the Board of Commissioners.

### **3.1.8 Assistance to Small and Other Businesses**

- 1) Required efforts

**ADMINISTRATIVE PLAN AND ADMISSIONS AND CONTINUED OCCUPANCY**

- a. Consistent with Presidential Executive Orders 11625, 12138 and 12432, and Section 3 of the HUD act of 1968, the WHA shall make efforts to ensure that small and minority owned businesses, women's business enterprises, labor surplus area businesses, and individuals or firms located in or owned in substantial part by persons residing in the area of the project are used when possible. Such felons shall include, but shall not be limited to:
  - i. including such firms, when qualified, on solicitation mailing lists
  - ii. encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources
  - iii. dividing total requirements when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms
  - iv. Establishing delivery schedules, where the requirement permits, which encourages participation by such firms
  - v. using the services and assistance of the SBA and MBDA of the Department of Commerce
  - vi. including in contract a clause requiring contractors, to the greatest extent feasible, to provide opportunities for training and employment for lower income residents of the project work area and to award subcontracts for work in connection with the project to business concerns which are located in or owned in substantial part by persons residing in the area of the project as described in (24 CFR 135
  - vii. Requiring prime contractors, when subcontracting is anticipated, to take the positive steps listed above.
- b. Goals may be established by WHA periodically for participation by small businesses, minority owned businesses, women's business enterprises, labor surplus area businesses, and business concerns which are located in or owned in substantial part by persons residing in the area of the project, in the Housing authority's prime contracts and subcontracting opportunities.

2) Definitions

- a. A small business is defined as a business which is: independently owned; not dominant in its field of operation; and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in 13 CFR 121 shall be used unless the Authority determines that their use is inappropriate.
- b. A minority-owned business is defined as a business which is at least 51% owned by one or more minority group members; or in the case of a publicly owned business, one in which at least 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include but are not limited to: Black Americans, Hispanic Americans, Native Americans,

- Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.
- c. A women's business enterprise is deemed as a business that is at least 51% owned by a woman or women who are U.S. citizens and who also control or operate the business.
  - d. A labor surplus area business is defined as a business which, together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the U.S. Department of Labor in 20 CFR 654, subpart A, and in lists of labor surplus areas published by the Employment and Training Administration.
  - e. A business concern located in the area of the project, is defined as an individual or firm located within the relevant Section 3 covered project area, as determined pursuant to 24 CFR 135.15, listed on HUD's registry of eligible business concerns, and meeting the definition of small business above. A business concern owned in substantial part by persons residing in the area of the project is defined as a business concern which is 51% or more owned by persons residing within the Section 3 covered project, owned by persons considered by the U.S. SBA to be socially or economically disadvantaged, listed on HUD's registry of eligible business concerns and meeting the definition of small business above.

### **3.1.9 Ethics in Public Contracting**

#### **3.1.9.1 General**

The WHA shall adhere to the following code of conduct, consistent with applicable State or local law.

#### **3.1.9.2 Conflict of Interest**

No employee, officer or agent of the WHA shall participate directly or indirectly in the selection or in the award or administration of any contract is a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:

- i) an employee, officer or agent involved in making the award
- ii) His/her relative or his/her partner; or
- iii) an organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

#### **3.1.9.3 Gratuities**

Gratuities, Kickbacks, and use of confidential information WHA officers, employees or agent shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts, and shall not knowingly use confidential information for actual or anticipated personal gain.

#### **3.1.9.4 Contingent Fees**

Prohibition against contingent fees Contractors shall not retain a person to solicit or secure a Housing Authority contract for commission, percentage, brokerage, or contingent fee, except for bonafide employees or bonafide established commercial selling agencies.

**3.1.10 Travel Policy**

- 1) Commissioners or employees of the Town of Westerly Housing Authority may perform official travel upon authorization by the Board or as authorized by the Chairman and Executive Director.
- 2) Transportation costs for Commissioners or employees authorized to travel on official business of the Authority shall be paid by the Authority.
- 3) Since the City of Westerly does not have an official travel policy but provides for reimbursement of actual expenses the Westerly Housing Authority has developed the following policy:
- 4) The Board members and/or Executive Director shall be reimbursed on actual expense basis, not to exceed \$100.00 per diem. All other employees shall be reimbursed on a per diem basis not to exceed \$75.00 per diem.
- 5) Actual subsistence expense reimbursement must be supported by receipts and or other documentation of actual expense. Receipts are to be secured for ALL expense items of more than \$15.00. Other documentation includes a listing of each item, the date, place, and amount related thereto;
- 6) Official authorization will be covered by acceptance of the annual budget, which includes travel.
- 7) Unanticipated and unscheduled travel expenses by the local agency will be approved by the Executive Director, who will evaluate the need for the travel request with respect to HUD, local agency policies and approved budgetary limitations.
- 8) Reimbursement of Travel Costs: Irrespective of local public practice, transportation costs or persons who are authorized to travel on official business shall be reimbursed for the cost of coach or tourist class airlines accommodations. Alternatively, the first class rail and Pullman accommodations may be reimbursed if the total cost including per diem is determined to be more economical. The difference in cost between first class air accommodations and less than first class accommodations is allowable except when less than first class air accommodations are not reasonably available or for reasons of the traveler's health. Costs of taxi fares, telephone calls, secretarial services and similar items, necessarily incident to the performance of official business, shall also be considered reimbursable items.
  - a. Due to local government practice, the current IRS approved per mile amount will be paid for reimbursement for use of privately owned vehicles. Vouchers for reimbursement shall be supported by detailed mileage records.

**3.1.11 Vendor Insurance Requirements**

All vendors contracted by WHA will be required to provide proof of current liability insurance and workman's compensation policies.

**3.2 Effective Communication Policies**

It is the policy of the WHA to ensure that communications with applicants, residents, program participants, employees, and members of the public with disabilities are as effective as communications with others.

WHA, including its employees, agents, contractors and private management companies/agents, shall furnish appropriate auxiliary aids and services, where necessary, to afford individuals with disabilities, including individuals with hearing, visual or cognitive disabilities, an equal opportunity to participate in, and enjoy the benefits of, the programs, services and activities conducted by WHA.

**3.2.1 Auxiliary Aids and Services**

"Auxiliary aids and services" include, but are not limited to: (1) qualified sign language interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; and, (2) qualified readers, taped texts, audio recordings, brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

**3.2.2 Request for Effective Communication**

When an auxiliary aid or service is required to ensure effective communication, WHA will provide an opportunity for an individual with a disability to request the auxiliary aid or service of his or her choice. WHA will give primary consideration to the choice expressed by the individual. "Primary consideration" means that WHA will honor the choice, unless it can show that another equally effective means of communication is available; or, that use of the means chosen would result in a fundamental alteration in the nature of its service, program, or activity or in an undue financial and administrative burden.

The individual will submit his/her request for auxiliary aids or services to the appropriate WHA staff person designated below. All requests shall be dated and time-stamped upon receipt by the appropriate WHA staff person. Within forty-eight (48) hours of receipt of the individual's request, the designated WHA staff person will consult with the individual with the disability when the preferred type of auxiliary aid or service is not available or not required, and the staff person is attempting to ascertain whether an alternative means of communication will ensure effective communication.

Within five (5) business days following receipt of the effective communication request(s), the designated WHA staff person will provide the requesting individual with notification of the proposed auxiliary aid or service to be provided. The ADA Coordinator will maintain copies of all requests for effective communication and, including final disposition, for the duration of this Agreement. Individual requests for Effective Communication will be directed to the Executive Director.

**3.2.3 Resident Requests**

WHA resident requests for auxiliary aids or services should be made to the Site Manager at the resident's development.



### 3.2.4 Applicant Requests

Applicants for WHA housing should make requests for auxiliary aids and services to WHA's Applicant and Leasing Center or the ADA Coordinator.

### 3.2.5 Other Requests

Requests from members of the public who wish to participate in programs, services and/or activities of WHA shall submit their request(s) for auxiliary aids and services as directed in WHA notices, appointment notifications, forms, or brochures. They may also submit requests for auxiliary aids to the WHA 504/ADA Coordinator.

However, individuals with disabilities who request auxiliary aids or services for public events such as public hearings, Board hearings, public meetings, etc., shall make their requests no later than five (5) days prior to the event.

### 3.3 Disposition Policy

- 1) Whenever the Board of Directors of the WHA determines that personal property is to be sold or exchanged, no such personal property shall be sold or exchanged for less than its fair value. Personal property of the value of \$500 or more, which is to be sold to other than a public body for public use, shall be sold at public sale.
- 2) Sales of Excess Personal Property shall be performed in the following manner:
  - a. If the estimated sales value of the personal property offered for sale is less than \$ 100.00; the Executive Director may negotiate sale in the open market after such informal inquiry as he/she considers necessary to ensure a fair return to the Authority. The sale shall be documented by an appropriate bill of sale.
  - b. For sales from \$100 to \$500.00, the Executive Director shall solicit informal bids orally, by telephone, or in writing from all known prospective purchasers and a tabulation of all such bids received shall be prepared and retained as part of the permanent record. They shall be documented by an appropriate bill of sale.
  - c. Sales of \$500 more and the award of such contract shall be made only after advertising for formal bids. Such advertising shall be at least fifteen (15) days prior to award of the sales contract and shall be by advertisement in newspapers or circular letters to all prospective purchasers. In addition, notices shall be posted in public places. Bids shall be opened publicly at the time and place specified in the advertisement. A tabulation of all bids received shall be prepared and filed with the contract as part of the permanent record. The award shall be made to the highest bidder as to price
  - d. The sale of personal property to a public body for public use may be negotiated at its fair value subject to prior approval of the Commissioners of the WHA. The transfer shall be documented by an appropriate bill of sale.
  - e. Personal property shall not be destroyed, abandoned, or donated without prior approval of the Board of Directors of the WHA. The executive Director shall make every effort to dispose of excess

personal property as outlined above; however, if the property has no scrap or salvage value and a purchaser cannot be found, a statement shall be prepared by the Executive Director listing the prospective bidders solicited and all other efforts made to sell the property, together with recommendations as to the manner of disposition. This statement shall be referred to the Board of Directors for its approval. A copy of the Board's approval, together with the complete documentation in support of the destruction, abandonment or donation, shall be retained as part of the permanent record.

### 3.4 Investment Policy

- 1) In compliance with Section 401 (30 of the ACC, the Housing Authority of the local community will invest excess funds\* as follows:
  - a. All investments will be limited to a maturity of three (3) years or less.
  - b. Short term U.S. Treasury Bills will be purchased for a minimum of thirty (30) days maturity when the minimum denomination of \$50.00 available.
  - c. Available funds under \$50.00 will be deposited in a FDIC or NCVA covered commercial institution.
- 2) In all cases investments shall be limited to securities maturing in periods of up to one year, or such lesser period that coincides with expected disbursements by the Housing Authority of the local community but not beyond the current financing cycle; except in the case of Operating Reserves which may be invested in securities up to three (3) years.
- 3) Excess funds: Excess monies are funds in excess of prudently estimated needs for the next thirty (30) days, except in the case of Operating Reserves.

### 3.5 Capitalization Policy

- 1) The process in selecting expendable and non-expendable equipment is as follows:
  - a. Expendable items are those items purchased which do not exceed \$499.00 in cost.
  - b. Non-expendable items are those items purchased which fall within the following criteria:
    - i. retention of identity use
    - ii. longevity (more than one year)
    - iii. repetitive use with no need of constant replacement
    - iv. purchase price is more than \$ 500.00
    - v. capital expenditures for extraordinary replacement and/or betterment of property in excess of \$500.00
- 2) In all cases, the WHA will comply with HUD Regulations, Handbook 7510.1.

### 3.6 Relocation Policy

THE WHA and/or any of its division/commissions/authorities, etc. shall, when acquiring inhabited units, provide within 30 days of the commencement of negotiations, a preliminary relocation notice to each occupant of the real property. The notice shall comply with HUD handbook 1376.1, Relocation and Real Property Acquisition. All notifications shall be a facsimile of either of the Exhibits in HUD

handbook 1376.1, where appropriate. In all cases compliance shall be to 24CFR Part 42 of the Uniform Relocation Act, as amended.

1) General Relocation Requirements

- a. You may/may not be displaced.
- b. Should you be displaced, you will receive reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help you successfully relocate.
- c. You will not be required to move without at least ninety (90) days written notice: (No lawful occupant shall be required to move unless he/she has received at least ninety (90) days advance written notice of earliest date by which he/she may be required to move.) You cannot be required to move permanently unless at least one (1) comparable replacement dwelling has been made available.
- d. You have the right to apply for subsidy assistance.
- e. Eligibility for relocation assistance shall begin on the date of initiation of negotiations for the occupied property. The WHA shall promptly notify all occupants in writing of their eligibility for applicable relocation assistance.
- f. The displacing agency may issue the notice ninety (90) days before it expects the person to be displaced or earlier.
- g. Said notice shall state the specific date as the earliest date by which the occupant may be required to move or state that the occupant will receive a further notice indicating, at least thirty (30) days in advance, the specific date by which you must move. Should the ninety (90) day notice be issued before a comparable replacement dwelling is made available, the notice will state clearly that the occupant will not have to move earlier than ninety (90) days after such a dwelling is made available.
- h. In unusual circumstances, you may be required to vacate the property on less than ninety (90) days advance written notice if the displacement agency determines that a ninety (90) day notice is impractical.
- i. In all cases the WHA will comply with 49 CFR Part 24, Uniform relocation assistance and real property acquisition regulations for federally assisted programs.

**3.7 Plan for Providing Access to Housing and Services for Persons with Limited English Proficiency**

- 1) Summary: The Department of Justice (DOJ) and the Department of Housing & Urban Development (HUD) have requested that the WHA submit its plan to improve the language accessibility of its programs and activities and to take steps to implement the Plan. The WHA provides Housing Programs and Services that can be made accessible to otherwise eligible persons who are not English proficient. The WHA is committed to improving the accessibility of these Housing services to eligible LEP persons. To this end, the Housing Authority has examined the services it provides and has developed this plan to give LEP persons meaningful access to its Housing Programs and Services, without unduly burdening the fundamental mission of the Authority. The factors that

have been considered in determining what constitutes reasonable steps to ensure meaningful access include:

- a. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program;
  - b. The frequency with which LEP individuals come in contact with the programs;
  - c. The nature and importance of the program, activity, or service provided by the program to peoples' lives; and
  - d. The resources available to the Recipient and the costs.
- 2) The Westerly Housing Authority (WHA) LEP plan:
- a. Supports Executive Order 13166 by providing meaningful access to the WHA Federally Assisted programs, services and information for LEP individuals using the four-factors analysis recommended by DOJ and HUD.
  - b. Details the WHA initiatives and plans over the next 12 months to improve access to its Federally Assisted programs and activities to eligible individuals who are LEP.
  - c. Provides clear, consistent direction in the delivery of efficient, effective, and caring services to LEP individuals;
  - d. Balances the Housing needs of LEP individuals with the fiscal constraints of the WHA operations; And
  - e. Provides a framework for allocation decisions in the context of all Housing Authority business.
- 3) LEP Service Vision Statement -The WHA strives to provide effective, efficient and equitable Housing and Services to all individuals regardless of their ability to speak, read, or write English. Housing and Service delivery options are available to LEP individuals, enabling them to communicate effectively with the WHA in person and in writing.
- 4) LEP Policy Elements - The WHA has taken a proactive approach to ensure that individuals can access its Housing programs and Services, regardless of their ability to communicate in English. The Authority's LEP policy principles include the following elements:
- 5) Stakeholder Consultation. Section 4 of Executive Order 13166 requires that stakeholders such as LEP persons and their representative organizations, be consulted in connection with the development of implementation plans. The WHA has consulted with various LEP organizations. Comments were received from these organizations that have predictable and periodic interaction with LEP individuals.
- 6) Resource Allocation. The WHA will consider the needs of LEP individuals in the Authority's policies, such as administrative instructions, and long-range goals. Housing Programs and Service needs of LEP individuals' will be factors in the allocation of the Authority's resources.
- 7) Service Delivery. LEP individuals have access to the WHA through direct contact with the volunteers at the Main Office located at 5 Chestnut Street, Westerly, RI 02891.

- 8) Bilingual Staffing. The most effective method for providing quality service to LEP individuals is through bilingual contact employees and volunteers. The Housing Authority will take reasonable steps, appropriate to the circumstances, to ensure that it provides interpretive services at a level of fluency, comprehension, and confidentiality appropriate to the specific nature, type and purpose of information at issue.
- 9) Qualified Interpreter Services. The WHA will provide an interpreter to an LEP individual if he/she requests language assistance, or it is evident that such assistance is needed. LEP persons will be advised that they may secure the assistance of an interpreter of their own choosing, if they wish, at their own expense. If an LEP individual prefers to provide his/her own interpreter, the WHA will use this interpreter if he/she can provide meaningful access for the individual, if the interpreter is acting in the applicant's best interest, and there is no indication of fraudulent activity.
- 10) Public Information. The WHA recognizes the value of public information to educate, improve access to its Housing and other services, address LEP concerns, promote program integrity, and build public confidence in the Authority and its programs.
- 11) Written Communications. The WHA will evaluate the feasibility of translating the most commonly accessed applications into languages other than English in order to facilitate access to its Housing and programs and to improve access to LEP individuals.
- 12) Training. Employees who routinely interact with applicants will be provided with written information on the scope and nature of available or planned language assistance services. The WHA will develop and incorporate into new employee orientation and/or training, information on the nature and scope of language assistance services.
- 13) Monitoring Services. This language assistance plan will be periodically reassessed to ensure that the scope and nature of language assistance services provided under the plan reflect updated information on relevant LEP populations, their language assistance needs, and their experience with this plan. The WHA will periodically re-evaluate the language needs of LEP individuals to determine shifts in the non-English speaking demands.

### **3.8 Union and Non Union Contracts.**

All union and non union contracts shall be negotiated by the board of commissioners or their designee. Input is required in all cases by the Executive Director. The negotiator for non union contracts must be approved by the board of commissioners prior to the beginning of any negotiations.