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ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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

1.0 FAIR HOUSING

It is the policy of the Merced Housing Authority to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity in housing and employment. The HACM will comply with all laws relating to Civil Rights including:

Title VI of the Civil Rights Act of 1964

Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)

Executive Order 11063

Section 504 of the Rehabilitation Act of 1973

The Age Discrimination Act of 1975

Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)

The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the *Federal Register* February 3, 2012 and further clarified in Notice PIH 2014-20

Violence Against Women Reauthorization Act of 2013 (VAWA)

Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted will also apply.

When more than one civil rights law applies to a situation, the laws will be read and applied together.

1.1 NONDISCRIMINATION

The HACM will not, on account of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, handicap, disability, gender identity or sexual orientation:

Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the low income housing program

Provide housing that is different from that provided to others

Subject anyone to segregation or disparate treatment

Restrict anyone's access to any benefit enjoyed by others in connection with the housing program

Treat a person differently in determining eligibility or other requirements for admission

Steer an applicant or participant toward or away from a particular area based any of these factors

Deny anyone access to the same level of services

Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program

Discriminate in the provision of residential real estate transactions

Discriminate against someone because they are related to or associated with a member of a protected class

Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

1.2 DISCRIMINATION COMPLAINTS

If an applicant or participant believes that any family member has been discriminated against by the HACM, the family should advise the HACM. The HACM will make every reasonable attempt to determine whether the applicant's or participant's assertions have merit and take any warranted corrective action. In addition, the HACM is required to provide the applicant or participant with information about how to file a discrimination complaint [24 CFR 982.304].

Upon receipt of a housing discrimination complaint, the HACM is required to:

Provide written notice of the complaint to those alleged and inform the complainant that such notice was made

Investigate the allegations and provide the complainant and those alleged with findings and either a proposed corrective action or an explanation of why corrective action is not warranted

Keep records of all complaints, investigations, notices, and corrective actions

Applicants or participants who believe that they have been subject to unlawful discrimination may notify the HACM either orally or in writing. Within 20 business days of receiving the complaint, the HACM will provide a written notice to those alleged to have violated the rule. The HACM will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO). The HACM will attempt to remedy discrimination complaints made against the PHA and will conduct an investigation into all allegations of discrimination.

Within 10 business days following the conclusion of the HACM's investigation, the HACM will provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation of why corrective

action is not warranted. The HACM will keep a record of all complaints, investigations, notices, and corrective actions.

2.0 REASONABLE ACCOMMODATION

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

2.1 COMMUNICATION

Notifications of reexamination, inspection, appointment, or eviction will include information about requesting a reasonable accommodation. Any notification requesting action by the tenant will include information about requesting a reasonable accommodation.

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

3.0 LIMITED ENGLISH PROFICIENCY (LEP) TRANSLATION SERVICES

3.1 ORAL TRANSLATION

The Housing Authority has bilingual staff to assist non-English speaking families in Spanish and Hmong and orally translates documents into Spanish and Hmong. Where bilingual staff is not available to interpret for these families, the HACM will use a telephone language interpretation service, which offers translation in over 100 languages or available local organizations such as: Merced Lao Family, Inc or Healthy House Merced, to communicate effectively with clients.

3.2 WRITTEN TRANSLATION

In determining whether it is feasible to provide translation of documents written in English into other languages, HACM will consider the following factors:

Number of applicants and participants in the jurisdiction who do not speak English and speak the other language.

Estimated cost to HACM per client of translation of English written documents into the other language.

The availability of local organizations to provide translation services to non-English speaking families.

Availability of bi-lingual staff to provide translation for non-English speaking

4.0 FAMILY OUTREACH

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

To reach people who cannot or do not read the newspaper, the Merced 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 Merced Housing Authority will also try to utilize public service announcements.

The Merced 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.

5.0 RIGHT TO PRIVACY

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

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

6.0 REQUIRED POSTINGS

In each of its offices, the Merced Housing Authority will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities have available on request 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. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours.
- D. Income Limits for Admission
- E. Utility Allowance Schedule
- F. Current Schedule of Routine Maintenance Charges

- G. Dwelling Lease
- H. Grievance Procedure
- I. Fair Housing Poster
- J. Equal Opportunity in Employment Poster
- K. Any current Merced Housing Authority Notices

7.0 TAKING APPLICATIONS

7.1 OPENING AND CLOSING OF THE WAITING LIST

The HACM shall announce its intent to accept pre-applications for the purpose of establishing a waiting list by placing a public notice in *The Merced Sun Star*, a local newspaper of general circulation, and also by minority media and other suitable means, including the agency website at www.merced-pha.com.

The notice will comply with HUD Fair Housing requirements. The notice will contain:

The dates, times, and the locations where families may apply

The program(s) for which pre-applications will be taken.

A brief description of the program(s).

The methods by which pre-applications will be accepted.

Limitations, if any, on who may apply.

Normally, the opening and closing dates for pre-applications intake will be clearly stated in the notice. However, if at the time the waiting list is opened, the closing date for pre-application intake has not yet been determined, the notice will indicate that pre-application intake will be until further notice.

Once it becomes necessary to close the waiting list the HACM will apply the same advertising methods of broad general circulation for closing the waiting list as were used for opening the waiting list.

7.2 HOW TO APPLY

The HACM is permitted by HUD to determine the format and content of pre-applications. For the purpose of establishing a waiting list, pre-applications will be

accepted from any family wishing to apply for Public Housing. The HACM may select one or more of the following methods for pre-applications:

1. Online
2. By phone
3. By mail
4. Submitted in person
5. By other method as described in the public announcement

At the time the HACM announces its intent to open the waiting list, the actual methods for accepting pre-applications will be clearly stated in the public announcement and similar outreach methods. If an applicant is disabled and requires special accommodation in submitting a pre-application, the accommodation request must be made in writing prior to the closure of the waiting list. Specific instructions for making a reasonable accommodation request will be included in the public notice and other pre-application outreach materials.

Pre-application by Web

When this method is available, families can apply on-line at www.merced-pha.com

Pre-application Intake by Phone or by Mail

When this method is available, pre-applications will be taken by phone or mail. HACM will record the date and time the pre-application is received.

Pre-application Intake In Person

When this method is available, pre-applications will be completed by the family and HACM will record the date and time the pre-application is received.

Duplicate applications, including applications from a segment of an applicant household, will not be accepted.

7.3 METHOD FOR PLACEMENT ON THE WAITING LIST

Lottery:

The Housing Authority may use a lottery system to select and place families on the waiting list. Pre-applications will be accepted for a designated period of time as specified in the announcement notice. After pre-applications are no longer being accepted, the Housing Authority will take pre-applications that have been submitted and randomly assigned a lottery number to each pre-application. The number of applicants selected for the list will be based on the number of families required to achieve a sufficient waiting list as determined by the HACM.

Date and Time:

The Housing Authority may use a date and time system to select and place families on the waiting list. Pre-applications will be accepted for a designated period of time as specified in the announcement notice. The number of applicants selected for the list will be based on the number of families required to achieve a sufficient waiting list as determined by the HACM.

7.4 ELIGIBLE FOR PLACEMENT ON THE WAITING LIST

The HACM may send a written notification to all households selected for placement on the waiting list. Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list. Selected applicants are randomly assigned a lottery number. Applicants will be placed on the waiting list in order of their assigned lottery number and according to the Housing Authority's preference.

7.5 SEPARATE WAITING LISTS FOR HOUSING AUTHORITY PROGRAMS

In accordance with HUD regulations (24 CFR 982.205 (ii)) at the time an applicant is applying for Public Housing, if pre-applications are being accepted for its Housing Choice Voucher Program or Project-Based program, the family must be offered an opportunity to apply for the other program/s.

7.6 PRE-APPLICATION [24 CFR 982.204]

Pre-application will include the following:

For head of household:

- Social Security number
- First, middle initial and last name
- Date of birth
- Gender
- Street address, city, state and zip
- Contact phone number
- Race
- Ethnicity
- E-Mail Address
- Source of Income, if applicable
- Total Monthly Income, if applicable

For other family members:

- For each member:
- First and last name;
- Relationship to head of household;
- Date of birth
- Gender

Race
Ethnicity

Source of Income, if applicable

Total monthly income, if applicable

Other information:

Identify whether any household member is a person with disabilities. and/or a person with a mobility impairment needing an accessible unit (wheelchair accessible)

Selected preference, if applicable.

8.0 ELIGIBILITY FOR ADMISSION

8.1 INTRODUCTION

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

8.2 ELIGIBILITY CRITERIA

A. Family Status

1. A **family with or without children**, such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship.
 - a. Children temporarily absent from the home due to placement in foster care are considered family members.
 - b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.
2. An **elderly family**, which is:
 - a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
 - b. Two or more persons who are at least 62 years of age living together; or

- c. One or more persons who are at least 62 years of age living with one or more live-in aides.
- 3. A **near-elderly family**, which is:
 - a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
 - b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
 - c. One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.
- 4. A **disabled family**, which is:
 - a. A family whose head, spouse, or sole member is a person with disabilities;
 - b. Two or more persons with disabilities living together; or
 - c. One or more persons with disabilities living with one or more live-in aides.
- 5. A **remaining member of a tenant family**.
- 6. A **single person** who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

B. Income eligibility

To be financially eligible, the applicant family must provide adequate evidence that Annual Income for the twelve month period following occupancy is not anticipated to exceed the Income Limits for admission

- 1. Where the family has Net Assets in excess of \$5,000.00, Annual Income for eligibility and rent shall include the greater of the actual net income derived from all Net Family Assets or a percentage of the value based on the current passbook savings rate as determined by HUD (the DIDC rate).
- 2. Income limits apply only at admission and are not applicable for continued occupancy.
- 3. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income

requirements of the Merced Housing Authority.

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

C. Citizenship/Eligibility Status

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

Family eligibility for assistance.

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

D. Social Security Number Documentation

To be eligible, all family members 6 years of age and older must provide a Social Security number or certify that they do not have one.

E. Signing Consent Forms

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

1. The consent form must contain, at a minimum, the following:
 - a. A provision authorizing HUD or the Merced Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and
 - b. A provision authorizing HUD or the Merced Housing Authority to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;

- c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
- d. 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.

8.3 SUITABILITY

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

- C. The Merced Housing Authority will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The Merced Housing Authority will verify the information provided. Such verification may include but may not be limited to the following:
1. A credit check of the head, spouse and co-head;
 2. A rental history check of all adult family members;
 3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, the Merced Housing Authority may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);
 4. A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity; and
 5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.

8.4 GROUNDS FOR DENIAL

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

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Have a history of not meeting financial obligations, especially rent;
- E. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants;

- F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other tenants or staff or cause damage to the property;
- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
- I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- J. Were evicted from assisted housing because of drug-related criminal activity involving the personal use or possession for personal use;
- K. Were evicted from assisted housing because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
- L. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The Merced Housing Authority may waive this requirement if:
 - 1. The person demonstrates to the Merced Housing Authority's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 - 2. Has successfully completed a supervised drug or alcohol rehabilitation program;
 - 3. Has otherwise been rehabilitated successfully; or
 - 4. Is participating in a supervised drug or alcohol rehabilitation program.
- M. Have engaged in or threatened abusive or violent behavior towards any Merced Housing Authority staff or residents;
- N. Have a household member who has ever been evicted from public housing;
- O. Have a family household member who has been terminated under the certificate or voucher program;

- P. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property;
- Q. **Denied for Life:** Has a lifetime registration under a State sex offender registration program.

The fact that an applicant or tenant was arrested for a disqualifying offense shall not be treated or regarded as proof that the applicant or tenant engaged in disqualifying criminal activity. The arrest may, however, trigger an investigation to determine whether the applicant or tenant actually engaged in disqualifying criminal activity. As part of its investigation, HACM may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. The HACM may also consider any statements made by witnesses or the applicant or tenant not included in the police report; whether criminal charges were filed; whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal; and any other evidence relevant to determine whether or not the applicant or tenant engaged in disqualifying activity.

8.5 INFORMAL REVIEW

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

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

B. The participant family may request that the Merced 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.

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.

9.0 MANAGING THE WAITING LIST

9.1 PRE-APPLICATION

At the time of the pre-application, any information indicating the applicant may qualify for a local preference (e.g., an applicant's certification that they reside within the jurisdiction qualifying them for the Residency Preference) will be accepted without verification. Actual entitlement for a local preference will be verified at initial eligibility determination.

The waiting list will be maintained in accordance with the following guidelines:
The pre-application will be a permanent file.

Pre-applications must include as a minimum the following information to be placed on the preliminary waiting list with the following information about each applicant:

- 1) Name
- 2) Family unit size
- 3) Date and time of the completed pre-application
- 4) Information pertaining to possible qualification for a local preference
- 5) Race and ethnicity of the head of household

Pre-applications taken by a method other than lottery or random methodology will be maintained in order of date and time.

9.2 APPLICANT STATUS WHILE ON WAITING LIST [CFR 982.202 (c), 982.204]

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

Applicants are required to inform the HACM in writing of changes of their address within 10 business days of the occurrence. This will also assist the HACM in establishing and maintaining a current and updated waiting list to effectively plan for future pre-application intake. Applicants are also required to respond to requests from the HACM to update information on their pre-application, or to determine their continued interest in assistance.

If the family is over income (over the low-income limits for the Low Income Housing Program), an over income letter will be mailed to them advising them of their right to an informal review.

Families who are ineligible for the reason of only owing a debt to the HACM or any other Federal Housing Program will be allowed to have their pre-application placed on the waiting list. When the family is interviewed for placement into the Low Income Housing

Program, the family must pay the debt in full before the final eligibility process will continue.

If the family is determined to be ineligible based on the information provided in the pre-application, the HACM will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as an accommodation.

The waiting list will be maintained with accurate information.

9.3 APPLICANT PORTAL

The Applicant Portal has been established for persons that make a pre-application with Housing Authority of the County of Merced Housing Authority (HACM) so that they may create an on-line account to review and update their personal information, including their current address, as well as indicate their continued interest in remaining on the waiting list. As our primary mode of communication with the applicant is by mail, it is critical that we have a valid, current address at all times so that we will be able to make contact with the applicant.

9.4 PRELIMINARY WAIT LIST STRUCTURE

Once the pre-application is complete, the HACM will place all applicants on the wait list except duplicate records; determination of eligibility will not be assessed until the full formal application process has been completed. Within the list, the HACM will designate subparts to easily identify who should be offered the next available unit (i.e. mixed population, general occupancy, unit size, and accessible units). Families will receive a notification via Applicant Portal or through the mail (if family provides a self-addressed/stamped written envelope that their application was accepted). They will be informed to notify the HACM via the Applicant Portal or through the mail of address and family composition changes within 10 business days.

9.5 PLACEMENT ON THE WAIT LIST

The HACM will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards and location selection. Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to HACM standards and local codes). However, in these cases, the family must agree not to request a transfer for one year after admission, unless they have a change in family size or composition. No applicant has a right or entitlement to be listed on the wait list, or to any particular position on the wait list.

9.6 FAMILY OUTREACH [24 CFR 903.2(D); 24 CFR 903.7(A) AND (B)]

The HACM will publicize and disseminate information to make known the availability of housing units and housing-related services for very low-income families on a regular basis.

The HACM will communicate the status of housing availability to other service providers in the community. The HACM will advise them of housing eligibility factors and guidelines in order that they can make proper referrals for those who seek housing.

9.7 PURGING THE WAITING LIST

The Merced 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 Merced Housing Authority has current information, i.e. applicant's address, family composition, income category, and preferences.

9.8 REMOVAL OF APPLICANTS FROM THE WAITING LIST

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

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

9.9 MISSED APPOINTMENTS

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

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

9.10 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the Merced 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 HACM will cancel the pre-application when the applicant does not respond to the HACM's request for response by a specific date, failure to attend a scheduled appointment or if a letter is returned by the Post Office.

Any mailings to the applicant which require a response by a specific deadline will state that failure to respond by the deadline will result in the applicant's name being removed from the waiting list.

If a letter is returned by the Post Office, the pre-application will be canceled without further notice, and the envelope and letter will be maintained in the file. Applicants may be reinstated after the HACM has conducted a review of the case and is approved. If the applicant did not respond to the HACM request for information or updates because of a family member's disability, this fact will be verified and documented, and the HACM will reinstate the applicant in the family's former position on the waiting list.

9.11 CREATING AN APPLICATION POOL

As families reach the top of the preliminary wait list and based on the FH turnover and the availability of funding, applicants will be selected from the wait list to form a final eligibility pool.

It is the HACM objective to pull names from the wait list within a reasonable amount of time and determine if the family is eligible for assistance. The information provided on the pre-application will be verified during this final eligibility process.

9.12 METHOD OF SELECTION

The HACM preference system will work in combination with requirements to match the characteristics of the family to the type of unit available, including units with targeted populations, and further deconcentration of poverty in public housing. When such matching is required or permitted by current law, the HACM will give preference to qualified families.

Families who reach the top of the waiting list will be contacted by the HACM to complete a full application for occupancy. Applicants may not retain their place on the waiting list if they refuse to complete the application process.

Preferences will be ranked. Applicants with the same ranking will be selected according to date and time of the pre-application or their lottery number.

Once the initial application pool is established, each applicant will be invited to the full application process. The HACM will conduct this method of selection so there is a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in this policy.

9.13 RESIDENT SELECTION FROM THE WAIT LIST FOR ADMISSION

After the wait list has been established and as units become available for admission, the HACM will create an application pool and begin the full application process. For information about Eligibility for Admission, refer to Chapter 8.

10.0 TENANT SELECTION AND ASSIGNMENT PLAN

LOCAL PREFERENCES [24 CFR 982.207]

Local preferences will not have the effect of disproportionately delaying or denying assistance to members of protected classes (race, color, religion, sex, national origin, age, familiar status, disability, sexual orientation or gender identity of any member of an applicant family).

10.1 RANKING AND ORDER OF SELECTION IN GROUPS

Ranking preferences are used to prioritize applicants. These categories will receive a ranking preference:

Points:

100 Homeless Preference: Individuals or families who are referred to the HACM by a partnering homeless service organization that is a member of the Merced County Continuum of Care's centralized/coordinated assessment system and who meet the following criteria:

An individual or family who lacks a fixed, regular and adequate nighttime residence meaning:

An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state or local government programs for low-income individuals)

An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution

A primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport or camping ground

Any individual or family who:

Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; **and**

Has no other residence; **and**

Lacks the resources or support networks, e.g. family, friend, and faith-based or other social networks, to obtain other permanent housing

This preference shall be limited to applicants based on certification/referrals from identified agencies with whom HACM has a written agreement. Eligibility criteria for referral will be developed by the referring agency in conjunction with the HACM.

If it is determined that an applicant does not meet the criteria described therein, the applicant will lose their preference points and will be returned to applicable HACM waiting list/s.

100 Veteran Preference: Current members of the military, veterans, or surviving spouses of veterans may qualify for this preference. Applicants must provide proof of honorable discharge. If discharge is less than honorable, applicant must provide proof of eligibility to receive veteran benefits.

10 Involuntarily Displaced: Families who have been displaced due to a locally declared disaster, state declared disaster, federally declared disaster or other national emergency. It will also be given to those or other local disasters as approved by the Executive Director.

10 Residency Preference: Families who live, work, or have been hired to work within Merced County and /or residents. Applicants who are working or who have been notified that they are hired to work in a residency preference area must be treated as residents of the residency preference area.

HUD regulations state that a residency preference must not be based on how long an applicant has resided or worked in a residency preference area.

10 Elderly or Disabled Person Preference: An elderly preference applies if the head, spouse or co-head is a person who is age 62 or older. A disabled person preference applies if the head, spouse or co-head receives Social Security or Supplemental Security benefits or otherwise meets the definition of disabled as defined under Section 223 of the Social Security Act.

10.2 PREFERENCE CERTIFICATION

At the time of pre-application, an applicant's entitlement to a Local Preference may be made on the following basis:

An applicant's self-certification that they qualify for a preference will be accepted at time of pre-application. **When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.**

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the Local Preference and given an opportunity for an informal review.

If an applicant is found to have provided false documentation in order to qualify for a Local preference, the HACM will permanently deny admission to the program for the family, and the family will be given an opportunity for an informal review.

10.3 AMONG APPLICANTS WITH EQUAL PREFERENCE STATUS

In the event two or more applicants with identical preferences are eligible for placement on the waiting list, their order of placement will be determined by the order in which the family was randomly selected in the lottery process or the date and time of pre-application if a lottery was not conducted.

10.4 ACCESSIBLE UNITS – DISABLED/ELDERLY

Among applicants with equal preference status, the waiting list will be sorted by date and time.

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

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

10.5 ASSIGNMENT OF BEDROOM SIZES

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

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

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Zero bedroom units will only be assigned to one-person families. Unrelated adults may not be required to share a bedroom.

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

Other Factors Influencing Assignment:

Depending upon overall housing demand and availability of Units, the following guidelines shall also govern the leasing of Units:

An infant under one (1) year of age may be expected to share the parents' bedroom.

A bedroom is expected to be shared by at least two (2) children, except that, after age six (6), it is desirable that children of different sexes have separate rooms.

A separate bedroom will be provided for an Elderly Dependent residing with a younger family.

A separate bedroom will be provided for a Family member upon documentation of the need for it by a physician or other qualified professional.

Separate bedrooms shall be allowed for an elderly couple when a physician provides a certificate of need.

Foster – adults and/or foster - children will not be required to share a bedroom with family members.

Live-in aides will get a separate bedroom.

Exceptions to normal bedroom size standards include the following:

- A. Units smaller than assigned through the above guidelines – A family may request a smaller unit size than the guidelines allow. The Merced Housing Authority will allow the smaller size unit so long as generally no more than two (2) people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for 3 years or until the family size changes, whichever may occur first.
- B. 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.
- C. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

10.6 SELECTION FROM THE WAITING LIST [24 CFR 96.202(B)]

The Merced 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 we 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, we will skip higher income families on the waiting list to reach extremely low-income families.

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

10.7 DECONCENTRATION POLICY AND INCOME MIXING [24 CFR 903.1 and 903.2]

The MHA's admission policy is designed to provide for deconcentration of poverty and income-mixing by bringing higher income residents into lower income developments and lower income residents into higher income developments.

A resident's gross annual income is used to determine income limits at admission and for income-mixing purposes.

10.8 DECONCENTRATION AND INCOME- MIXING GOALS

MHA's deconcentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to "extremely low-income families," will be to admit higher income families to lower income developments, and lower income families to higher income developments.

Deconcentration will apply to transfer families as well as applicant families.

10.9 DEVELOPMENT DESIGNATION METHODOLOGY [24 CFR 903.2(c)(1)]

MHA will determine on an annual basis the average income of all families residing in its covered developments.

MHA will then determine the average income of all families residing in each covered development.

MHA will then determine whether each covered developments falls above, within, or below the Established Income Range (EIR).

The EIR is 85 percent to 115 percent (inclusive of 85 percent and 115 percent) of the MHA-wide average income for covered developments.

MHA will then determine whether or not developments outside the EIR are consistent with local goals and strategies in MHA Agency Plan.

MHA may explain or justify the income profile for these developments as being consistent with and furthering two sets of goals:

1. Goals of deconcentration of poverty and income mixing (bringing higher income residents into lower income developments and vice versa); and
2. Local goals and strategies contained in the MHA Annual Plan.

10.10 DECONCENTRATION POLICY

If, at annual review, there are found to be development(s) with average income above or below the EIR, and where the income profile for a general occupancy development above or below the EIR is not explained or justified in MHA Plan, the MHA shall adhere to the following policy for deconcentration of poverty and income mixing in applicable developments.

Skipping a family on the waiting list to reach another family in an effort to further the goals of MHA's deconcentration policy:

- If a unit becomes available at a development below the EIR, the first eligible family on the waiting list with income above the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list with income above the EIR will be offered the unit. The process will continue in this order. For the

available unit at the development below the EIR, if there is no family on the waiting list with income above the EIR, or no family with income above the EIR accepts the offer, then the unit will be offered to the next family regardless of income.

- If a unit becomes available at a development above the EIR, the first eligible family on the waiting list with income below the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list with income below the EIR will be offered the unit. The process will continue in this order. For the available unit at the development above the EIR, if there is no family on the waiting list with income below the EIR, or no family with income below the EIR accepts the offer, then the unit will be offered to the next family regardless of income.

Skipping of families for deconcentration purposes will be applied uniformly to all families.

10.11 DECONCENTRATION INCENTIVES

The ease of the applications process, coupled with rents capped at affordable levels, will attract more low - income applicants. Those higher - income applicants will mix with the large number of very - low - income applicants already attracted to the agency waiting lists. Units will then be filled from the mixed - income waiting list when they become available, which will create an income mix within projects.

Affordable flat rents should encourage savings and discourage working families from moving prematurely (before they are able to achieve financial independence). This should serve as an example of achievement to those who want to better themselves, and help preserve the desirable income mix.

A family has the sole discretion whether to accept an offer of a unit made under deconcentration policy. MHA shall not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under this deconcentration policy. However, MHA shall uniformly limit the number of offers received by applicants, described in 10. Tenant Selection Plan.

If the average incomes of all general occupancy developments are within the Established Income Range, MHA will be considered to be in compliance with the deconcentration agreement.

Nothing in the deconcentration policy relieves MHA of the obligation to meet the income targeting requirements.

10.12 PROMOTION OF INTEGRATION

Beyond the basic requirement of nondiscrimination, MHA shall affirmatively further fair housing to reduce racial and national origin concentrations.

MHA shall not require any specific income or racial quotas for any development or developments.

MHA shall not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, creed, national or ethnic origin, age, familial or marital status, handicap, disability, gender identity or sexual orientation for purposes of segregating populations.

10.13 OFFER OF A UNIT

When the Merced Housing Authority discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority for this type of unit or development and whose income category would help to meet the deconcentration goal and/or the income targeting goal.

The Merced Housing Authority 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 Merced Housing Authority regarding the offer.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have two (2) business days to accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file.

10.14 REJECTION OF UNIT

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

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

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

10.15 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.

Prior to signing the lease all families (head of household) and other adult family members will be required to attend the Lease and Occupancy Orientation when they are initially accepted for occupancy. The family will not be housed if they have not attended the orientation. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the orientation, without good cause, may result in the cancellation of the occupancy process.

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

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

- A. The Total Tenant Payment or \$150.00

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.

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.

11.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME

To determine annual income, the Merced 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 Merced Housing Authority subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

11.1 INCOME

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

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

Annual income includes, but is not limited to:

- A. The full amount, before any payroll deductions, of wages and salaries, overtime pay commissions, fees, tips and bonuses, and other compensation for personal services.
- B. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.
- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.

If the total of both checking and savings account balances of a family are less than \$1,000, then the HACM will not verify the assets or count the income from such assets.

Where the family has net family assets in excess of \$5,000, HACM must obtain supporting documentation (e.g. bank statements) from the family to confirm the assets.
- D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
- E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)

F. Welfare assistance.

1. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
 - a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - b. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
 2. 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.
 3. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.
- G. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
- H. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

11.2 ANNUAL INCOME

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years;

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

resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;

6. Temporary, nonrecurring or sporadic income (including gifts);
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. 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:
 - a. Comparable Federal, State or local law means a program providing employment training and supportive services that:
 - i. Is authorized by a Federal, State or local law;
 - ii. Is funded by the Federal, State or local government;
 - iii. Is operated or administered by a public agency; and
 - iv. Has as its objective to assist participants in acquiring employment skills.
 - b. 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 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
 - c. Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.

12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
13. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
14. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
15. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
 - 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 HHS's 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 \$2000 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
 - p. Additional income exclusions provided by and funded by the Merced Housing Authority

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

EARNED INCOME DISALLOWANCE [24 CFR 960.255]

A disabled family qualified for the earned income disallowance (EID) is a disabled family that is receiving rental assistance; and

1. Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;
2. Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or
3. Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any State program for temporary assistance for needy families (TANF). The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance—provided that the total amount over a six-month period is at least \$500. The HUD definition of "previously unemployed" includes a person with disabilities who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the State or locality.

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

Amounts to be excluded are any earned income increases of a family member who is a person with disabilities during participation in an economic self-sufficiency or job training program and not increases that occur after participation, unless the training provides assistance, training or mentoring after employment.

The amount of TANF received in the six-month period includes monthly income and such benefits and services as one-time payments, wage subsidies and transportation assistance.

The amount that is subject to the disallowance is the amount of incremental increase in income of a family member who is a person with disabilities. The incremental increase in income is calculated by comparing the amount of the disabled family member's income before the beginning of qualifying employment or increase in earned income to

the amount of such income after the beginning of employment or increase in earned income.

Once a family member is determined to be eligible for the EID, the 24-calendar month period starts;

- If the family member discontinues the employment that initially qualified the family for the EID, the 24-calendar month period continues;
- During the 24-calendar month period, EID benefits are recalculated based on changes to family member income and employment;
- During the first 12-calendar month period, HACM will exclude all increased income resulting from the qualifying employment of the family member. After the first 12-calendar month period, HACM will exclude from annual income of the family at least 50 percent of any increase in income of such family member as a result of employment over the family member's income before the qualifying event (i.e., the family member's baseline income);
- The EID benefit is limited to a lifetime 24-month period for the qualifying family member;

At the end of the 24 months, the EID ends regardless of how many months were "used".

11.3 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent;
- B. \$400 for any elderly family or disabled family;
- C. For any family that is not an elderly or disabled family but has a member (other than the 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.
- D. For any elderly or disabled family:
 1. 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;
 2. 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;

3. 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.

E. Child care expenses.

12.0 VERIFICATION

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

12.1 ACCEPTABLE METHODS OF VERIFICATION

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

HACM Staff will verify applicant and participant information using the six levels of verification including: Upfront (UIV) Verification/Enterprise Income Verification (EIV) HUD System; UIV (non HUD System); Tenant provided third-party documents; third-party written; third-party oral; and, as a final resort, tenant self-declaration/certification.

HACM reserves the right to use other reasonable methods of verification in addition to those methods set forth in this chapter. HACM reserves the right to determine whether or not certain verification submitted is sufficient and whether further verification will be required.

Methods of Verification and Time Allowed

The HACM will verify information through the six methods of verification acceptable to HUD in the following order:

1. UIV/EIV HUD System
2. UIV (non-HUD System)

3. Tenant provided third-party documents

The HACM will allow 5 business days to obtain other types of verifications before going to the next method and 10 business days for return of third-party verifications. The HACM will document the file as to why UIV/EIV and/or Tenant provided third party documents were not used.

All participant-provided documents must be dated within 60 calendar days of the date they are provided to the HACM.

For applicants, verifications may not be more than 60 days old at the time of unit offer. Third-party verifications must be no more than 120 days at time of processing.

The HACM will ensure that there is a valid HUD Form 9886 for each household member who are 18 years of age or older in the applicant/participants file. The household will also sign authorizations for each of the information sources to release specified information.

Note: In determining annual income, the HACM will use actual past income received within the last 12 months.

HACM will use the most recent 12 months of income information available in EIV to use actual past income. Because this EIV report will give actual earnings data verified by a third-party, the program participant is no longer required to provide third-party documentation (e.g. pay stubs, payroll summary report, unemployment benefit notice).

HACM will continue to verify income from sources not available in EIV and will use the same time period for both wage and non-wage income.

(As per HUD PIH Notice 2013-03)

Upfront Verification (UIV)/Enterprise Income Verification (EIV)

Up-Front income verification (UIV/EIV) refers to the HACM'S use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. Currently, the HACM uses HUD's Enterprise Income Verification (EIV) system. HUD's EIV system contains data showing earned income, unemployment benefits, Social Security and SSI benefits for participant families. HUD requires that the HACM use the EIV system.

The purpose of the EIV/UIV data is to VALIDATE tenant-reported income and supplement tenant-provided documents.

Use of the EIV/UIV system simplifies the verification process because:

- Tenant reports income

- Tenant provides the HACM with current documentation
- The HACM consults the UIV/EIV system and prints income details report
- If additional information is not needed, the HACM uses the current tenant-provided documents to calculate anticipated annual income. (If additional income is needed, the HACM will request written third-party verification).

There may be legitimate differences between the information provided by the family and EIV/UIV generated information. If the family disputes information provided by the UIV/EIV system, the HACM staff will refer to the procedural guidelines on how to resolve this issue. No adverse action can be taken against a family until the HACM has independently verified the UIV/EIV information and the family has been granted an opportunity to contest any adverse findings through the informal review/hearing process.

Although UIV/EIV replaces third party verification, third party verification may continue to be used to complement UIV/EIV such as when there is a discrepancy between documents provided by the participant or when the tenant disputes the information received via UIV/EIV matching.

Tenant Provided Documents

In the event that UIV/EIV is unavailable, the HACM will note the file accordingly and utilize documents provided by the family as the primary source if the documents provided are complete and authentic information.

The HACM will accept verifications in the form of computerized printouts by the family from the following:

- * Social Security Administration
- * Veteran's Administration
- * Welfare Assistance
- * Unemployment Compensation Board
- * City or County Courts
- * Banking institutions
- * Medical institutions
- * Educational institutions
- * District Attorney's Office
- * Printed wage stubs
- * Computer print-outs from the employer
- * Signed letters (provided that the information is confirmed by phone or notarized statement)
- * Other documents noted in this Chapter as acceptable verification

Written Third-Party Verification

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail or by fax machine. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source are considered third party written verifications.

Third party verification forms will not be hand carried by the family under any circumstances unless the family returns verification in the form of computerized printouts which clearly indicate the source of the information.

Oral Third-Party Verification

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete the HACM-created form designed for this purpose, noting with whom they spoke, the date of the conversation, and the facts provided. When third-party oral verification is provided by telephone the HACM must originate the call.

The HACM **will** accept Faxed documents.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the HACM will where appropriate the rent will be recalculated and a rent change letter will be sent to reflect the corrected tenant portion.

Self-Certification/Self-Declaration

When verification of reported income or expenses cannot be made by third-party verification or review of documents, families will be required to submit a self- certification.

Self-certification means a statement under penalty of perjury

B. RELEASE OF INFORMATION [24 CFR 5.230]

All adult family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information/Privacy Act Notice.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information requested by the HACM or HUD.

C. COMPUTER MATCHING

The HACM has implemented computer matching through the Human Services Department of Merced County to verify TANF (Temporary Assistance to Needy Families). For each social security number submitted to the Welfare Department the HACM has a corresponding Federal Privacy Act Statement signed by the family member in each family's file. A signed Memorandum of Understanding has been executed between the HACM and the Human Services Department.

Where allowed by HUD and/or other State or local agencies, computer matching will be done.

The HACM will utilize the HUD established computer-based Employment Income Verification (EIV) system for obtaining Social Security benefits, Supplemental Security Income, benefit history and benefit income discrepancy reports from the Social Security Administration, employment and unemployment benefits.

HUD can access income information and compare it to information submitted by PHAs on the 50058 form. HUD can disclose Social Security information to PHAs, but is precluded by law from disclosing Federal tax return data to PHAs. If HUD receives information from Federal tax return data indicating a discrepancy in the income reported by the family, HUD will notify the family of the discrepancy. The family is required to disclose this information to the HACM (24 CFR 5.240). HUD's letter to the family will also notify the family that HUD has notified the HACM in writing that the family has been advised to contact the HACM. HUD will send the HACM a list of families who have received "income discrepancy" letters.

When the HACM receives notification from HUD that a family has been sent an "income discrepancy" letter, the HACM will:

Wait 40 days after the date of notification before contacting tenant.

After 40 days following the date of notification, the HACM will contact the tenant by mail and telephone asking the family to promptly furnish any letter or other notice by HUD concerning the amount or verification of family income.

The HACM will fully document the contact in the tenant's file, including a copy of the letter to the family and written documentation of the phone call.

When the family provides the required information, the HACM will verify the accuracy of the income information received from the family, review the HACM's interim recertification policy, will identify unreported income, will charge retroactive rent as appropriate, and change the amount of rent or terminate assistance, as appropriate based on the information.

If tenant fails to respond to HACM:

The HACM will ask HUD to send a second letter.

After an additional 40 days, the HACM will ask HUD to send a third letter.

After an additional 40 days the HACM will send a letter to the head of household, warning of the consequences if the family fails to contact the HACM within two weeks.

If tenant claims a letter from HUD was not received:

The HACM will ask HUD to send a second letter with a verified address for the tenant.

After 40 days, the HACM will contact the tenant family.

If the tenant family still claims they have not received a letter, the HACM will ask HUD to send a third letter.

After an additional 40 days, the HACM will set up a meeting with the family to complete IRS forms 4506 and 8821.

If the tenant family fails to meet with the HACM or will not sign the IRS forms, the HACM will send a warning letter to the head of household, notifying the family that termination proceedings will begin within one week if the tenant fails to meet with the HACM and/or sign forms.

If tenant does receive a discrepancy letter from HUD:

The HACM will set up a meeting with the family.

If the family fails to attend the meeting, the HACM will reschedule the meeting.

If the family fails to attend the second meeting, the HACM will send a termination warning.

The family must bring the original HUD discrepancy letter to the HACM.

If tenant disagrees with the Federal tax data contained in the HUD discrepancy letter:

The HACM will ask the tenant to provide documented proof that the tax data is incorrect.

If the tenant does not provide documented proof, the HACM will obtain proof to verify the Federal tax data using third party verification.

12.2 ITEMS TO BE VERIFIED [24 CFR 982.516]

Items to be verified include but are not limited to:

All income not specifically excluded by the regulations.

Zero-income status of household.

Full-time student status including High School students who are 18 or over.

Current assets including assets disposed of for less than fair market value in preceding two years.

Child care expense where it allows an adult family member to be employed or to further his/her education.

Total medical expenses of all family members in households whose head or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an adult family member to be employed.

U.S. citizenship/eligible immigrant status.

Social Security Numbers for all family members 6 years of age or older.

Preference status, based upon local preferences

Familial/Marital status when needed for head or spouse definition.

Disability for determination of preferences, allowances or deductions.

Verification of Reduction in Benefits for Noncompliance:

The HACM will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance before denying the family's request for rent reduction.

12.3 VERIFICATION OF INCOME

Employment Income

HACM will access HUD UIV/EIV systems if available. Otherwise, verification forms requesting the employer to provide the following information will be sent to the employer:

Dates of employment

Amount and frequency of pay (If paid twice a month for example, on the 15th and the 30th, frequency of pay is 24 times per year. If paid every two weeks, frequency of pay is 26 times per year).

Date of the last pay increase

Likelihood of change of employment status and effective date of any known salary increase during the next 12 months

Year-to-date earnings

Estimated income from overtime, tips, bonus pay expected during next 12 months

Acceptable methods of verification include, in this order:

1. UIV/EIV system
2. Documents provided by applicants and program participants:
 - Check stubs or earning statements which indicate the employer's gross pay, frequency of pay or year to date earnings.
 - W-2 forms plus income tax return forms.
3. Employment verification form completed by employer
4. Telephone contact with employer documented on HACM's oral verification form

The HACM may request the family's most recently submitted IRS federal income tax form. Applicants and program participants who do not have a copy of their most recently submitted IRS federal income tax form will be requested to obtain their income tax return directly from IRS. Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

Applicants and program participants may be requested to sign an authorization for release of information from the IRS for further verification of income.

Social Security, Supplementary Security Income (SSI)

Acceptable method of verification may include:

1. UIV/EIV computer matching conducted by HUD in Washington, D.C. and the Social Security Administration Office.
2. Benefit verification form completed by the local agency.
3. Most recent award or benefit notification letters

4. Bank statements showing deposit from SSA
5. Copies of SSA checks

Pensions, Disability Income

Acceptable methods of verification may include, in this order:

1. UIV/EIV computer matching
2. Award or benefit notification letters prepared by the providing agency.
3. Computer report electronically obtained or in hard copy, from agency providing the benefits.
4. Benefit verification form completed by agency providing the benefits.

Unemployment Compensation

Acceptable methods of verification may include, in this order:

1. UIV/EIV computer matching or computer matching agreement with a State Wage Information Agency
2. Payment stubs.
3. Computer report electronically obtained or in hard copy, from unemployment office (EDD) stating payment dates and amounts.
4. Verification form completed by the unemployment compensation agency.

Welfare (TANF) Payments or General Assistance

Acceptable methods of verification may include:

1. Use of computer matching when available.
2. Use of Human Services Agency electronic phone verification system
3. Written statement from payment provider indicating the amount of grant/payment, start date of payments.
4. Computer generated Notice of Action or verification of amount of grant/benefits verified electronically through Human Services Agency.

Income of individuals who are enrolled at an institution of higher education and are applying for (or who are participants of the Low Income Housing program in their individual capacity).

Income must be verified for the student according to all other regular verification requirements stated in this ACOP, with the following exception:

As it relates to the verification of a parent(s) income, the HACM may accept from a parent(s) a declaration and certification of income; which includes a penalty of perjury.

Alimony or Child Support Payments

Acceptable methods of verification may include, in this order:

1. Verification from Human Resources of child support disregard payments or verification from the Merced County Family Support Division.
2. Copy of latest check and/or payment stubs from Court Trustee or Individual providing payment. HACM must record the date, amount, and number of the check.
3. Copy of a separation or settlement agreement or a divorce/dissolution decree stating amount and type of support and payment schedules.
4. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.
5. A written statement provided by person paying the support indicating all of the above.

Net Income from a Business

In order to verify the net income from a business, the HACM will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification may include:

1. IRS Form 1040, including:
 - Schedule C (Small Business)
 - Schedule E (Rental Property Income)
 - Schedule F (Farm Income)

Note: If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules will need to be provided.

2. Audited or unaudited financial statement(s) (profit and loss) of the business.
3. Documents such as manifests, appointment books, cashbooks, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.

4. Written statement signed by applicant/participant listing amount earned and expenses incurred, along with dates the business was operating.
5. If the family is performing a cash based business and have not been in business long enough to have filed a tax return for the business, they will be required to complete a form detailing information regarding name of customers and amount paid and signature of customer. When the families' self-employment income is a new business, has sporadic income, or is not expected to earn the same amount as reported on the tax return, the HACM may conduct interim reevaluations every 120 days and provide the log information about customers, income and expenses.

Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the HACM will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, signature of person.

If the family has filed a tax return, third-party verification will be sent to the parent whose child was cared for

Recurring Gifts

When a family receives a recurring gift, the HACM will verify the income by mailing verification directly to the providing source. As a last resort, the HACM will accept the families self-declaration/certification. In both verification requests, the HACM must have the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

Zero Income Status

The HACM will employ the use of the UIV/EIV process (e.g., TANF, EDD work history) and other written third-party verification when the family claims to have no other income.

The HACM may request information from IRS.

The HACM may check records of other departments in the jurisdiction (such as government utilities) that have information about income sources of customers.

Families with zero income will be required to report to the HACM the first of each month by completing a Monthly Expense Form.

The HACM may run a credit report if information is received that indicates the family has an unreported income source.

Full-Time Student Status

Only the first \$480 of the earned income of full time students, other than head or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full time students are not counted towards family income. A full-time student is determined by the educational institution.

Verification of full-time student status includes:

1. Written verification from the registrar's office or other school official indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.
2. Oral third-party must be documented in the applicant/participant file.
3. If verification cannot be received directly from the educational institution to the HACM, the file must be documented with the reason.

12.4 INCOME FROM ASSETS [24 CFR 982.516]

Acceptable methods of verification include, in this order:

Savings Account Interest Income and Dividends

Will be verified by:

Account statements, passbooks, certificates of deposit, or HACM verification forms completed by the financial institution.

Broker's statement showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.

IRS Form 1099 from the financial institution, provided that the HACM must adjust the information to project earnings expected for the next 12 months.

The HACM will require the necessary information to determine the current cash value of each asset (the net amount the family would receive if the asset were converted to cash).

Interest Income from Mortgages or Similar Arrangements

A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown).

Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

IRS Form 1040 with Schedule E (Rental Income).

Copies of latest rent receipts, leases, or other documentation of rent amounts.

Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statement or amortization schedules showing monthly interest expense.

Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

Assets Dispose of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification

For all Certifications and Recertifications, the HACM will obtain the Family's Certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than fair market value, verification [or certification] is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

12.5 VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME [24 CFR 982.516]

The HACM will use documents in lieu of requesting third-party verification when an expense is less than \$500 annually and the family has original documents that support the detailed amount

Child Care Expenses

Written verification from the person who receives payment is required. If the child care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.

Verifications must specify the child care provider's name, address, telephone number, Social Security number, then names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical Expenses

Families who claim medical expenses or expenses to assist a person/s with a disability will be required to submit a certification that expenses they are claiming are not reimbursed or paid by an outside individual, insurance company, governmental agency or other source.. All expense claims will be verified by one or more of the methods listed below:

1. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which expenses, if any will be reimbursed by insurance or a government agency.
2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
3. Written confirmation from the Social Security Administration's written of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
4. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
5. Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
6. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. HACM may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.

The HACM will use mileage at the IRS rate for cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment that is expected in the current year.

For Attendant Care:

1. A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
2. Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

Assistance to Persons with Disabilities [24 CFR 5.611(c)]

In All Cases:

Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.

Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care: Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided and written certification from doctor or rehabilitation agency, that the care is necessary to employment of household member. Certification of family and attendant and/or copies of canceled checks family used to make payments.

Auxiliary Apparatus:

Written certification from source of cost and purpose of apparatus. Written certification from doctor or rehabilitation agency that use of apparatus is necessary to employment of any household member. In case where the disabled person is employed, statement from employer that apparatus is necessary for employment.

Copies of receipts or evidence of periodic payments for apparatus.

Medicare Prescription Drug Benefits

The HACM must treat any medical prescription drug discount cards and transitional assistance received by a family as a standard medical deduction so that the family continues to receive a deduction for the full cost of its prescription drugs.

- This means that neither the drug discount nor the transitional assistance should be considered in reimbursement for the purpose of calculating the family's medical expense deduction.

- This also means that the HACM must verify the FULL cost of the family's prescription drugs, not the out-of-pocket cost to the family.

12.6 VERIFYING NON-FINANCIAL FACTORS [24 CFR 982.153(b) (15)]

Verification of Legal Identity

In order to prevent program abuse, the HACM will require applicants to furnish verification of legal identity for all family members.

One or more of the documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required. (HACM has the discretion to determine what is needed for verification.)

- * Current, valid Driver's license or Department of Motor Vehicles Identification Card
- * Certificate of Birth, Hospital Certificate, Naturalization papers, Adoption papers
- * Legal Alien Card
- * Church issued baptismal certificate
- * U.S. military discharge (DD 214)
- * U.S. passport
- * Voter's registration
- * Company/agency Identification Card
- * Court Records (marriage, divorce, bankruptcy etc.)

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- * Certificate of Birth, Hospital Certificate, Naturalization Papers
- * Legal Alien Card
- * Adoption papers
- * Custody agreement
- * Health and Human Services ID
- * School records
- * Church Baptismal records

Verification of Marital Status

Verification of marital status must be verified to determine marital status and relationships. The following will be considered acceptable verification:

- * A certified copy of the marriage certificate or a divorce/dissolution decree, signed by a Court Officer.

* Verification of a separation may be a copy of court-ordered maintenance or other official records.

Familial Relationships

The following verifications will be required if applicable:

Verification of relationship:

- Official identification showing names
- Birth Certificates
- Baptismal certificates

Verification of guardianship is:

- Court-ordered assignment
- Verification from social services agency
- School records

Verification of Permanent Absence of Adult Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the HACM will consider any of the following as verification:

1. Husband or wife institutes divorce or legal separation.
2. Order of protection/restraining order obtained by one family member against another.
3. Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
4. Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
5. If no other proof can be provided, the HACM will accept a self-certification from the family.
6. If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.
7. If no other proof can be provided, the HACM will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.

Verification of Change in Family Composition

The HACM may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, law enforcement agencies, and other sources.

When the family notifies the HACM of a family member leaving the assisted household, they must furnish the following information:

- The date the family member moved out and the new address of the family member if available.
- The HACM may require the family to verify that the person is residing at the new address.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format. The HACM has a verification form specifically for this purpose and this form must be used for the verification of disability.

Verification for Approval of Live In Aide Attendant

A Live in Aide will not be approved to reside in the unit if the HUD definition of a live in aide is not met. Also, the HACM will also not approve the addition of the live in aide in the unit in any of the following cases:

1. The live in aide has been on a federal housing program and evicted from public housing or terminated from Housing Choice Voucher Program due to program violation.
2. The live in aide owes any amounts of money to any federal housing program.
3. The live in aide has drug related criminal activity, violent criminal activity, (includes registered sex offenders) as pertains to this administrative plan, or HUD regulations; or the live in aide whose alcohol abuse, or criminal activity hinders the health, safety or peaceful enjoyment of other persons residing in the immediate vicinity of the premises.
4. The live in aide has employment outside of the home.
5. Another person is residing in the unit who is capable of providing the care for participant.
6. Participant requiring live in aide must supply the HACM with verification from a reliable, knowledgeable professional, such as a medical doctor, social worker or case worker. The verification must demonstrate that a live-in aide is necessary and the family would not be equally well served by a home

health care service or a care provider who does not live in the unit. This verification will be required to be given to the HACM not only at the initial time the live-in aide begins to reside in the subsidized unit but also at every annual re-certification thereafter.

7. No other additional family members of live in care attendant may reside in unit with participant.

In instances where the family receives payments from Human Services through the In Home Supportive Services (IHSS) program, the live-in aide reported to the HACM must be the same person on record with IHSS.

The HACM may deem it necessary to re-verify the necessity of a live-in aide at any time. The family will be required to submit verification at every annual recertification.

The live-in aide's qualification for housing occupancy terminates when the individual needing the supportive services leaves the unit or fails to qualify for continued occupancy. The live-in aide does not qualify for continued occupancy or where the need for live-in aide's assistance ceases as a remaining member of the tenant family, even if they are related by blood, marriage or operation of law.

12.7 Verification of Citizenship/Eligible Immigrant Status_[24 CFR 5.508, 5.510, 5.512, 5.514]

In order to receive assistance, a family member must be a U.S. citizen, a citizen of the Freely Associated States of the Marshall Islands, the Federated States of Micronesia, and Palau, or an eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined. [24 CFR 5.508]

Mixed Families: A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed." Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

Non-eligible members: Applicant families that include only non-eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students: As defined by HUD in the non-citizen regulations, non-citizen students are not eligible for assistance. [24 CFR 5.522]

Time Frame for Determination of Citizenship Status: {24 CFR 5.508 (g)}

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

If an individual qualifies for a time extension for the submission of required documents, the HACM must grant such an extension for no more than 30 days [24 CFR 5.508(h)].

Each family member is required to submit evidence of eligible status only one time during continuous occupancy. The HACM will verify the status of applicants at the time other eligibility factors are determined.

The HACM will establish and verify eligibility status of applicants at the time other eligibility factors are determined.

12.8 SOCIAL SECURITY NUMBERS [24 CFR 5.216 AND 5.218, NOTICE PIH 2012-10]

In accordance with 24 CFR 5.216, applicants and participants (including each member of the household) are required to disclose his/her assigned SSN, with the exception of the following individuals:

1. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.
 - (a) A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is **not eligible** for housing assistance and cannot be housed.
 - (b) A family that consists of two or more household members **and at least one** household member that has eligible immigration status, is classified as a mixed family, and **is eligible** for prorated assistance in accordance with 24 CFR 5.520. The HACM **will not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
2. Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. The HACM will confirm HUD's validation of the participant's SSN by viewing the household's ***Summary Report*** or the ***Identity Verification Report*** in the EIV system.

3. Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.

TIMEFRAME FOR PROVIDING SSN

Applicants currently on or applying to waiting list:

Applicants do not need to disclose or provide verification of a SSN for all non-exempt household members at the time of application and for placement on the waiting list. However, applicants must disclose and provide verification of a SSN for all non-exempt household members at the time the applicant family is selected for the full application/intake process.

Housing Applicants from the waiting list:

If all non-exempt household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit.

The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has **60 days** from the date they are first offered an available unit to disclose and/or verify the SSNs. During this **60 day** period, the applicant may, at its discretion, retain its place on the waiting list. After the **60 days**, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.

An individual who has never been issued a SSN card or who has lost their SSN card will be instructed to complete Form SS-5 *Application for Social Security Card* to request an original or replacement SSN Card, or change information on his/her SSA record.

Resident

All residents, except those individual age 62 or older as of January 31, 2010, and those individuals who do not contend eligible immigration status, must disclose and provide verification of their SSN at the time of their next interim or annual recertification if:

- They have not previously disclosed a SSN;
- Previously disclosed a SSN that HUD or the SSA determined was invalid; or
- Been issued a new SSN.

If a resident fails to provide a valid and verified SSN, the household is subject to terminate of tenancy in accordance with 24 CFR 5.218.

SSN Not Previously Disclosed

The head of household must bring SSN verification, through one or more of the Documents listed under “Acceptable SSN Documentation”, to the recertification meeting for any household member who has not disclosed and provided verification of their SSN.

Invalid SSN Disclosed

The Head of household must be notified when EIV pre-screening or the SSA validation determines that a household member has provided an invalid SSN. In such cases the HACM will explain the reason for the rejection and request that acceptable documentation be provided within ten business days of the request date.

Assignment of a New SSN

If a resident or any member of a resident’s household is or has been assigned a new SSN, the resident must provide the SSN and documentation to verify the SSN to the HACM at:

- The time of receipt of the new SSN; or
- The next interim or regularly scheduled recertification; or
- Such earlier time as specified by the HACM

Adding a Household Member

(a) Age Six or Older

When a resident request to add a household member who is age six or older, the documentation listed under “Acceptable SSN Documentation” must be provided to the HACM at the time of the request or at the time of the recertification that includes the new household member is processed. The HACM must not add the new household member until such time as the documentation is provided.

(b) Child Under the Age of Six

With a SSN – When adding a household member who is a child under the age of six with a SSN, the child’s SSN must be disclosed and verification provided at the time of processing the recertification of family composition that includes the new household member. If the family is unable to provide the required documentation of the SSN, the PHA shall not add the new household member to the family composition until the family provides such documentation. The PHA is not authorized to generate an ALT ID for the affected household member.

Without a SSN – if the child does not have a SSN, the HACM will give the household 90 days in which to provide documentation of a SSN for the child. An additional 90-day period will be granted by the HACM if the failure to

provide documentation of a SSN is due to circumstances that are outside the control of the resident.

Examples include but are not limited to:

- Delayed processing of the SSN application by the SSA
- Natural disaster or fire
- Death in family, etc.

During this time period, the child is to be included as part of the household and will receive all of the benefits of the program in which the resident is involved, including the dependent deduction. A PIC-Alternate ID will be assigned to the child until the documentation of the SSN is required to be provided. At the time of the disclosure of the SSN, an interim recertification must be processed changing the child's Alternate ID to the child's verified SSN. If the SSN is not provided, the household is subject to penalties described in Penalties for a Resident's non-disclosure of SSN. HACM must terminate the entire family's tenancy or assistance, or both.

12.9 ACCEPTABLE SSN DOCUMENTATION

Most applicants and participants should be able to verify all SSNs with a Social Security Card. However, if the applicant/participant cannot produce the Social Security card for any or all non-exempt household members, other documents showing the household member's SSN may be used for verification. The applicant/participant may be required to provide one or more of the following alternative documents to verify his or her SSN.

- An original SSN card issued by the Social Security Administration (SSA) (Refer to PIH Notice 2010-3, Section 6 for a description of the three types of SS cards that SSA issues.)
- An original SSA-issued document with the individual's name and SSN
- An original document issued by a federal, state, or local government agency with the individual's name and SSN
- SSA benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

Verification

The HACM will verify and document each disclosed SSN by:

- (a) Obtaining the documentation listed above for each member of the applicant/participant's household.
- (b) Make a copy of the original documentation submitted, returning the original to the individual and retaining the copy in the file folder;

- (c) Recording the SSN on line 3n of the form HUD-50058 and transmitting the data to HUD in a timely manner. The HACM will transmit the form HUD-50058 data within 30 calendar days of the effective date of action, to HUD to initiate its computer matching efforts. *Note: not applicable to applicants.*
- (d) HUD, via its computer matching program with the SSA, will validate the SSN (along with the individual's name and date of birth) against the SSA's database.
- (e) EIV will report the status of the identity verification process as **Verified**, **Failed**, **Not Verified**, or **Deceased** on the household **Summary Report**.
- (i) **Verified.** If the information matches the SSA database, the individual's identity verification status will be **Verified**. No action is required by the HACM.
- (ii) **Failed.** If the information does not match the SSA database, the identity verification status will be **Failed**. Informs the HACM of any resident whose identity cannot be confirmed by the SSA due to incorrect personal identifiers (date of birth, surname, and/or SSN) recorded in section 3 of the form HUD-50058. Requires the HACM to obtain appropriate documentation from the resident, update section 3 of the form HUD-50058, accordingly, and re-transmit a revised form HUD-50058 to PIC.
- (iii) **Not Verified.** If an individual's identity verification status is **Not Verified**, this means that HUD has not yet sent the residents personal identifier to SSA for validation. No action is required by the HACM.
- (iv) **Pending.** If an individual's identity verification status is Pending, this means that HUD has not yet sent the tenant's personal identifiers to SSA for validation. No action is required by the HACM.
- (v) **Excluded.** Effective April 30, 2012 if an individual's identity verification status is Excluded, this means that HUD will not send the tenant personal identifiers to SSA for validation because a valid SSN is not reported on line 3n of the form HUD-50058 or the individual has failed EIV pre-screening.
- (vi) **Deceased.** If an individual's identity verification status is **Deceased**, this means the SSA's records indicate the person is deceased. The HACM is to confirm the death with family's head of household or listed emergency contact person. If the individual is deceased and the only household member (single member of the household), the HACM will complete an End of Participation (EOP) action of form HUD-50058, and discontinue

assistance. If there are remaining household members, the HACM will complete an Interim Recertification, updating the family composition accordingly.

Rejection of Documentation

The HACM will reject a document that:

- (a) Is not an original document; or
- (b) Is the original document but it has been altered, mutilated, or is not legible;
or
- (c) Appears to be a forged document (e.g., does not appear to be authentic).

The applicant/participant will be notified of the reason(s) why the document(s) is not acceptable and request the applicant/participant obtain acceptable documentation of the SSN and submit it to the HACM within ten business days of the request date.

PENALTIES FOR A RESIDENT'S NON-DISCLOSURE OF SSN

Termination of Tenancy – The HACM must terminate the tenancy of a resident and the resident's household if the resident does not meet the SSN disclosure, documentation and verification requirements in the specified timeframe as the household is in non-compliance with its lease.

- (a) This termination of tenancy includes those households who have not disclosed and verified SSN for any child under the age of 6 who did not have a SSN when added to the household with the understanding that this SSN would be provided within 90 days after admission, or within the 90-day extension period, if applicable.
- (b) There is no proration of assistance for those household members who are required to obtain a SSN but who fail to disclose and verify their SSN.
- (c) Termination of tenancy does not apply to those household with individuals who do not contend eligible immigration status or who are age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010, based on the effective date of the form HUD-50058, unless there are other members of the household who have not disclosed or provided verification of their SSNs.

Deferring Termination of Tenancy – HACM may defer termination of tenancy and provide the resident with an additional 90 days past their next regularly scheduled recertification of income and family composition to become compliant with the SSN disclosure and verification requirements.

- (a) The deferral is at HACM's discretion and must only be provided if failure to meet the SSN requirements was due to circumstances outside the control

of the resident and there is likelihood that the resident will be able to disclose and provide verification of the needed SSN(s) by the deadline date.

- (b) After this 90-day deferral, if the resident has not disclosed and provided verification of the needed SSN's the HACM must pursue termination of tenancy, terminate the entire family tenancy or assistance, or both.

12.10 MEDICAL NEED FOR A LARGER UNIT

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional. If the family member gets written certification that the need for the larger unit is based on a permanent disability, this certification will only need to be obtained once. If the certification does not indicate how long the larger unit is necessary, the medical need will be verified annually at the recertification.

12.11 VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 982.207]

Involuntarily Displaced: written verification must be made by local, state or federal agency verifying declared disaster.

Homeless Preference: written verification must be provided by partnering homeless service organization who are a part of the Merced County Continuum of Care and have signed agreement with the HACM.

Veteran Preference: The HACM will require US Government documents, which indicate that the applicant qualifies under the following definition: a veteran is any person who served in the United States military or served 6 years as a reservist or national guardsman (not including the two years of standby).

If the spouse is applying for a veteran status, verification will be required or marital status to the veteran. If the veteran is deceased, the spouse cannot have remarried.

Residency Preference: verification that person currently lives, works or has been hired to work within the HACM's area of jurisdiction.

Elderly Preference: verification of birth or Social Security or Supplemental Security benefits.

Disabled Preference: verification of Social Security disability benefits or completion of HACM's disability verification form.

12.12 TIMING OF VERIFICATION

Verification information must be dated within ninety (90) 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 Housing Authority will only verify and update those elements reported to have changed.

12.13 FREQUENCY OF OBTAINING VERIFICATION

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

For each family member age 6 and above, verification of Social Security number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security number at admission receives a Social Security number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.

13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

13.1 FAMILY CHOICE

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

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

formula method would be more financially feasible for the family.

13.2 THE FORMULA METHOD

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or

The family will pay the greater of the total tenant payment or the minimum rent of \$50.00.

In the case of a family who has qualified for the income exclusion at Section 11.2(H)(11), 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.

13.3 MINIMUM RENT

The Merced Housing Authority has set the minimum rent at \$50.00. However if the family requests a hardship exemption, the Merced Housing Authority will immediately 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.

- A. A hardship exists in the following circumstances:
 - 1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program;
 - 2. When the family would be evicted as a result of the imposition of the minimum rent requirement;
 - 3. When the income of the family has decreased because of changed circumstances, including loss of employment;
 - 4. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
 - 5. When a death has occurred in the family.

- B. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
- C. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will 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 Housing Authority will offer a repayment agreement in accordance with the Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
- D. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

13.4 THE FLAT RENT

The Merced Housing Authority has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. The Merced Housing Authority determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated periodically and adjustments applied. Affected families will be given a 30-day notice of any flat rate rent change affecting the amount of rent the family pays. At the sole discretion of the Housing Authority, adjustments may be applied on the reexamination anniversary date for each affected family (for more information on flat rents, see section 15-3).

13.5 PRORATED RENT FOR MIXED FAMILIES [24 CFR 5.520]

HUD regulations prohibit assistance to ineligible family members. A *mixed family* is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. The HACM must prorate the assistance provided to a mixed family.

The HACM must complete the following steps:

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

2. Family maximum rent is equal to the applicable flat rent for the unit size to be occupied by the family.
3. Subtract the total tenant payment from the family maximum rent. The result is the maximum subsidy for which the family could qualify if all members were eligible (“family maximum subsidy”).
4. Divide the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status (“eligible family member”). The subsidy per eligible family member is the “member maximum subsidy.”
5. Multiply the member maximum subsidy by the number of family members who have citizenship or eligible immigration status (“eligible family members”). The product of this calculation is the “eligible subsidy.”
6. The mixed family TTP is the maximum rent minus the amount of the eligible subsidy.
7. Subtract any applicable utility allowance from the mixed family TTP. The result of this calculation is the mixed family tenant rent.

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

13.6 UTILITY ALLOWANCE

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

Reasonable Accommodation [24 CFR 965.508]

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

Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p. 172].

Utility Allowance Revisions [24 CFR 965.507]

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

The tenant rent calculations must reflect any changes in the MHA's utility allowance schedule [24CFR 960.253(c)(3)].

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

13.7 PAYING RENT

Rent and other charges are due and payable on the first day of the month. All rents should be paid at 405 "U" Street, Merced, Central Office or mailed. Reasonable accommodations for this requirement will be made for persons with disabilities. As a safety measure, no cash shall be accepted as a rent payment

If the rent is not paid by the seventh of the month, a Notice to Vacate will be issued to the tenant. In addition, a \$10 late charge will be assessed to the tenant. If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus an additional charge of \$10 for processing costs.

14.0 COMMUNITY SERVICE OR SELF-SUFFICIENCY WORK ACTIVITIES (24 CFR 960.600)

14.1 GENERAL REQUIREMENTS (24 CFR 960.603)

Except for any family member who is an exempt individual, each adult resident of public housing must:

- 1) Contribute 8 hours per month of community service; or
- 2) Participate in an economic self-sufficiency program for 8 hours per month; or
- 3) Perform 8 hours per month of combined community service and self-sufficiency

Violation of the service requirement is grounds for non-renewal of lease at the end of the 12 month lease term.

14.2 DEFINITIONS (24 CFR 960.601)

Community Service is defined as “the performance of volunteer work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community.” Community Services is not employment and may not include political activities.

14.3 EXEMPT INDIVIDUALS (24 CFR 960.601)

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

- 1) Family members who are 62 years or older;
- 2) Family members who are blind or disabled who has certified that based on the disability he/she is unable to comply with the requirement. (PIH 2003-17 and 24 CFR 96.601(b)(2)(i)).
- 3) Family member who is the primary caretaker of someone who is blind or disabled;
- 4) Currently engaged in work activities, (minimum 30 hours a week).
- 5) Family members who are exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program
- 6) Family members receiving assistance under a State program funded under part A title IV of the Social Security Act or under any other State welfare program, including welfare-to work and who are in compliance with that program.

The Housing Authority shall provide the family with an exemption verification form. Upon receiving supporting documentation, the Housing Authority will make the final determination whether or not exemption is approved.

If resident does not agree with the Housing Authority determination, he/she can dispute the decision through the Grievance Procedure.

Change in Exempt Status:

When an adult’s exempt status changes during the year, the following is required of him/her:

If, during the 12 month period, a non-exempt person becomes exempt, it is his/her responsibility to report this to the HACM and to provide the necessary documentation.

- If, during the 12 month period, an exempt person becomes non-exempt, it is his/her responsibility to report this to the Housing Authority.
- The Housing Authority will provide a Community Service Form

14.4 FAMILY OBLIGATIONS

At lease execution and/or at each annual re-examination, all adult members of tenant families must:

- Provide documentation that they qualify for an exemption if they claim to be exempt from Community Service Requirement; and
- Sign a certification that they have received, read and understand that if they are not exempt, failure to comply with the Community Service Requirement will result in non-renewal of their lease.
- At each annual re-examination, non-exempt family members must present verification (on a form provided by the HACM) of the activities performed over the previous 12 months.

14.5 HOUSING AUTHORITY OBLIGATIONS (24 CFR 960.605(c))

At the initial application and at all re-examinations, the HA will provide the following to the greatest extent possible and practicable:

- Provide the family with written description of the Community Service Requirement
- Provide information on the process for claiming exempt status
- Provide *exempt verification* forms
- Notify family of Housing Authority's determination, identifying the family members who are subject to the Community Service requirement and members that are exempt
- Provide information about suitable Community Service positions
- Provide *tracking certification* form to document Community Service hours
- Review family compliance with Community Service Requirement

14.6 NON-COMPLIANCE (24 CFR 960.607)

The Housing Authority will notify any family found to be in non-compliance.

The Housing Authority notice shall state the following:

- description of non-compliance

- state that the Housing Authority will not renew lease at the end of the 12-month lease term unless:
 - non-compliant member and the Head of Household enter into a written agreement with the Housing Authority to make up the deficient hours over the next 12 months; or family provides written assurance that tenant or other non-compliant resident no longer resides in the unit; state that the tenant may request a grievance hearing

If family is still not compliant at the next re-examination, the Housing Authority shall take action to terminate the lease.

15.0 RECERTIFICATIONS

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

The HACM will conduct a streamlined reexamination of income for elderly families and disabled families when 100% of the family's income consists of fixed income. In a streamlined reexamination, HACM will recalculate family income by applying any published cost of living adjustment to the previously verified income amount.

The term "fixed income" includes income from:

1. Social Security Payments to include Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI):
2. Federal, State, Local, and private pension plans: and
3. Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic receipts that are of a substantially the same amounts from year to year.

15.1 GENERAL

The Merced Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination. At the appointment, the family can make their final decision regarding which rent method they will choose. The letter also includes, for those families paying the formula method, forms for the family to complete in preparation for the interview. The letter includes instructions permitting the family to reschedule the interview if necessary.

During the appointment, the Merced Housing Authority will determine whether family

composition may require a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

15.2 MISSED APPOINTMENTS

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

15.3 FLAT RENTS

The HACM will calculate flat rents using a rent reasonableness methodology as defined in 24 CFR Part 960.253(b).

Upon issuance of new FMR's by HUD, the HACM will:

1. Determine if the current flat rate rent is at least 80% of the new FMR;
2. Update the flat rate rent amounts if necessary to meet the 80% requirement within a reasonable time but no later than 90 days of HUD publishing new FMR's;
3. Apply the new flat rents to all new admissions and to existing families at the next annual recertification.

If an existing tenant's rental payment would be increased by 35 percent or more as a result of the changes to the flat rent amount, the increase will be phased in so that the family will not experience an increase in their rental payment of more than 35 percent in one year.

Each year prior to their anniversary date, the Housing Authority will send a reexamination letter to the family offering the choice between a flat or a formula rent and scheduling an appointment. The opportunity to select the flat rent is available only at this time. At the appointment, the Housing Authority may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting the Housing Authority representative, they may make the selection on the form and return the form, by the specified date, to the Housing Authority. The family must still meet any community services requirements as indicated below. If the family signs and returns the Flat Rent letter, has no changes in family composition and has submitted documentation that it has fulfilled its community service requirements; the Housing Authority will cancel the appointment. If any of the above criteria is not met and/or a change in family composition or a change in circumstances exempting a family member from previously required community service requirements, the appointment must be kept by the family.

The annual letter to families paying a flat rent regarding the reexamination process will state the following:

- 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 had having their rent based on the formula amount.
- The amount of flat rent.
- 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.
- Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo.
- The status of the family's community service requirement(s) in regards to which family members are required to do community service and which family members are exempt and the documented amount of hours of community service that have been fulfilled with a signed certification by the family that failure to comply with the Community Service requirement will result in non-renewal of their lease.
- Families who opt for the flat rent may request to have a reexamination and return the formula-based method at any time for any of the following reasons:
 4. The family's income has decreased
 5. The family's circumstances have changed, increasing their expenses for child care, medical care, etc.,
 6. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

15.4 THE FORMULA METHOD

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

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

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or

The family will pay the greater of the total tenant payment or the minimum rent of \$50.00.

15.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

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

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

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

15.6 INTERIM REEXAMINATIONS

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

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

- A. A member has been added to the family through birth or adoption or court-awarded custody.
- B. A household member is leaving or has left the family unit.
- C. Substantial change in income

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

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 Merced Housing Authority will take timely action to process the interim reexamination and recalculate the tenant's rent.

15.7 SPECIAL REEXAMINATIONS

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

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

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

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

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

16.0 UNIT TRANSFERS

16.1 OBJECTIVES OF THE TRANSFER POLICY

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by 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 provide an incentive for families to assist in meeting the Merced Housing Authority's deconcentration goal.
- F. To eliminate vacancy loss and other expense due to unnecessary transfers.

16.2 CATEGORIES OF TRANSFERS

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.

Category 2:

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

Category 3:

Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain Merced 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 Merced Housing Authority when a transfer is the only or best way of solving a serious problem.

16.3 DOCUMENTATION

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

16.4 INCENTIVE TRANSFERS

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

- A. Have been a tenant for at least one (1) year;
- B. For a minimum of one year, at least one adult family member is enrolled in an economic self-sufficiency program or is working at least thirty-five (35) hours per week, the adult family members are 62 years of age or older or are disabled or are the primary care givers to others with disabilities;
- C. Adult members who are required to perform community service have been current in these responsibilities since the inception of the requirement or for one year whichever is less;
- D. The family is current in the payment of all charges owed the Merced Housing Authority and has not paid late rent for at least one year;
- E. The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year;
- F. The family has not materially violated the lease over the past two years by disturbing the peaceful enjoyment of their neighbors, by engaging in criminal or drug-related activity, or by threatening the health or safety of tenants or Housing Authority staff.

16.5 PROCESSING TRANSFERS

Upon offer and acceptance of a unit, the family will execute all lease up documents and pay any rent and/or security deposit within three (3) days of being informed the unit is ready to rent. The family will be allowed three (3) days to complete a transfer. The family will be responsible for paying rent at the old unit as well as the new unit for any period of time they have possession of both. The prorated rent and other charges (key deposit and any additional security deposit owing) must be paid at the time of lease execution.

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

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

Housing Authority will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet the Merced Housing Authority's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.

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

16.6 COST OF THE FAMILY'S MOVE

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

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

The cost of the transfer will be borne by the Merced 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 Merced Housing Authority has caused the unit to be unsafe or inhabitable.

Cost allowance for Tenant Relocation Expense will be based on the following

criteria:

Per Diem Allowances

- Daily Allowable: Rounded to the nearest dollar
 - \$28.00 (age 10 – Over)
 - \$20.00 (age 5 – 9) 70%
 - \$10.00 (age 0 – 4) 35%

- Lodging:
 - Cost, reasonable and customary single room rate for area

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

16.7 TENANTS IN GOOD STANDING

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with the Merced 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.

16.8 TRANSFER REQUESTS

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

The Merced Housing Authority will grant or deny the transfer request in writing within ten (10) business days of holding the meeting.

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

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

16.9 RIGHT OF THE MERCED HOUSING AUTHORITY IN TRANSFER POLICY

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

17.0 INSPECTIONS

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

17.1 MOVE-IN INSPECTIONS

The Merced 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.

17.2 ANNUAL INSPECTIONS

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

17.3 PREVENTATIVE MAINTENANCE INSPECTIONS

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

17.4 SPECIAL INSPECTIONS

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

17.5 HOUSEKEEPING INSPECTIONS

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

17.6 NOTICE OF INSPECTION

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

17.7 EMERGENCY INSPECTIONS

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

17.8 PRE-MOVE-OUT INSPECTIONS

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

17.9 MOVE-OUT INSPECTIONS

The Merced 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.

18.0 REPAYMENT AGREEMENTS

When a resident owes the Merced Housing Authority back charges and is unable to pay the balance by the due date, the resident may request that the Merced Housing Authority allow them to enter into a Repayment Agreement. The Merced 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.

19.0 TERMINATION

19.1 TERMINATION BY TENANT

The tenant may terminate the lease at any time upon submitting a 30-day written notice. If the tenant vacates prior to the end of the thirty (30) days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

19.2 TERMINATION BY THE HOUSING AUTHORITY

The Merced Housing Authority will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

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

- A. Nonpayment of rent or other charges;
- B. A history of late rental payments;
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a safe and sanitary manner;
- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Any criminal activity and/or drug-related criminal activity on or off the premises. This includes but is not limited to the manufacture of methamphetamine on or off the premises of the Merced Housing Authority;
- K. Non-compliance with Non-Citizen Rule requirements;
- L. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of the Housing Authority; and
- M. Other good cause.

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

19.3 ABANDONMENT

The Merced Housing Authority will consider a unit to be abandoned when a resident has both fallen behind in rent **AND** has clearly indicated by words or actions an intention not to continue living in the unit. The Merced Housing Authority will base its abandonment procedures on California Civil Code section 1980 as set forth in this section.

When a unit has been abandoned, an Merced Housing Authority representative may enter the unit and remove any abandoned property. It will be stored in a reasonably secure place. A notice will be mailed to the resident stating where the property is being stored and when it will be sold. If the Merced Housing Authority does not have a new address for the resident, the notice will be mailed to the unit address so it can be forwarded by the post office.

If the total value of the property is estimated at less than \$300.00, the Merced Housing Authority will mail a notice of the sale or disposition to the resident and then wait 18 days. Family pictures, keepsakes, and personal papers cannot be sold or disposed of until 18 days after the Merced Housing Authority mails the notice of abandonment.

If the estimated value of the property is more than \$300.00, the Merced Housing Authority will mail a notice of the sale or disposition to the resident and then wait 18 days before sale or disposition. Personal papers, family pictures, and keepsakes can be sold or disposed of at the same time as other property.

Any money raised by the sale of the property goes to cover money owed by the family to the Merced Housing Authority such as back rent and the cost of storing and selling the goods. If there is any money left over and the family's forwarding address is known the Merced Housing Authority will mail it to the family. If the family's address is not known, the Merced Housing Authority will keep it for the resident for one year. If it is not claimed within that time, it belongs to the Merced Housing Authority.

Within 21 days of establishing abandonment, the Merced Housing Authority will either return the deposit or provide a statement of why the deposit is being kept.

19.4 RETURN OF SECURITY DEPOSIT

After a family moves out, the Merced Housing Authority will return the security deposit within 21 days or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

If State law requires the payment of interest on security deposits, it shall be complied with.

The Merced 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 21 days.

20.0 GRIEVANCE POLICY AND PROCEDURE (24 CFR 966.50)

20.1 PURPOSE

The purpose of the grievance procedure is to assure that each Housing Authority resident is given the opportunity for a hearing if the resident disputes, within a reasonable time, any action or failure to act involving the resident's lease with the housing agency or housing agency regulations which adversely affect the individual resident's rights, duties, welfare, or status.

20.2 APPLICABILITY (24 CFR 966.51)

This Grievance Policy and Procedure shall not apply to any of the following:

1. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the Housing Authority; or
2. Any violent or drug-related criminal activity on or off the premises; or
3. Any criminal activity that resulted in felony conviction of a household member.
4. This grievance procedure shall not be applicable to disputes between residents not involving the Housing Authority or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of residents and the Housing Authority's Board of Commissioners.

This grievance procedure is incorporated in all Resident dwelling leases and shall be provided to each tenant.

20.3 DEFINITIONS

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

2. Complainant shall mean any resident whose grievance is presented to Management in accordance with the requirements presented in this procedure.
3. Resident shall mean any adult lessee or the remaining head of household of any resident family residing in conventional low-rent housing owned by Management.
4. Hearing Officer(s) shall mean person or persons duly appointed by Management to hear grievances and render a decision with respect thereto.
5. Management shall mean the Housing Authority.
6. Authority shall mean the Housing Authority.
7. Business Days shall mean Monday through Friday (excepting holidays and other days in which Housing Authority's office is scheduled to be closed) during regular office hours.
8. Escrow Funds shall mean money placed in a separate account to be held until decision of the hearing officer(s).
9. Court of Competent Jurisdiction shall mean suitable court.
10. Condition Precedent shall mean prior condition.

20.4 INFORMAL HEARING OF GRIEVANCE (24 CFR 966.54)

1. Presentation of Grievance to Management: Any grievance shall be personally presented, either orally or in writing, to the Management office so that the grievance may be discussed informally and settled without a hearing. The grievance must be filed within ten (10) calendar days of the Authority's act or failure to act, which is the basis for the grievance. Complainant is to advise the Housing Authority of the reason(s) for the grievance and the action or relief sought.

As soon as the grievance is received, it will be reviewed by Management to be certain that none of the exclusions in paragraph 21.2 above applies to the grievance. Should one of the exclusions apply, the complainant will be notified in writing that the matter raised is not subject to the Housing Authority's grievance procedure, with the reason therefor.

If none of the exclusions apply, notification will be sent specifying the date, time and location to meet so the grievance may be discussed informally and settled without a formal hearing. At the informal hearing, the complainant will present the grievance and an attempt will be made to settle the grievance to the satisfaction of both parties.

2. Written Summary of Grievance Decision: A written summary of such discussion shall be prepared within ten (10) business days of the meeting and one copy shall be provided to the resident and one copy shall be retained by the Authority in the resident's file. The summary shall contain the following information:
 - a) Name of the participants;
 - b) Date(s) of the meeting(s);
 - c) Nature of the proposed disposition of the complaint;
 - d) Specific reasons for the disposition; and
 - e) Procedures to obtain a Formal Hearing if the complaint is not satisfied with the disposition.

20.5 FORMAL HEARING OF GRIEVANCE (24 CFR 966.55)

If the complainant is dissatisfied with the settlement arrived at in the Informal Hearing, the complainant must submit a written request for a Formal Hearing no later than ten (10) calendar days after the summary of the informal hearing is received.

Request for a Formal Hearing

The complainant shall submit a written request for a Formal Hearing to the Housing Authority at its office located at 405 "U" Street, Merced, California during regular office hours on business days. The written request for a Formal Hearing must be presented to the Housing Authority within ten (10) calendar days from the date the written summary of the Informal Hearing is received. The written request for Formal Hearing shall specify:

- a) The reason(s) for the grievance; and
 - b) The action or relief sought from the Housing Authority
1. Failure to Request a Formal Hearing: If the complainant does not request a Formal Hearing within five (5) calendar days from the date the written summary of the Informal Hearing is received, Management's disposition of the grievance shall become final and the complainant shall forfeit his/her right to such a hearing.
 2. Prerequisite to Formal Hearing: All grievances shall be personally presented either orally or in writing and the

complainant shall participate in good faith in settlement discussions pursuant to the informal procedure set forth in Section D above as a condition precedent to a hearing under this section. In the event the complainant can show good cause why he/she failed to proceed in accordance with the procedure in Section D above to the hearing officer, the provisions for prerequisite to formal hearing may be waived by the hearing officer(s).

3. Escrow Deposit Requirement: Before a Formal Hearing is scheduled in any grievance involving the amount of rent which Management claims is due, the complainant shall pay to Management, to be placed in an escrow account, an amount equal to the amount of rent claimed due and payable as of the first of the month preceding the month in which the act or failure to act took place. The complainant shall thereafter deposit the same amount of the monthly rent in an escrow account monthly until the complaint is resolved by decision of the hearing officer(s)

- a) The failure to make payment into an escrow account as required in the above paragraph shall terminate the complainant's right to participate in the grievance procedure.
- b) If after a hearing, as hereinafter provided, the hearing officer(s) finds in favor of Management, Management shall be entitled to retain the funds placed in escrow and apply the same against the unpaid rent.

HA shall waive the requirement for an escrow deposit where required by 24 CFR 5.630 (based on hardship exemption from minimum rents).

- 1. Selection of Hearing Officer: A grievance hearing shall be conducted by an impartial person or persons appointed by the PHA, other than the person who made or approved the HA action under review, or a subordinate of such person.
- 2. Scheduling of Hearing: When a complainant submits a timely request, a hearing shall be scheduled and written notification specifying the time, place and procedures governing the hearing shall be delivered to the complainant.

20.6 PROCEDURES GOVERNING THE FORMAL HEARING (24 CFR 966.56)

- 1. The hearing shall be held before a hearing officer.

The complainant shall be afforded a fair hearing, which shall include:

- a) The opportunity to examine before the Formal Hearing any Housing Authority documents, including records and regulations that are directly relevant to the hearing. The resident shall be allowed to copy any such document at the resident's own expense at the rate of \$.35 per page of copy.

If Housing Authority does not make the document(s) available for examination upon request by the complainant, the Housing Authority may not rely on such document(s) at the Formal Hearing.

- b) The Housing Authority must be given the opportunity to examine at the Housing Authority's office at 405 "U" Street, Merced, California, before the Formal Hearing, any complainant documents, including any records and documents that are directly relevant to the Formal Hearing. The Housing Authority shall be allowed to copy any such documents at its own expense. If resident does not make the document(s) available for examination upon request by the Housing Authority, the complainant may not rely on such document(s) at the Formal Hearing.
- c) The right to be represented by counsel or other person chosen as resident's representative, and to have such person make statements on the resident's behalf;
- d) The right to a private hearing unless the complainant requests a public hearing;
- e) The right to present evidence and arguments in support of the resident's complaint, to controvert evidence relied on by the Housing Authority, and to confront and cross-examine all witnesses upon whose testimony or information the Housing Authority relies; and
- f) A decision based solely and exclusively upon the facts presented at the Formal Hearing.

2. The hearing officer(s) may render a decision without proceeding with the Formal Hearing if the hearing officer(s) determines that the issue has been previously decided in another proceeding.

3. If the complainant or the Housing Authority fails to appear at a scheduled hearing, the hearing officer(s) may make a determination to postpone the hearing for not to exceed five (5) calendar days or may make a determination that the party has waived his/her right to a hearing. Both the complainant and the Housing Authority shall be notified of the determination by the hearing officer(s).
4. At the Formal Hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the Housing Authority must sustain the burden of justifying the Housing Authority action or failure to act against which the complaint is directed.
5. The Formal Hearing shall be conducted informally by the hearing officer(s). Oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer(s) shall require the Housing Authority, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer(s) to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.
6. The complainant or the Housing Authority may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the Formal Hearing. Any interested party may purchase a copy of such transcript.
7. The Housing Authority will provide reasonable accommodation for persons with disabilities to participate in the Formal Hearing.
8. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the resident is visually impaired, any notice to the resident which is required under this subpart must be in an accessible format. Resident should request any such reasonable accommodation of Housing Authority as soon as possible after notification of date and time for Formal Hearing.
9. Decision of the hearing officer(s) (24 CFR 966.57):
 - a) The hearing officer(s) shall prepare a written decision, together with the reasons therefor, within ten (10) working days after the Formal Hearing. A copy of the decision shall be sent to the complainant and the Housing Authority. The Housing Authority shall retain a copy of the decision in the resident's file. A copy of such decision,

with all names and identifying references deleted, shall also be maintained on file by the Housing Authority and made available for inspection by a prospective complainant, his representative, or the hearing officer(s) at his/her own expense.

- b) The decision of the hearing officer(s) shall be binding on the Housing Authority which shall take all actions, or refrain from any actions, necessary to carry out the decision unless the Housing Authority Board of Commissioners determines, within a reasonable time (not longer than forty (40) days after the date of the written decision), and promptly notifies the complainant of its determination, that
 - 1) The grievance does not concern Housing Authority action or failure to act in accordance with or involving the complainant's lease or Housing Authority regulations, which adversely affect the complainant's rights, duties, welfare or status;
 - 2) The decision of the hearing officer(s) is contrary to applicable Federal, State or local law, HUD regulations or requirements of the annual contributions contract between HUD and the PHA.
 - 3) A decision by the hearing officer(s) or Board of Commissioners in favor of the Housing Authority or which denies the relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial de novo or judicial review in any judicial proceedings, which may thereafter be brought in any matter (24 CFR 966.57).
- 10. Failure of complainant to comply: If the written decision of the hearing panel is in favor of the complainant, subject to the complainant performing or not performing certain acts, Management shall not be bound by said decision if complainant fails to comply with the terms and conditions within the time specified in the decision, or if no time is specified, within ten (10) calendar days of the date of said written decision by the complainant.

20.7 GIVING NOTICES

Notice to complainant: Any notice required or permitted to be given to complainant under this Grievance Policy and Procedure shall be in writing and either delivered personally to the complainant, or an adult member of the household residing in the

dwelling unit, or affixed to the door of the premises or sent first-class mail postage prepaid and properly addressed to the premises.

Notice to Management: Any notice required or permitted to be given to Management under the Grievance Policy and Procedure shall be in writing and delivered personally to the Housing Authority office of 405 “U” Street, Merced, California, or sent by first-class mail, postage prepaid and properly addressed to the Housing Authority, 405 “U” Street, Merced, California 95340. Any notice mailed pursuant to the provisions of this paragraph shall be deemed received by the party to whom it is addressed the day after it is deposited in a United States Post Office mailbox located within the County of Merced, State of California.

In all instances of written notice by Management upon complainant, notice shall be deemed received by the party to whom it is addressed the day after it is deposited in a United States Post office mailbox located within the County of Merced State of California.

20.8 CHANGES TO GRIEVANCE PROCEDURE

1. Residents will be given at least thirty (30) days’ notice of proposed changes to the Grievance Procedure and shall be given the opportunity to present written comments.
2. Management will consider any comments received. However, Management retains the right of final decision on any proposed changes to the Grievance Policy and Procedure.

20.9 PUBLICATION OF GRIEVANCE PROCEDURE

Management will furnish a copy of the Grievance Policy and Procedure to each resident.

21.0 PET POLICY

The following rules are established to govern the keeping of pets in and on properties owned and operated by the Housing Authority of the County of Merced (herein after referred to as “HACM”). Tenants and/or owners and their families are herein after referred to as “tenant”. Guide dogs for the blind, or other animals specifically utilized in assisting the disabled or the elderly, are specifically excluded from these rules. HACM may designate areas as pet free in the individual complexes. Further, HACM reserves the right to exclude any of the permitted pets from the particular complexes of HACM or from particular units. HACM further reserves the right to exclude different breeds of animals or any individual animal at its discretion.

All pets must be registered with HACM. Tenant must receive and maintain a written permit to keep any animal/pet on or about the premises. You must have an HACM written permit and approval before you obtain a pet. This privilege may be revoked at any time subject to HACM grievance procedure if the animal/pet becomes a problem of any kind including, but not limited to, destruction of HACM property or the property of others, a nuisance or safety hazard to HACM employees or others and/or tenant's failure to comply with the following requirements:

1. A maximum number of two (2) pets is allowed.
2. Permitted pets are domesticated dogs, cats, birds and fish aquariums. Dogs must weigh under twenty (20) pounds (adult size) at all times. No vicious, aggressive, or intimidating animals are to be kept. No other type of pet is allowed under any circumstances including, but not limited to, illegal, exotic, or endangered animals, or snakes, alligators, spiders, lizards, rodents, etc. Any dog who is "potentially dangerous" and/or "vicious" as defined in California Food and Agriculture Code Sections 31601-31683 shall not be permitted and must be removed immediately.
3. Dogs are to be licensed yearly with the proper authorities. Tenant must show proof of Parvo and distemper shots as well as yearly distemper and rabies booster shots. Cats are to be vaccinated for feline leukemia and yearly distemper shots. Proof of inoculations shall be in the form of a certification by a licensed veterinarian or a state or local authority.
4. All cats and dogs must be spayed or neutered. If such animals/pets are not spayed and have offspring's, tenant is in violation of this rule. Tenant must provide HACM with adequate proof of spaying or neutering of animal. All cats must be declawed.
5. No pet may be kept in violation of state humane or health laws, animal cruelty laws, or local ordinances. It is tenant's responsibility to know these laws and local ordinances and to follow them at all times.
6. Dogs and cats shall remain inside a tenant's unit or the tenant's fenced property, unless they are on a leash and directly controlled by an adult. Animals shall be kept off of other tenant's lawns. Birds must be confined to a cage at all times. Fish are to be kept in a properly equipped fish aquarium.
7. Tenant is to provide waterproof and leak proof litter boxes for cat waste which are to be kept in the unit. Tenant is not allowed to let waste accumulate. Tenant is responsible for properly disposing of cat waste in container provided by HACM outside unit.

Tenant is responsible for promptly cleaning up pet droppings, if any, outside of their unit on HACM property, and properly disposing of said droppings in container provided by HACM outside unit. Tenant must also notify HACM immediately if there is any damage to the tenant's unit or damage or problem with any fencing and/or gates for the unit. If HACM staff is required to clean up any waste left by a pet, the tenant will be charged \$25.00 for removal of the waste and/or droppings.

8. Tenant shall take adequate precautions to eliminate any pet odors within or around unit and maintain unit in a sanitary condition at all times.
9. Tenant shall not permit any disturbance by their pets, which would interfere with the peaceful enjoyment of other tenants, neighbors and HACM employees, whether by loud barking, howling, biting, scratching, chirping or other activities.

Repeated and substantiated complaints by neighbors or HACM personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, damage to the premises or other nuisance will result in the family having to move the pet or possible eviction from the unit by the tenant and his/her family.

10. If pets are left unattended for twenty-four (24) hours or more, HACM may enter to remove the pet and transfer it to the proper authorities subject to the provisions of Section 1954 of the California Civil Code. The tenant will be charged a \$35.00 fee for such removal of a pet from a unit. It shall be the responsibility of the tenant to reclaim the pet and will be at the expense of the tenant. HACM accepts no responsibility for the pet under such circumstances.
11. Tenant shall not alter their unit, patio, or unit area to create an enclosure or other structure for an animal.
12. Tenant is responsible for all damages including, but not limited, to cost of fumigation, damage to carpet, damage to unit, damages to yard or fencing, or any other damage caused by the pet or pets. Pets are to be kept flea, tick and lice free at all times. Tenant will be responsible for flea, tick or any other disease eradication in the event of infestation.
13. Tenant is prohibited from feeding stray animals. The feeding of stray animals shall constitute having a pet without permission of HACM.

14. Tenant shall pay a pet fee of \$10.00 per month for a dog or a cat. Tenant shall pay a pet fee of \$3.00 per month for a bird or fish aquarium.
15. Tenants who violate these rules are subject to:
 - a) Being required to remove the pet or pets within fourteen (14) days of notice by HACM, and/or
 - b) Eviction from public housing
16. Tenant must provide to HACM the name, address, and telephone numbers of an alternate custodian for pet, in the event of tenant illness or other absence from unit.
17. Tenant must remove pet dog from inside the unit if tenant requests a work order and will not be home during scheduled hours for repair. Maintenance personnel will not enter unit if pet dog is present.
18. Any animals unleashed or running loose outside the tenant's unit and/or yard will be turned over to an animal control officer or taken to the local animal shelter.
19. Dogs and cats are to be housebroken and at least six (6) months old before they are allowed in the tenant's unit.
20. Pet owner shall provide HACM with copies of licensing documents, immunization certificates and proof of spaying/neutering before the pet is allowed to be kept at the tenant's unit. It is the tenant's responsibility to update the licensing documents and immunization certificates on a yearly basis and provide those updated documents to HACM.
21. The HACM will issue a "pet tag" that must be worn along with the proper pet "license" on a collar at all times by an authorized dog or cat. Dogs are to wear, at all times, their current dog license and rabies vaccination tags. A fish aquarium shall not be larger than a 20-gallon tank and must be properly secured and maintained for safety.
22. The tenant shall immediately notify HACM of any incident involving the pet where there is any incident, attacking, biting, scratching, injury, damage of any kind to person or property, or complaints from others or any citations, fines, penalties, warning, written reports/letters from any public, community, or governmental agency.

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors.

22.0 SMOKE FREE POLICY

To insure quality of air and the safety of all public housing residents, HACM has declared that all public housing communities have a No Smoking Policy.

In accordance with PIH Notice-2009-21 (HA), 24 CFR 903.7 (b) (3), smoking (including, but not limited to, smoking cigarettes, cigars, and pipe) is prohibited in all Housing Authority of Merced public housing communities.

This includes all indoor areas including but not limited to residential units and common areas; and within twenty (20) feet of said buildings and outdoor areas (apartments, entry ways, walkways, grassed areas, play areas, parking lots and private vehicles parked on HACM property).

Smoking outside is limited to the following: public areas such as sidewalks and streets.

The term “smoking” is defined as inhaling, exhaling, burning, or carrying any lit cigar, cigarette or other similar tobacco products in any manner or in any forms.

The No Smoking Policy applies to all visitors, residents, contractors, volunteers, vendors, and HACM employees. Tenants and members of the household shall be responsible to enforce this No Smoking Policy as to their guests, invitees, and visitors to their residential units.

22.1 RESPONSIBILITIES

It is the responsibility of the HACM staff to educate residents and visitors about the No Smoking Policy. Printed material will be available for visitors at the AMP Offices. HACM has posted signage that reads “No Smoking Allowed except in designated area” and the designed smoking area will be clearly marked.

All public housing residents and their guest, invitees, and visitors are expected to:

1. Comply with the Resident Tenancy Lease Agreement and House Rules;
2. Not smoke in any resident unit, Housing Authority offices, and within twenty (20) feet of any doors and windows at said premises;
3. Not cause or permit a nuisance;
4. Not interfere, or cause or permit interference with, the reasonable peace, comfort or privacy of others;

5. Be responsible for behavior, conduct of their occupants and/or visitors to their unit, and ensure their compliance with HACM designated tobacco-free units and common areas.

22.2 VIOLATIONS

A violation of the tobacco-free Policy will be considered a material violation of the residential lease. HACM will utilize the following process to address the violations of the No Smoking Policy:

1st Violation:

Verbal warning; HACM may provide smoking cessation materials and a friendly warning letter acknowledging the conversation.

2nd Violation:

A written letter of warning will be given and HACM may provide smoking cessation materials.

3rd Violation:

A final written violation letter will be served upon the resident but resident will be given the option to remedy.

4th Violation:

A 30-day lease termination notice will be issued.

22.3 CESSATION RESOURCES

All residents will be offered information regarding cessation programs and provided with access tools to assist them in quitting tobacco use, if they so choose

23.0 VIOLENCE AGAINST WOMEN ACT (VAWA)

The Violence Against Women Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault and stalking who are applying for or receiving assistance under the Public Housing program.

DEFINITIONS [24 CFR 5.2003]

As used in VAWA:

- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship

- The term *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 shares a child in common, by a person who is cohabitating with or has cohabitated 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.

The term *sexual assault* means any involuntary sexual act in which a person is threatened, coerced, or forced to engage against their will, or any sexual touching of a person who has not consented. This includes rape, inappropriate touching, forced kissing, child sexual abuse, or the torture of the victim in a sexual manner.

- The term *stalking* means:
 - 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 (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

- The term *affiliated individual* means, with respect to a person:
 - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
 - Any other individual, tenant or lawful occupant living in the household of that individual.

DOCUMENTATION [24 CFR 5.2007]

Victim Documentation

An applicant claiming that the cause of an unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, sexual assault, or stalking must provide documentation:

- (1) Demonstrating the connection between the abuse and the unfavorable history;
- (2) Naming the perpetrator of the abuse, only if the name is known and safe to provide. The documentation may consist of any of the following:

- (a) A statement signed by the victim certifying that the information provided is true and correct and that it describes bona fide incident(s) of actual or threatened domestic violence, dating violence, sexual assault, or stalking
- (b) A police or court record documenting the domestic violence, dating violence, sexual assault, or stalking
- (c) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical or other knowledgeable professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

Perpetrator Documentation

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

- (a) A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the public housing unit
- (b) Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

Time Frame for Submitting Documentation

The applicant must submit the required documentation with her or his request for an informal hearing or must request an extension in writing at that time. If the applicant so requests, the MHA will grant an extension of 10 business days and will postpone scheduling the applicant's informal hearing until after it has received the documentation or the extension period has elapsed. If, after reviewing the documentation provided by the applicant, the MHA determines that the family is eligible for assistance, no informal hearing will be scheduled, and the MHA will proceed with admission of the applicant family.

PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING [24 CFR PART5, SUBPART L]

Merced Housing Authority is required to screen for eviction and criminal activity as part of the rental assistance program. HUD requires MHA to set screening standards to ensure that those persons who are prohibited from being admitted to public housing will not receive assistance. The MHA's authority in this area is limited by the Violence Against Women Reauthorization Act of 2013 (VAWA), which expressly prohibits the denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, sexual assault, or stalking [24 CFR 5.2005].

The Violence against Women Act of 2013 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault or stalking. Specifically, Section 607(2) of VAWA adds the following provision to Section 6 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the public housing program:

Every contract for contributions shall provide that . . . the public housing agency shall not deny admission to the development to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

Notification

MHA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior criminal record) that would warrant denial under the MHA's policies. Therefore, if the MHA makes a determination to deny admission to an applicant family, MHA will include in its notice of denial:

- (a) A statement of the protection against denial provided by VAWA

- (b) A description of MHA confidentiality requirements
- (c) A request that an applicant wishing to claim this protection submit to the MHA documentation meeting the specifications below with her or his request for an informal hearing.
- (d) A copy of HUD 50066 form

PROHIBITION AGAINST TERMINATING TENANCY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING [24 CFR 5.2005]

The Violence against Women Reauthorization Act of 2013 (VAWA), provides that “criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking, engaged in by a member of a resident’s household or any guest or other person under the resident’s control, shall not be cause for termination of the tenancy or occupancy rights, if the resident or affiliated individual of the resident’s family is the victim or threatened victim of that abuse.”

VAWA further provides that incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking may not be construed either as serious or repeated violations of the lease by the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence.

When a resident family is facing lease termination because of the actions of a resident, household member, guest, or other person under the resident’s control and a resident or immediate family member of the resident’s family claims that she or he is the victim of such actions and that the actions are related to domestic violence, dating violence, sexual assault or stalking, the MHA will request in writing that the individual submit documentation affirming that claim. The written request will include explicit instructions on where, when, and to whom the documentation must be submitted. It will also state the consequences for failure to submit the documentation by the deadline.

The documentation will consist of a completed and signed form HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking. In lieu of the certification form, the MHA will accept either of the following forms of documentation:

- A police or court record documenting the actual or threatened abuse;
- Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical or other knowledgeable professional. The person signing the documentation must attest under penalty of perjury to the person’s belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

- The individual claiming victim status must submit the requested documentation within 14 business days after receipt of the MHA's written request or must request an extension within that time frame. The MHA may, at its discretion, extend the deadline for 10 business days.

If the individual provides the requested documentation within 14 business days, or any MHA-approved extension, the MHA will reconsider its termination decision in light of the documentation.

If the individual does not provide the requested documentation within 14 business days, or any MHA-approved extension, the MHA will proceed with termination of the family's lease in accordance with applicable local, state, and federal law and the policies in this ACOP.

The MHA will bifurcate a family's lease and terminate the tenancy of a family member if the PHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, nonculpable family members.

In making its decision, the MHA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-50066) or other documentation of abuse submitted to the MHA by the victim in accordance with this section. Upon such consideration, the MHA may, on a case-by-case basis, choose not to bifurcate the lease and terminate the tenancy of the culpable family member.

If the MHA does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP. If necessary, the MHA will also take steps to ensure that the remaining family members have a safe place to live during the termination process. For example, the MHA may offer the remaining family members another public housing unit, if available; it may help them relocate to a confidential location; or it may refer them to a victim service provider or other agency with shelter facilities.

Confidentiality Requirements [24 CFR 5.2007(a)(1)(5)]

All information provided to the MHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure

- (a) Is requested or consented to by the individual in writing,
- (b) Is required for use in an eviction proceeding, or
- (c) Is otherwise required by applicable law.

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the MHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

VAWA and Other Laws [24 CFR 5.2009, 24 CFR 5.2005(d)]

VAWA does not supersede any other federal, state, or local law that provides greater protection to victims of domestic violence, dating violence, sexual assault or stalking.

Moreover, VAWA does not limit the MHA's duty to honor court orders issued to protect a victim or to address the distribution of property when a family breaks up.

Limits on VAWA Protections [24 CFR 5.2005(b), 24 CFR 5.2005(e)]

While VAWA prohibits the MHA from using domestic violence, dating violence, sexual assault or stalking as the cause for a termination or eviction action against a public housing resident who is the victim of the abuse, the protections it provides are not absolute. Specifically:

*VAWA does not limit the MHA's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, sexual assault or stalking providing that the MHA does not subject the victim to a more demanding standard than other residents.

*VAWA does not limit the MHA's authority to terminate the tenancy of any public housing resident if the MHA can demonstrate an actual and imminent threat to other residents or those employed at or providing service to the property if that resident's tenancy is not terminated.

In determining whether a public housing resident who is a victim of domestic violence, dating violence, sexual assault or stalking is an actual and imminent threat to other residents or those employed at or providing service to a property, the MHA will consider the following, and any other relevant, factors:

- Whether the threat is toward an employee or resident other than the victim of domestic violence, dating violence, sexual assault or stalking
- Whether the threat is a physical danger beyond a speculative threat
- Whether the threat is likely to happen within a short period of time
- Whether the threat to other residents or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location

If the resident wishes to contest the MHA's determination that he or she is an actual and imminent threat to other residents or employees, the resident may do so as part of the grievance hearing or in a court proceeding.

Victim Notification [Notice PIH 2006-42]

VAWA requires the MHA to notify residents of their rights under VAWA and to inform them about the existence of form HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking.

The MHA will include language discussing the protections provided by VAWA in the termination or eviction notice and request that a resident come to the MHA office and pick up the form HUD-50066, if the resident believes the VAWA protections apply.

- If the MHA has reason to suspect that the form HUD-50066 might place a victim of domestic violence at risk, it will attempt to deliver the notice by hand directly to the victim. The MHA will use the same caution if it decides to deliver VAWA information to a victim at any other time following an incident of domestic violence.

VAWA NOTIFICATION

The MHA will post the following information regarding VAWA in its offices and on its website. It will also make the information readily available to anyone who requests it.

- A summary of the rights and protections provided by VAWA to public housing applicants and residents who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (see sample notice in Exhibit 1)
- The definitions of *domestic violence*, *dating violence*, sexual assault and *stalking* provided in VAWA (included in Exhibit 1)
- An explanation of the documentation that the MHA may require from an individual who claims the protections provided by VAWA (included in Exhibit 1)
 - A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking
 - A statement of the MHA's obligation to keep confidential any information that it receives from a victim unless (a) the MHA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibit 1)
- The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibit 1)
- Contact information for local victim advocacy groups or service providers.

NOTIFICATION TO APPLICANTS

The MHA will provide all applicants with notification of their protections and rights under VAWA at the time they submit a full application for housing assistance.

The notice will explain the protections afforded under the law, inform each applicant of the MHA confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.

The MHA will also include in all notices of denial a statement explaining the protection against denial provided by VAWA.

NOTIFICATION TO TENANTS [24 CFR 5.2007(3)]

The MHA will provide all tenants with notification of their protections and rights under VAWA at the time of admission and at annual reexamination.

The notice will explain the protections afforded under the law, inform the tenant of the MHA confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.

The MHA will also include in all lease termination notices a statement explaining the protection against termination or eviction provided by VAWA.

EXHIBIT 1: SAMPLE NOTICE TO PUBLIC HOUSING APPLICANTS AND RESIDENTS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)
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This sample notice was adapted from a notice prepared by the National Housing Law Project.

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, sexual assault and stalking. The name of the law is the Violence against Women Act, or “VAWA.” This notice explains your rights under VAWA.

Protections for Victims

If you are eligible for public housing, the housing authority cannot refuse to admit you to the public housing program solely because you are a victim of domestic violence, dating violence, sexual assault or stalking.

If you are the victim of domestic violence, dating violence, sexual assault or stalking, the housing authority cannot evict you based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault or stalking that are caused by a member of your household or a guest can't be the reason for evicting you if you were the victim of the abuse.

Reasons You Can Be Evicted

The housing authority can still evict you if the housing authority can show there is an *actual* and *imminent* (immediate) threat to other tenants or housing authority staff if you are not evicted. Also, the housing authority can evict you for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault or stalking against you. The housing authority cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

Removing the Abuser from the Household

The housing authority may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the public housing unit. If the housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, the housing authority must follow federal, state, and local eviction procedures.

Proving that You Are a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The housing authority can ask you to prove or "certify" that you are a victim of domestic violence, dating violence, sexual assault or stalking. In cases of termination or eviction, the housing authority must give you at least 14 business days (i.e. Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority is free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the housing authority. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time, and location of the incident of violence, and a description of the violence.
- Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, sexual assault or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing "under penalty of perjury."
- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within the required time, the housing authority may evict you.

Confidentiality

The housing authority must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the housing authority to release the information.

- The housing authority needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority to release the information.

If release of the information would put your safety at risk, you should inform the housing authority.

VAWA and Other Laws

VAWA does not limit the housing authority's duty to honor court orders about access to or control of a public housing unit. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up. VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault or stalking.

For Additional Information

If you have any questions regarding VAWA, please contact _____ at _____.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chronically Homeless: An individual who is homeless and lives/has lived in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one (1) year or on at least four (4) separate occasions in the last three (3) years (24CFR 578.3)

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

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

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

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

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

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

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

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

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

Disabled Person: See "person with disabilities."

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

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

Drug-Related Criminal Activity: Drug trafficking or the illegal use, or possession for personal use, of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802.) including, but not limited to, drug paraphernalia or being present in a location where there is a drug activity.

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

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

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

Extremely low-income (ELI) families:

ELI families are defined as very low-income families whose annual income does not exceed the higher of the Federal poverty level or 30 percent of Area Median Income.

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 the following, **regardless of actual or perceived sexual orientation, gender identity, or marital status:**

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or
- (2) A group of persons residing together and such group include, but are not limited to:
 - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - (ii) An elderly family;
 - (iii) A near-elderly family;
 - (iv) A disabled family;
 - (v) A displaced family; and
 - (vi) The remaining member of a tenant family

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

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

Flat Rent: A rent amount the family may choose to pay in lieu of having their rent determined under the 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. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

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 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 are listed on the lease.

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

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

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, babysitting provided on a regular basis).

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

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

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

Low-Income Families: Those families whose incomes do not exceed 80% of the median income for the area, as determined by 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))

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

Net Family Assets:

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
- B. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.
- C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received 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:

A. 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."

B. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment that:

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

C. 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:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
2. Is manifested before the person attains age 22;
3. Is likely to continue indefinitely;
4. 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

5. 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 CFR 5.520)

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)

Re-certification: 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.

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

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

State Wage Information Collection Agency (SWICA): The State agency receiving quarterly wage reports from employers in the State or an alternative system that has

been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR 5.214)

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

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

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

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

Total Tenant Payment (TTP):

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

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

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

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

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

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

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

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

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

Very Low-Income Families: 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)

Veterans and Family: This preference is available to applicants where the head of household, spouse or co-head is a veteran or survivor of a veteran who actively served in a branch of the United States Armed Services. The term "survivor" includes the spouse, widow of a veteran (unless remarried). A person who served in the military that was dishonorably discharged is not eligible for the veteran's preference.

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

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

TERMS USED IN THE VIOLENCE AGAINST WOMEN ACT PROVISIONS

DOMESTIC VIOLENCE. The term “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 shares a child in common, by a person who is cohabiting 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..

DATING VIOLENCE. Violence committed by a person-

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

STALKING.

(A) (i) To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and

(B) 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.

IMMEDIATE FAMILY MEMBER. Means with respect to a person-

(A) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or

(B) any other person living in the household of that person and related to that person by blood or marriage.

ACRONYMS

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