ADMISSIONS AND CONTINUED OCCUPANCY POLICY

OF THE PUBLIC HOUSING PROJECTS

OWNED AND OPERATED BY

THE HOUSING AUTHORITY OF THE CITY OF

NORTH LITTLE ROCK, ARKANSAS
TABLE OF CONTENTS

1.0 INTRODUCTION

2.0 DEFINITIONS

2.1 Adjusted Income
2.2 Annual Income
2.3 Child
2.4 Child Care Expenses
2.5 Citizen
2.6 Resident Community Service
2.7 Covered Person
2.8 Dependent
2.9 Disabled Family
2.10 Disabled Person
2.11 Disability Assistance Expenses
2.12 Drug
2.13 Displaced Family
2.14 Drug-Related Criminal Activity
2.15 Drug Abuse Treatment Facility
2.16 Elderly Family
2.17 Elderly Person
2.18 Evidence of Citizenship or Eligible Immigration Status
2.19 Family
2.20 Federally Assisted Housing
2.21 Full-Time Student
2.22 Guest
2.23 Handicapped Auxiliary Aids
2.24 Handicapped Units
2.25 Handicapped Person
2.26 Handicap Assistance Expense
2.27 Head of Household
2.28 Co-Head of Household
2.29 Household
2.30 Income Limits (HUD)
2.31 INS
2.32 Lead-Based Paint Notification to Tenants
2.33 Live-In Aide
2.34 Lower Income Family
2.35 Medical Expenses
2.36 Minor
2.37 Mixed Family
2.38 Monthly Adjusted Income
2.39 Monthly Income
2.40 National
2.41 Near Elderly Family
2.42 Net Family Assets
2.43 Noncitizen
2.44 Non-Immigrant Student Alien
2.45 Other Person Under The Tenant’s Control
2.46 Pet Policy
2.47 Premises
2.48 Projects for Elderly Families
2.49 Savings Account (Individual)
2.50 Section 214
2.51 Section 214 Covered Programs
2.52 Single Person
2.53 Spouse of Head of Household
2.54 Tenant Rent
2.55 Utilities
2.56 Utility Allowance
2.57 Utility Reimbursement
2.58 Very Low Income Family
2.59 Violent Criminal Activity
2.60 The Violence Against Women Reauthorization
   Act of 2005 (VAWA)
2.61 Veterans
2.62 Welfare Assistance
2.63 Working Families

3.0 ADMISSION AND CERTIFICATION OF ELIGIBILITY

4.0 ADMISSION AND SELECTION CRITERIA

4.1 Eligibility for Admission
4.2 Low-Income Limit
4.3 Admission to Units Available Before October 1, 1981
4.4 Processing Applications for Admission
4.5 Release of Information For Verification
4.6 Applicant/Tenant Background Checks
4.7 Upfront Income Verification
4.8 Non-economic Selection Criteria (UIV/EIV)
4.9 Order of Preference
4.10 Non-citizen Verification Procedures
4.11 Delay, Denial or Termination of Assistance
4.12 Preservation of Mixed Families and Other Families
4.13 Prohibition of Assistance to Non-citizen Students
4.14 Denial of Admission For Criminal Activity or Drug Abuse by Household Member(s)
4.15 Applicant Notification
4.16 Rent Option
4.17 Exceptions to Minimum Rent (R2069) - Hardship
4.18 Zero Income Policy
4.19 Occupancy Standards
4.20 Security Deposit
4.21 Dwelling Lease
4.22 Resident Orientation
4.23 Tenant Late Rent charges
4.24 Other Charges
4.25 Transfers
4.26 Misrepresentations

5.0 METHODS OF ADMINISTRATION

5.1 Applications
5.2 Plan For Selection of Tenants and Assignment to Dwelling Units
5.3 Reasonable Accommodations
5.4 Compliance with Nondiscrimination Requirements
5.5 Tenant File Confidentiality

6.0 CONTINUED OCCUPANCY, REEXAMINATIONS, VERIFICATIONS & TERMINATIONS

6.1 Eligibility for Continued Occupancy
6.2 Annual Reexamination of Eligibility and Determination of Rent
6.3 Exceptions to Minimum Rent (R2069) - Hardship
6.4 Switch From Flat Rent To Income-Based Rent Because of Hardship
6.5 Treatment of Income Changes Resulting from Welfare Program Requirements
6.6 Treatment of UIV Income Discrepancies
6.7 Disallowance of Earned Income From Rent Determinations
6.8 Misrepresentation at Annual Recertification
6.9 Interim Adjustments of Total Tenant Payments
6.10 Zero Income Policy
6.11 Tracking and Reporting Crime-Related Problems
6.12 Evictions
6.13 Grievance Procedure

7.0 RESIDENT INITIATIVES

7.1 Anti-Drug Strategy & Security Policy
7.2 Resident Participation & Management Policy
7.3 Homeownership Opportunities Policy
7.4 Economic Development & Self-Sufficiency Policy
7.5 Resident Community Services Policy

APPENDIX
Income Limits
Minimum Security Deposits
Tenant Charges
Transfer Policy
Utility Allowances
Pet Registration Form
1.0 INTRODUCTION

Presented are the policies governing admission to and continued occupancy of public housing communities operated by the Housing Authority of the City of North Little Rock. These policies are designed to meet the needs of limited-income families for decent, safe, and sanitary lower-income housing which provides suitable living environment and which fosters economic and social diversity and upward mobility. The policies are approved by the Department of Housing and Urban Development (HUD). The policies apply to all public housing units owned, operated by this authority, and they are subject to periodic review to ensure the financial solvency and stability of its housing program.
2.0 DEFINITIONS

2.1 Adjusted Income

Adjusted income means annual income of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:

(a) Mandatory deductions. In determining adjusted income, the housing authority must deduct the following amounts from the annual income:

- $480 for each dependent.
- $400 for any elderly family or disabled family.

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

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

2.2 **Annual Income**

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

B. **Annual Income includes, but is not limited to:**

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the Family;

3. Interest, dividends, and other net income from any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as a deduction in determining net income. An allowance for depreciation is permitted only as authorized in paragraph B 2. of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the Family. Where the family has net family assets in excess of $5,000,
annual income shall include the greater of the actual income derived from all net family assets, such as interest, dividends and net income from real or personal property and interest on savings based on current passbook savings amount or actual interest received.

4. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment; (except as provided in C14 of this section).

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker’s compensation and severance pay. (see paragraph C3 of this section);

6. Periodic and determinable allowances, such as alimony and child support payments and regular contributions or gifts received from
organizations or persons not residing in the dwelling.

7. All regular pay, special pay and allowances of a member of the Armed Forces.

8. Any regular contributions and gifts (monetary or not) from persons outside the family. This may include rent and utility payments paid on behalf of the family and other cash or non-cash contributions provided on a regular basis.

9. The amount received under an "athletic" scholarship designated for housing cost.

C. Annual Income does not include the following:

1. Child Support Payments. - Any payment made by a member of the family for the support and maintenance of any child who does not reside in the household, except that the amount excluded under this clause may not exceed $480 for each child for whom such payment is made; except that this clause shall apply only to the extent approved in appropriations Acts. (R2084)

2. Spousal Support Expenses. - Any payment made by a member of the family for the support and maintenance of any spouse or former spouse who does
not reside in the household, except that the amount excluded under this clause shall not exceed the lesser of (1) the amount that such family member has a legal obligation to pay, or (II) $550 for each individual for whom such payment is made; except that this clause shall apply only to the extent approved in appropriations Acts. (R2084)

3. Income from employment of children (including foster children) under the age of 18 years.

4. 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);

5. Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker’s compensation ), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);

6. Amounts received by the Family, that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
7. Income of a Live-in Aide, as defined in this section;

8. The full amount of student financial assistance paid directly to the student or to the educational institution; except the portion designated for housing cost by an “athletic” scholarship.

9. The special pay to a Family member serving in the Armed Forces who is exposed to hostile fire;

10. (a) Amounts received under training program funded by HUD;

   (b) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

   (c) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special
equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(d) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a public housing resident for performing a service for the PHA, 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 during the same period of time;

(e) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs
with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

11. Temporary, nonrecurring or sporadic income (including gifts);

12. 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;

13. Adoption assistance payments in excess of $480 per adopted child;

14. Deferred periodic payments from supplemental security income (SSI) and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

15. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;

16. Amounts paid by a State agency to a family with a member who has a developmental
disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

17. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609 (c) apply. The following types of income are subject to such exclusion:

(a) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));

(b) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 1626(A)); (Programs included in this Act are: VISTA (Volunteers In Service to America); RSVP (Retired Senior Volunteer Program); Foster Grandparents; and Senior Companions Programs.)
(c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(a));

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

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

(f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b));

(g) Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2530-2504);

(h) The first $2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 1407-
1408), or from funds held in trust for an Indian Tribe by the Secretary of the Interior (25 U.S.C. 117B, 1407);

(I) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work study program or under the Bureau of Indian Affairs student assistance programs, that are made available to cover the costs of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of a student at an educational institution (20 U.S.C. 1087 uu).

(j) Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056(f)) including the Senior Community Service Employment Program 9S CSEP), Green Thumb Program, AARP and National Council on Aging (NCOA).

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

(l) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420, 94 Stat. 1785);

(m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act 01 1990 (42 U.S.C. 9858Q); and

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

D. **Annualization of income.** If it is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income), or the PHA believes that past income is the best available indicator of expected future income, the PHA may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.
2.3 **Child**
A member of the family, other than the family head or a spouse who is under 18 years of age.

2.4 **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 and be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment that is included in annual income.

In case of a child attending a private school, only the before and after hours child care can be counted as child care expenses.

When more than one family member works, the PHA will limit allowable child care expenses to the earned income of the lowest-paid member. Child care expenses paid to a family member who lives in the family’s unit are not eligible.
When the person who is enabled to work is a person with disabilities who received the earned income disallowance or a full-time student whose earned income above $480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person’s income that actually is included in annual income. (Example: If family member who qualifies for EID makes $15,000 but because of the EID only $5,000 is included in annual income, child care expenses are limited to $5000).

When a family member looks for work or is enrolled in school or a training program, there is no cap on the amount that may be deducted for child care. However, the child care must be necessary and reasonable. (Example: Attends school three hours a day, three days a week but claims child care for eight hours a day, five days a week)....(this will not work)

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member’s efforts to obtain employment. The deduction may be reduced or denied if the family member’s job search efforts are not reasonable compared to the child care expense claimed. (Example: A child care deduction for eight hours a day, five days a week when the
family member can only provide documentation that they were seeking employment one day).

Deductions for child care expenses will be allowed at (1) admission, (2) interim and (3) annual reexamination. Documentation received after such dates will not be considered.

2.5 Citizen
A citizen or national of the United States

2.6 Resident Community Service

Resident Community Service: The performance of voluntary work or duties that are a public benefit, and serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community.

Exemption. An individual exempt from community service is an adult who:
(1) Is 62 years or older;
(2) Is a blind or disabled individual, as defined under 216(I)(1) or 1614 of the Social Security Act (42 U.S.C. 416(I)(1); 1382c), and who certifies that because of this disability she or he is unable to comply with the service provisions of this subpart, or is a primary caretaker of such individual;
(3) Is engaged in work activities at least 20 hours per week;
(4) Meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C.601 et seq.) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program; or

(5) Is a member of a family receiving assistance, benefits or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C.601 et seq.) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program, and such individual has not been found by the State or other administering entity to be in noncompliance with such a program; or a full-time student.

Community service is not employment and may not include political activities.

2.7 **Covered Person**
Covered person means a tenant, any member of the tenant’s household, a guest or another person under the tenant’s control.

2.8 **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.

2.9 **Disabled Family**
Means a family whose head, spouse, or sole member is a person with disabilities. It may include two or more person with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

2.10 **Disabled Person**
A person with disabilities: (1) Means a person who:
(I) Has a disability, as defined in 42 U.S.C. 423; (ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that: (A) Is expected to be of long-continued and indefinite duration; (B) Substantially impedes his or her ability to live independently, and (C) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or (iii) Has a developmental disability as defined in 42 U.S.C. 6001.

(II) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
(III) For the purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and

(IV) Means "individual with handicaps, as defined under this title, for purposes of reasonable accommodation and program accessibility for person with disabilities.

2.11 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. (see Live-in Aide)

2.12 Drug
Drug means a controlled substance as defined in section 102 of the Controlled Substance Act (21 U.S.C. 802).

2.13 Displaced Family
A Displaced Family means a Family in which each member, or sole member is a person displaced by governmental action, or 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.

2.14 **Drug-Related Criminal Activity**
Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug. Currently engaging in illegal use of a drug. Illegal use of a drugs occurred recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member.

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

2.16 **Elderly Family**
Means a family whose head, spouse; or sole member is a person who is at least 62 year of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.
2.17 Elderly Person
A person who is at least 62 years of age.

2.18 Evidence of Citizenship or Eligible Immigration Status
The documents which must be submitted to evidence citizenship or eligible immigration status.

2.19 Family
Family includes but is not limited to: (1) A family with or without children (a child that is temporarily away from home because of placement in foster care is considered a member of the family, however, the family must provide documentation from the court, DHS or other agency that absence is temporary); (2) An elderly family; (3) A near-elderly family; (4) A disabled family; (5) A displaced family; (6) The remaining member of a tenant family; and (7) A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

An adult member of household must be legally responsible for minor(s) in the household.

Documents required to verify legal responsibility are: birth certificate, custody papers, and guardianship papers, letter from DHS, SS or SSI designating an adult member as payee and verifying that minor is in household of payee.
No more than two families may share the same unit and do not exceed occupancy standards. Only one application per unit will be accepted.

2.20 **Federally Assisted Housing**

Federally assisted housing means housing assisted under any of the following programs:

1. Public housing;
2. Housing receiving project-based or tenant-based assistance under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f);
3. Housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the National Affordable Housing Act (12 U.S.C. 1701q);
4. Housing that is assisted under section 202 of the Housing Act of 1959 as such section existed before the enactment of the National Affordable Housing Act;
5. Housing that is assisted under section 811 of the National Affordable Housing Act (42 U.S.C. 8013);
6. Housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act (12 U.S.C. 1715 (d)(3)) that bears interest at a rate determined under the proviso of section 221 (d)(5) of such Act (12 U.S.C. 1715(d)(5));
7. Housing insured, assisted, or held by HUD or by a State or local agency under section 236 of the National Housing Act (12 U.S.C. 1715z-1); or Housing assisted by the Rural Development Administration under section 514 or section 515 of the Housing Act of 1949 (42 U.S.C. 1483, 1484).

2.21 **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.

2.22 **Guest**
Guest means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

2.23 **Handicapped Auxiliary Aids**
Services or devices that allow persons with sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of any programs or activities receiving federal financial assistance.
2.24 **Handicapped Units**

a. **Accessible Unit**
An individual dwelling unit that is on an accessible route and when designed, constructed, altered or adapted can be approached, entered and used by individuals with physical handicaps.

b. **Adaptability**
The ability of certain elements of a dwelling unit, such as kitchen cabinets, sinks, grab bars to be added, raised, lowered, or otherwise altered to accommodate the needs of persons with different types or varying degrees of disability.

2.25 **Handicapped Person**
A person having a physical or mental impairment that (a) is expected to be of duration (b) substantially long-continued and indefinite impedes his or her ability to live independently, and (c) is of such a nature that such ability could be improved by more suitable housing conditions.

2.26 **Handicap Assistance Expense**
Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled Family member, and that are necessary to enable a Family member (including the Handicapped or
2.27 **Head of Household**

The Head of household is the adult member of the group who is legally or morally responsible for supplying the needs of the Family, and who is the head of household for purposes of determining income eligibility and rent. The head of household is also the adult member of the household who is designated by the family as head, and is wholly or partly responsible for paying rent and has legal capacity to enter into a lease under State or local law.

2.28 **Co-Head of Household**

The co-head of the household is an individual in the household who is equally responsible for the lease with head of household. A family may have a spouse or co-head but not both. The co-head never qualifies as a dependent.

2.29 **Household**

Household means the family and PHA approved live-in aide.

2.30 **Income Limits (HUD)**

HUD annual estimated median family incomes for each metropolitan and non-metropolitan area based on
the most recent Census data of family incomes and incorporated herein by reference. (See lower-income and very low-income family; Low-Income Limit)

2.31 INS
The U.S. Immigration and Naturalization Service.

2.32 Lead-Based Paint Notification to Tenants

Tenants in North Little Rock public housing projects constructed prior to 1978 will be notified that: (a) the property was constructed prior to 1978; (b) that the property may contain lead-based paint; (c) of the hazards of lead-based paint; (d) of the symptoms and treatment of lead-based paint poisoning; (e) of the precautions to be taken to avoid lead-based paint poisoning; and (f) of the advisability and availability of blood lead level screening for children under seven years of age; and to notify the PHA if an elevated blood level condition is identified.

Procedures Involving Elevated Blood Levels.
A. When a child residing in North Little Rock public housing project has been identified as having elevated blood level, the housing authority will:
   1. test all chewable surfaces and defective paint surfaces in the unit or facilities used by the elevated blood level child for lead-based paint as considered necessary by the PHA
and HUD and treat the surfaces found to contain lead-based paint, or

2. transfer the family with an elevated blood level child to a post-1978 or previously tested or treated unit.

B. Testing of the unit housing the elevated blood level child and the PHA owned child care facilities used by the elevated blood level child shall be completed within five days after notification to the PHA of the identification of the child.

Defective Paint Surfaces
A. In family projects constructed prior to 1978, the housing authority will inspect units for defective paint surfaces at unit turnover when the incoming household includes a member seven years of age or under and as part of routine periodic unit inspections.

B. If defective lead-based paint surfaces are found within the unit housing or to be housing a child with an elevated blood level, the entire surface shall be treated. Any chewable surface found to contain lead-based paint shall be treated. Testing of the unit for an applicant family which has an elevated blood level child shall be completed prior to occupancy.
C. When necessary, tenants will be relocated during abatement in order to mitigate possible health hazards arising from the abatement process, except when abatement is accomplished by removal of woodwork or covering of walls or woodwork.

**Records.** The PHA will maintain records on which units, common areas and exteriors and PHA child care facilities have been tested, results of the testing, and the condition of painted surfaces by location in or on the unit, common area, exterior surface or PHA child care facility. The PHA will report information regarding such testing, in accordance with such requirements as shall be prescribed by HUD. The PHA will also report information regarding such abatement and its compliance with the requirements of 24 CFR Part 35, Subpart A and 965.703, in accordance with such requirements as shall be prescribed by HUD.

2.33 **Live-In-Aide**

A Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (a) Is determined by the PHA to be essential to the care and well-being of the person(s); (b) Is not obligated for the support of the person, and (c) would not be living in the unit except to provide necessary supportive services.
1. Live-in attendants/aides who are essential to the care of the elderly or handicapped person(s) are eligible only with the permission from the executive director of his designee. The attendant must be a bona fide attendant approved by the housing authority and must be required by family physician.

2. For purposes of income eligibility or rental payment, live-in attendants will not be considered a member of the family and should not be named in the lease or be signatories thereto since their status is based on the services they perform for the elderly or handicapped person and should such services be terminated for any reason, the attendant would not longer be eligible to live in the unit.

3. Neither the income nor the assets of a live-in person would be counted in determining a Family's eligibility or rent. These determinations would be based exclusively on the income and assets of the Elderly Family, not counting the attendant.

4. Since the attendant's income, whatever the source, would be excluded in determining the Elderly Family's eligibility and rent, the source of such income is not pertinent. If a tenant
receives funds from a social welfare agency provided for the express purpose of paying the attendant, and is not available for costs associated with ordinary residential living, such funds should not be counted as income to the tenant. However, if the tenant pays an attendant from SSI or other funds which could, in the tenant's discretion, be used for other purposes such funds would be counted as tenant income.

5. The cost of the attendant, when paid by the tenant, would not be deductible as medical expense if the source of payment is not counted as income. However, if the source of payment to the attendant is from funds counted as tenant income (i.e., SSI) the Internal Revenue Service Publication 502 "Medical and Dental Expenses" will be used as a guide to determine the extent to which the costs to the tenant associated with the attendant can be recognized as medical costs. Such costs would only be recognized to the extent that they are borne by the tenant out of income counted for eligibility purposes.

6. A separate bedroom for a live-in care attendant who is not functioning as a member of the family may be allowed, as determined by the housing authority on a case-by-case basis.
2.34 **Lower Income Family**
A Family whose Annual Income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes. (See 2.29 Very Low Income Family.)

2.35 **Medical Expenses**
The amount by which 3 percent of the annual family income is exceeded by the sum of:

"(I) Un-reimbursed medical expenses of any elderly family or disabled family;

"(II) Un-reimbursed medical expenses of any family that is not covered under sub-clause (I), except that this sub-clause shall apply only to the extent approved in appropriation Acts; and

"(III) un-reimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, to the extent necessary to enable any member of such family (including such handicapped member) to be employed.\(^{(R2084)}\)

Eligible deductions for medical expenses will only be allowed at admission and annual reexamination. Any
documentation received after such dates will not be considered.

Medical Prescription Drug Plan

- Medicare Discount Drug Card. The Medicare Prescription Drug Discount Card and Transitional Assistance Programs began June 1, 2004 and will continue until May 15, 2006 for those beneficiaries under this program unless they have enrolled in a Medicare prescription drug plan prior to this date. Until such time as this program no longer exists for Medicare beneficiaries still under this program, the PHA must:
  
  - Exclude from annual income the $600 transitional assistance subsidy, for applicants and tenants enrolled in the Medicare transitional assistance program, effective the date of receiving the benefits.

  - Exclude from annual income any negotiated drug discount pursuant to the Medicare prescription drug discount card.

  - In cases where medical expenses are normally deducted from a HUD participant’s income, include as a medical deduction the Medicare assistance provided for the cost of drugs pursuant to prescription drug discount cards, negotiated drug price, or transitional assistance subsidies.


  Recipients of the Medicare Prescription Drug Plan-D do not have to report they have enrolled in the drug plan until their next recertification. The PHA must:

  - Verify that the applicant or tenant has enrolled in a Medicare prescription drug plan. Persons enrolled in the program will be issued a card from the provider of the prescription drug plan they select. The card will include the Medicare prescription drug benefit program seal on the front of the card with the words Medicare Rx Prescription Drug Coverage directly beneath.

  - Exclude from income the low-income subsidy received by beneficiaries enrolled in the program.

  - Include as a medical expense for the medical expenses deductions, the out-of-pocket expenses incurred for prescriptions drugs and premiums. Premiums may be paid directly to the plan provider or deducted from their social security. Beneficiaries qualifying for the low-income subsidy will have the majority of their prescription drug plan costs and prescription drug spending covered.

Not all prescription drugs are covered under the Medicare prescription drug plans; therefore, a person may be paying full price for some prescription drugs and a reduced amount for other prescription drugs.
Medicare beneficiaries will receive statements about their prescription drug spending for months in which they have prescription drug spending. The plan is not obligated to send an explanation of benefits for months in which there is no activity. Tenants may provide statements they receive to help verify how much they spend on prescription drugs.

2.36 Minor
Minor means a person (other than the head of the household or the spouse) less than eighteen (18) years of age.

2.37 Mixed Family
A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

2.38 Monthly Adjusted Income
One-twelfth of Adjusted Income.

2.39 Monthly Income
One-twelfth of Annual Income.

2.40 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.

2.41 Near Elderly Family
Near-elderly Family means a family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below
the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

2.42 Net Family Assets

(1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

(2) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the Family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.

(3) In determining net family assets, the authority 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 a 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.

2.43 **Noncitizen**
A person who is neither a citizen nor national of the United States.

2.44 **Non-Immigrant Student Alien**
"Non-immigrant Student Alien" means an alien having a residence in a country which he/she has not intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who is admitted to the United States as a non-immigrant alien as defined in Section 101(a) (15) (F) (i) of the Immigration and Nationality Act (18) U.S. C. 1101 (a) (15) (F) (i) temporarily and solely for the purpose of pursuing such full course of study at an established institution of learning or other recognized place of study in the United States. Also the non-immigrant alien spouse and minor children of such student if accompanying him/her or following to join him/her.
2.45 Other Person Under The Tenant’s Control
Other person under the tenant’s control, means that the person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant’s control.

2.46 Pet Policy
(a) Pet Policy for Elderly in High-Rise Public Housing Units:
1. Pet must be registered with building manager before pet is brought on the premises.
2. Registration must be updated annually, at annual recertification of tenant's lease.
   a. Lease must be changed to include pet addendum.
   b. Furnish certificate from veterinarian certifying pet is in good health and has had all necessary shots and/or vaccination;
   c. Furnish certificate that shows pet is licensed in North Little Rock.
3. Tenant must be physically and mentally able to take care of pet and agrees to abide by all pet regulations.
4. Only one pet per family is permitted, either a dog or cat.
5. PHA will provide a special place for pet to visit daily;
6. No normal adult pet over 16 pounds, or 16 inches in length, excluding tail, is permitted.
7. Pets shall be kept on leash at all times when not in own apartment;
8. If pet disturbs other residents by barking, scratching, whining or other unusual noises or threatening behavior, the tenant owning the pet will be asked to vacate or get rid of the pet.
9. Pet will be kept free from fleas, ticks or other vermin.
10. Pets will not be allowed in the front lobby area, laundry rooms, or social rooms, and must be in the owner's arms going to and from the building and in the elevator.
11. Pets must be neutered or spayed.
12. Visitor's pets must be registered with project manager before bringing on premises.
13. Pet shall not be left unattended in a dwelling unit longer than 12 hours.
14. Pet waste will be disposed of daily and litter twice weekly, put in plastic bag and deposited in trash chute;
15. In case death of owner, pet will be placed with a registered veterinarian or animal shelter until disposition of pet can be determined.
16. A $200 refundable deposit is required for each pet, with a $50 down payment.* The balance may be paid $10 per month until the full deposit is paid. The deposit will be applied to any damage caused by the pet, and the owner given an itemized statement of charges. Any amount of deposit not used for specific damage caused by the pet to the building, fumigation, replacement of areas destroyed by pet, or removal of pet waste may be refunded within 30 days. (*The down payment may be waived for existing tenants with registered pets, however, the full deposit is required.)
17. In the event the pet is no longer in the unit (verified by management) and all damages caused by pet have been paid, the deposit or remainder of the deposit may be refunded to owner.

(b) Pet Policy for Family Public Housing Units:
Registration:
1. The resident must be physically and mentally able to take care of the pet and agree to abide by all pet regulations. Registration will be refused if
management determines that the resident is not capable of caring for the pet.

2. The pet must be registered with management before it is brought on the premises. Registration must be updated annually at the annual recertification of each resident’s lease, which incorporates the pet policy by reference and addendum. The resident must furnish a certificate from a veterinarian certifying that the pet is in good health and has had all necessary and appropriate shots and/or vaccinations. The resident must furnish proof that pet is licensed by the City of North Little Rock.

3. Only one pet per family is permitted. (The resident may choose a dog, cat, fish or bird.) No exotic animals, such as lions, tigers or snakes, will be allowed. No dangerous or vicious animals will be allowed.

4. Dogs or cats must weigh no more than 20 pounds and be no more than 21 inches in length, excluding tail. Proof of weight and length must be furnished before pet is allowed on the premises.

5. Pets must be spayed or neutered, and cats must be de-clawed.

Charges/Fees:

1. A $200 refundable deposit is required for each pet. The deposit must be paid in full at the time the pet is registered. When the resident vacates, the deposit
will be applied to any damage caused by the pet. The owner will be given an itemized statement of the charges. Any deposit not used to pay for damages caused by the pet to the building, for fumigation of the apartment, restoration of areas destroyed by the pet or removal of pet waste will be refunded within 30 days.

2. A non-refundable monthly fee of $10 per pet must be paid to cover costs associated with implementation of this policy.

3. At annual recertification, all damages caused by the pet to date must be paid in full. Failure to pay for damages will result in non-renewal of the dwelling lease.

3. **Pet Location:**

   1. Pets are not allowed outside the apartment unattended.

   2. Pets must be kept on a leash at all times when not in the resident-owner’s apartment, or carried going to and from the resident’s apartment. *This excludes fish or birds.*

   3. Pets must not be left unattended in a dwelling unit for longer than 8 hours at a time. The resident-owner shall allow entry into the apartment to attempt to quiet the disturbance in the event he or she is absent, and disturbances from the pet continues unabated.
4. Pets are not allowed in another apartment, in the office, community room or other community space.

4. Pet Behavior:
If a pet disturbs other residents by barking, growling, meowing, scratching, whining or making other unusual noises or exhibiting threatening behavior to employees, residents or other animals, the resident-owner will be asked to remove the pet or vacate the premises.

5. Pet Health and Care:
(a) The pet must be kept free of fleas, ticks and other pests. Any pet suffering an illness must be removed immediately from the premises to a licensed veterinarian. A release must be provided for the pet to return to the resident-owner’s apartment.
(b) Pet waste must be disposed of daily. Litter must be changed twice weekly. (Waste must be placed in a plastic bag and deposited in the trash.) Owner will be charged heavily for cleanup and/or damages caused by his or her pet.

Other Requirements:
1. The housing authority assumes no liability for any pet.
2. In the event of an emergency or building evacuation, it is the responsibility of the resident to remove his or her own pet,
3. In the case of the death of the owner, the pet will be placed with a responsible person who resident-owner identifies on the Responsibility Form. If the person named is not available, the pet will be placed with the local animal shelter or humane society.

4. **NO VISITING PETS WILL BE ALLOWED.** This does not apply to service animals that assist persons with disabilities.

2.47 **Premises**
Premises mean the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

2.48 **Projects For Elderly Families**
A Project for Elderly Families or portion of a project that is applicable under 960.403 that was designated for occupancy by the elderly at its inception (and has retained that character) or, although not so designated, the PHA may give preference in tenant selection (with HUD approval) for all units in the project to elderly families.

2.49 **Savings Account (Individual)**
In lieu of a disallowance of earned income upon the request of a family that qualified, a public housing agency may establish an individual savings account in
accordance with the Quality Housing and Work Responsibility Act of 1998 and instructions therein. (R2084)

2.50 Section 214
Section 214 of the Housing and Community development Act of 1980, as amended (42 U.S.C. 1436a). Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

2.51 Section 214 Covered Programs
Programs to which the restrictions imposed by Section 214 apply are programs that make available financial assistance pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 - 1440), Section 235 or Section 236 of the National Housing Act (12 U.S.C. 1715z and 1715z-1) and Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s).

2.52 Single Person
"Single Person" means a person living alone or intending to live alone and who does not qualify as an Elderly Family or a Displaced Person as defined in this section or as the remaining member of a tenant family, or a single pregnant woman with no other family members.
2.53 **Spouse of Head of Household**
The marriage partner, who, in order to dissolve the relationship would have to be divorced. The term “spouse” does not apply to boyfriends, girlfriends, significant others, or co-heads.

2.54 **Tenant Rent**
The amount payable monthly by the Family as rent to the authority. Where all utilities (except telephone) and other essential housing services are supplied by the authority, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the authority, and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Utility Allowance.

2.55 **Utilities**
Utilities mean water, electricity, gas, other heating, food refrigeration, and cooking fuels, trash collection, and sewage services. Telephone service is not included as a utility.

2.56 **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 will be provided the family equal to the estimate made or approved by the authority or HUD, under 24 CFR Part 965 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.

2.57 Utility Reimbursements
(1) The responsible entity pays a utility reimbursement if the utility allowance (for tenant-paid utilities) exceeds the amount of the total tenant payment.

(2) In the public housing program where the family is paying an income-based rent, the PHA may pay the utility reimbursement either to the family or directly to the utility supplier to pay the utility bill on behalf of the family. If the PHA elects to pay the utility supplier, the PHA must notify the family of the amount paid to the utility supplier.

2.58 Very Low-Income Family
A Lower Income Family whose Annual Income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish
income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. (See Lower Income Family).

2.59 Violent Activity
Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

2.60 Violence Against Women Reauthorization Act of 2005 (VAWA)

The Violence Against Women Reauthorization Act of 2005 (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, or stalking. Section 607 of the VAWA adds the following provision to the Public Housing Program (42 U.S.C. § 1437D) of the U.S. Housing Act of 1937:

That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate reason for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.
As used in VAWA, the following are herewith defined:

A. 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.

B. Dating Violence – means 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.

C. Stalking – means –

(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;

D. 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.
E. *Perpetrator* – means person who commits an act of domestic violence, dating violence or stalking against a victim.

**Documentation of Domestic Violence, Dating Violence or Stalking**

A. *Requirement for Documentation.* The law allows, but does not require, the PHA to verify that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. The PHA shall require documentation in all cases where an individual claims protection against an action involving such individual proposed to be taken by the PHA. The PHA may elect to require documentation, or not to require it as permitted under applicable law.

Documentation of a claimed incident or incidents of actual or threatened domestic violence, dating violence or stalking may be accomplished in one of the following three ways:

1. *HUD-approved form* - by providing to the PHA a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence.
violence, dating violence or stalking that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definition(s) set forth in this policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator.

2. **Other documentation** - by providing to the PHA documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional’s belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.

3. **Police or court record** – by providing to the PHA a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

Rev. 05/2017
B. Time allowed to provide documentation/failure to provide. An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence or stalking, and who is requested by the PHA to provide documentation, must provide such documentation within 10 business days (i.e., 10 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) after receipt of the request for documentation. Failure to provide documentation, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.

C. Waiver of documentation requirement. The Executive Director of PHA owner or manager, may, with respect to any specific case, waive the above-stated requirements for documentation and provide the benefits of this policy based on the victim’s statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Executive Director, owner or manager. Any such waiver must be in writing. Waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances.
The term "Veteran" means any person honorably discharged from the Armed Forces of the United States who served in World War I between April 6, 1917 and November 11, 1918, both dates inclusive, or in World War II on or after December 7, 1941 until final cessation of all hostilities or in the Korean Conflict, Lebanon Crisis, Berlin Crisis, Quemoy and Matsu, Taiwan Straits, Cuban Crisis, the Congo, the Dominican Republic and Vietnam. "Veteran" does not include a person enlisted and accepted for active training only for a period of six months or less.

2.62 Welfare Assistance
Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.

2.63 Working Families
A family whose head, spouse, or other adult household member is employed. Employment income must be countable under HUD definition of Annual Income. For applicant's claiming working family preference, such preference shall not be based on the amount of income earned. The working family must provide proof of stable employment for at least the past six months. The total tenant payment of the family will
remain unchanged until annual recertification, unless employment is lost through lay-off, business closing, or any other valid reason not under the control of the tenant. (R2037)
3.0 ADMISSION AND CERTIFICATION OF ELIGIBILITY

The Application for Admission constitutes the basic record of each family applying for admission. The information submitted by each applicant will be verified to assure that the data upon which determinations are made as to eligibility for admission, rent to be paid, and size of unit required are full, true and complete. This authority will certify on each Application for Admission either that the applicant meets all of the requirements governing eligibility for admission as set forth in Section 4.0 or that the applicant does not meet the requirements and is ineligible for admission.

An applicant certified for the admission yet determined to be ineligible at the time of the leasing interview shall not be admitted. Applicants determined ineligible will be promptly notified of their status, and upon request and within a reasonable time after the determination is made will be provided an opportunity for an informal hearing on such determination. Applicants determined to be eligible will be promptly notified of the approximate date they can be housed insofar as that date can be reasonably determined.
4.0  ADMISSION AND SELECTION CRITERIA

4.1  Eligibility for Admission

1. An applicant must meet all eligibility requirements in order to receive housing assistance. At a minimum, the applicant must be a family, as defined in 2.0 Definitions.

2. Eligibility for Single Pregnant Woman or Single Person in Process of Adoption:
   (a) A single pregnant woman or a single person in the process of adopting an individual under 18 years of age must have an income at or below the income limit for one person. In the event, a single woman's pregnancy is terminated prior to an offer being made, she will be recertified as a single person.

   (b) Persons in the process of adopting an individual under 18 should be treated identically to a single pregnant woman but persons in the process of securing legal custody through other means must provide evidence of a reasonable likelihood of success to be admitted to occupancy prior to obtaining custody. This determination of "reasonable likelihood of success" should be made at the time an offer of a unit is to be made to an individual. If at the time it is determined that there is not a reasonable likelihood of success, then that individual nonetheless shall be allowed to retain his or her place on the waiting list, with any preference for which he or she remains eligible and with his or her original date and time of application, until custody is secured at which time the individual will be offered an appropriate unit in accordance with his or her position on the waiting list.

3. Restrictions on Assistance to Non-citizens
    Housing Assistance may be provided only to (a) Citizens, or (b) Non-citizens who have eligible immigration status in one of the following six categories: (a) Lawfully admitted for permanent residence as an immigrant, including special agricultural workers. (b) Entered the U.S. before January 1, 1972 and is deemed lawfully admitted for permanent residence. (c) Lawfully present in the U.S. pursuant to the granting of asylum (refugee status). (d) Lawfully present in the U.S. on parole status. (e) Lawfully present in the U.S. as result of withheld deportation. (f) Lawfully admitted under amnesty granted by the INS.

4.2  Low-Income Limit

1. No family other than a low income family whose income for eligibility does not exceed the applicable income limits for admission established by the HUD and adopted by the authority is eligible for admission to PHA's public housing program.

2. Income Used for Eligibility and Targeting
    Family annual income is used both for determination of income eligibility and for PHA income targeting.

   a. The PHA maintains a system of income targeting ranges by project to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects. Offers will be made within income targeting ranges and deconcentration goals.
b. **Targeting requirement.** Not less than 40 percent of the families admitted to the PHA's public housing program during the PHA fiscal year from the PHA waiting list shall be extremely low income families. This is called the "basic targeting requirement." Income targeting ranges are developed separately for elderly and non-elderly families. The PHA will not allow units to stand vacant as a result of not having applicants in the desired income ranges.

c. The housing authority will continue to monitor its public housing residents and applicants on the waiting list to determine if incomes for both groups of people are below 30% of the median family income for this MSA and make adjustments when, or if, a family in the 50% to 80% of median income applies.

4.3 A. **Admission to units available before and October 1, 1981:**
Section 16a of the United States Housing Act of 1937 (42 USC 1437n) ("The 1937 Act") provides that not more than 25 percent of the dwelling units that were available for occupancy under the ACC taking effect before October 1, 1981 and are leased on or after that date shall be available for leasing by lower income families other than Very Low-Income Families. Section 16(b) provides that not more than five percent of the dwelling units that initially become available for occupancy under the ACC on or after October 1, 1981 shall be available for leasing by lower income families other than Very Low-Income Families. No lower income family other than a Very Low-Income Family shall, after July 1, 1984, be approved for admission to any unit in a Public Housing project for which initial occupancy began on or after October 1, 1981, except with the prior approval of HUD.

4.4 Processing Applications for Admission
1. A written application signed by the head of family will be obtained from each family seeking admission to public housing.

2. The applicant shall furnish the following documentation at the time of application or within 10 days of application. Failure by applicant to supply requested information within specified time will result in applicant being determined ineligible and his/her application withdrawn, unless applicant can furnish proof that additional time is needed to secure data.

   a. All sources of income, including SS or SSI, VA (most recent statement outlining benefits); DHS/TEA (Letter showing total monthly benefits); child support or child enforcement unit, unemployment compensation, worker's compensation, and documentation for all other income, savings or assets.

   b. Acceptable forms of income verification: SS or SSI award letter, print-outs from temporary employment agencies, child support, Employment Security Division and City or County Courts. Statement from employer on company letterhead with contact name and telephone number, statement from DHS with date and signature of person verifying. Check stubs must include employee's name, social security number and year-to-date income. Third party verification will be required. When written verification is delayed or not possible, third-party oral verification will be used. Staff will document the date, person to whom they spoke and facts provided. Family member reporting change must always sign tenant certification.

   c. For elderly and disabled: furnish Medicare/Medicaid statements, verification of health insurance, verification from pharmacies or delivery tickets for prescription drugs.
(1) Positive proof of family status;
(2) Except for legal aliens, provide birth certificates for all family members or proof of birth in case of elderly who are unable to obtain a birth certificate; or VA Form DD14 Honorable Discharge.
(3) Divorce decree; (7 years or most recent).
(4) Name, address and telephone number of all references;
(5) Work history including name of employer and immediate supervisor, address and telephone numbers;
(6) Credit history from all sources;
(7) Name, address, telephone number and place of employment of father of children; and
(8) Furnish documentation of Social Security Numbers (SSNs) for each applicant or participant who is at least six years of age, within 60 days of certification to continue to be eligible. The PHA may extend this period for an additional 60 days if the applicant or participant is at least 62 years of age. Documentation must be:
(a) A valid SSN card issued by the Social Security Administration, or
(b) Such other evidence of the SSN as the PHA may prescribe in its policies.

If the applicant or participant or any member of his or her household who is at least six years of age has not been assigned an SSN, they must submit a certification to this effect, in the form and manner prescribed by the PHA.

(a) If the individual who is required to disclose his or her SSN is able to disclose the number but cannot meet the documentation requirements, then the individual must provide the SSN and execute a certification in the form prescribed by the PHA, that the number has been assigned to the individual but that documentation cannot be provided.

(b) The PHA must accept the certification and continue to process the individual's eligibility to participate, except for reasons where the PHA determines that fraud, waste and abuse is possible.

The PHA must terminate the assistance or tenancy of a participant in accordance with the provisions governing the program involved if the participant does not meet the applicable SSN disclosure, documentation, verification, and certification requirements.

(9) Furnish proof of pregnancy from a local qualified, practicing physician or medical center; plus certified documentation from social service agency, insurance company, or other reliable source that applicant has no other family members (husband, children);

(10) Must provide evidence of a reasonable likelihood of success of legal custody in adoption of an individual under 18 years of ages, in cases of single person applicants.

(11) Applicants and participants must sign and submit Consent forms (Information Release Authorization) when they apply for participation in a program or when their continuing eligibility to participate in a program is determined. Consent forms may be used by the authority to request wage and claim information from State Agency responsible for the administration of the State unemployment law
Do not hallucinate.
(1) The housing authority made at least two documented attempts to obtain third party verification with no success.

(2) The income source does not have the capability to provide written or oral third party verification.

b. Assets and Expenses

(1) The housing authority made at least two documented attempts to obtain third-party verification with no success.

The asset or expense to be verified is an insignificant amount, thus it is not cost effective or reasonable to obtain third-party verification.

4.8 Non-Economic Selection Criteria

A. In selection of families for admission to its public housing program, or to occupy a public housing development or unit, the PHA is responsible for screening family behavior and suitability for tenancy. The PHA may consider all relevant information, which may include, but is not limited to:

(1) An applicant’s past performance in meeting financial obligations, specifically any previous indebtedness to the PHA or other PHAs. Any tenant leaving the PHA owing money regardless of any type bankruptcy will not be considered for housing until the debt is paid in full.

(2) A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other tenants; and

(3) A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants with respect to criminal activity described herein:

(i) The PHA may require an applicant to exclude a household member in order to be admitted to the housing program where that household member has participated in or been culpable for actions described herein that warrants denial.

(ii) The PHA may, where a statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, choose to continue that prohibition for a longer period of time.

(iii) No applicant for public housing who has been a victim of domestic violence, dating violence, or stalking shall be denied admission into the program if they are otherwise qualified.

In the event of the receipt of unfavorable information with respect to an applicant, which has occurred more than seven years before the date of application, consideration shall be given to the time, nature and extent of the applicant’s conduct (including the seriousness of the offense).

In a manner consistent with the PHA’s policies, procedures and practices referenced in this section, consideration may be given to the following factors which might indicate a reasonable probability of favorable future conduct.

(a) Evidence of rehabilitation and at least 24 months evidence of rehabilitation supported by notarized letter(s) from previous landlord(s), social agencies, creditors, utility companies, etc., and subject to home visit by authority personnel.

(b) Evidence of the applicant family’s participation or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs.
(c) Evidence of the applicant family's willingness to attempt to increase family income and the availability of training or employment programs in the locality.

(5) Consideration of rehabilitation.

(i) In determining whether to deny admission for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, the PHA may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, the PHA may require the applicant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

(ii) If rehabilitation is not an element of the eligibility determination, the PHA may choose not to consider whether the person has been rehabilitated.

(6) Who can arrange for his or her health and well being with available resources and who conform to the occupancy standards established under this section.

4.9 Order of Preference

Selection of Applicants for Residency

In selecting residents from among eligible applicants, the first consideration is the suitability of the Unit offered in relation to the Family's need. The Order of selection to be applied will be in accordance with the Methods of Administration.

Within these categories, the following order of preference will be applied.

1. Date and Time of Application

Each applicant's name on the community-wide waiting list (elderly and non-elderly) will be annotated and shown in the appropriate order.

The preference shall apply to applicant households whose head, spouse, or sole member is age 62 or older, or is receiving Social Security Disability, SSI, or any other payments based on the individual's inability to work. (R2037)

2. Special admission for families displaced by Government-Declared National Disaster.

4.10 Non-citizen Verification Procedures

a. The housing authority shall request and review original documents of eligible immigration status. Photocopies shall be retained of all documents for its own records and return originals to the family.
b. **Submission of Evidence of Citizenship or Eligible Immigration Status:**
   Each family member, regardless of age, must submit the following evidence: For citizens: a signed declaration of U.S. citizenship; For non-citizens who are or will be 62 years of age or older on June 19, 1995: (a) a signed declaration of eligible immigration status, and (b) proof of age document; and for all other non-citizens: (a) a signed declaration of U.S. citizenship, (b) specified Immigration and Naturalization Service (INS) documents of eligible immigration status, and (c) a signed certification consent form.

c. **Verification of Eligible Immigration Status:**
   Primary verification is conducted by a PHA through the INS automated Systematic Alien Verification for Entitlements (SAVE) system. If the INS SAVE system fails to verify eligible immigration status, secondary verification is performed through a manual search by INS of its records. If the secondary verification fails to confirm eligible immigration status, the family is notified of the right of appeal to INS. The INS will issue a decision within 30 days of its receipt of documentation concerning the appeal. If unable to issue a decision within 30 days, the INS will inform the family and the PHA of the reasons for the delay. When the PHA receives a copy of the INS decision, it notifies the family of its right to request an informal hearing with the PHA.

4.11 **Delay, Denial or Termination of Assistance**
   Assistance to an applicant may not be delayed, denied, or terminated until (a) all immigration documents were timely submitted, (b) the family member requiring evidence has moved, (c) the INS or PHA appeals processes have not been concluded, (d) assistance is prorated, or (e) assistance for a mixed family is continued.

4.12 **Preservation of Mixed Families and Other Families**
   Following completion of the appeals and informal hearing procedures, three types of assistance may be available to the family: (a) continued assistance, (b) temporary deferral of termination of assistance, or (c) prorated assistance.

4.13 **Prohibition of Assistance to Non-citizen Students**
   The prohibition on providing assistance to a non-citizen student also extends to the non-citizen spouse and minor children of any non-citizen student accompanying or following to join such student. The prohibition does not extend to the citizen spouse and the children of the citizen spouse and non-citizen student.

4.14 **4.14 MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a)]**
   HUD requires the NLRHA to deny assistance in the following cases:
   - Any member of the household has been evicted from federally-assisted housing in the last 5 years for drug-related criminal activity. HUD permits but does not require the NLRHA to admit an otherwise-eligible family if the household member has completed a NLRHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g. the person involved in the criminal activity no longer lives in the household).

**NLRHA Policy**
   The NLRHA will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past 5 years for drug-related criminal activity, if the NLRHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by the NLRHA, or the person who committed the crime, is no longer living in the household.

Rev. 05/2017
The NLRHA determines that any household member is currently engaged in the use of illegal drugs.

**NLRHA Policy**

*Currently engaged in* is defined as any use of illegal drugs during the previous year.

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

**NLRHA Policy**

In determining reasonable cause, the NLRHA will consider all credible evidence, including but not limited to, any record of convictions, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. The NLRHA will also consider evidence from treatment providers or community-based organizations providing services to household members.

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

- Any household member is subject to a registration requirement under a state sex offender registration program. The NLRHA will use the Dru Sjodin National Sex Offenders website to confirm that applicants and federal housing assistance recipients are not lifetime registered sex offenders.

- If the household member is or was engaged in criminal activity that would be detrimental to the program or to the best interest of administration of the program by NLRHA.

**A. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE**

HUD permits, but does not require the NLRHA to deny assistance for the reasons discussed in this section.

**Criminal Activity [24 CFR 982.553]**

HUD permits, but does not require, the NLRHA to deny assistance if the NLRHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

**NLRHA Policy**

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five years, the family will be denied assistance.

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

*Violent criminal activity*, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].
Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or

Criminal activity that may threaten the health or safety of property owners, management staff, and persons performing contract administration functions or other responsibilities on behalf of the NLRHA (including a NLRHA employee or a NLRHA contractor, subcontractor, or agent).

Evidence of such criminal activity includes, but is not limited to:

- Conviction for drug-related or violent criminal activity within the past 5 years.
- Circumstantial evidence, a preponderance of evidence, or any for drug-related or violent criminal activity within the past 5 years.
- Any record of eviction from public or privately-owned housing as a result of criminal activity within the past 5 years.
- Convictions of any household member for crimes of physical violence including but not limited to intentionally or recklessly causing another’s death, arson, rape, sexual assault and convictions which require one to register as a sex offender.

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

**Previous Behavior in Assisted Housing [24 CFR 982.552(c)]**

HUD authorizes the NLRHA to deny assistance based on the family’s previous behavior in assisted housing:

**NLRHA Policy**

The NLRHA will not deny assistance to an otherwise eligible family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program.

The NLRHA will deny assistance to an applicant family if:

- The family does not provide information that the NLRHA or HUD determines is necessary in the administration of the program.
- The family does not provide complete and true information to the NLRHA.
- If a family member has been evicted from, had program violations, or has seriously or repeatedly violated any lease terms from any federally assisted housing in the last five years.
- A family will be considered evicted if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.
- If a family moves after the owner has given the family an eviction notice for serious or repeated lease violations but before a legal eviction order has been issued, termination and denial of assistance is not mandatory. However, NLRHA will determine whether the family has committed serious or repeated violations of the lease on available evidence and may terminate or deny assistance, require that
the household member who participated in or was responsible for the offense no longer reside in the unit or require the family to repay any debt owed.

Serious or repeated lease violations will include, but are not to be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criterion to be used is whether the reason for the eviction was through no fault of the tenant or guests.

PHA has ever terminated assistance under the Public Housing program for any member of the family for violation of the family obligations within the past five years;

Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

The family owes rent or other amounts to any PHA, or owner, in connection with the Public Housing, Certificate, Moderate Rehabilitation or public housing programs, unless the family repays the full amount of the debt prior to being selected from the waiting list.

If the family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, or Public Housing, damages to the unit, or other amounts owed by the family under the lease, unless the family repays the full amount of the debt prior to being selected from the waiting list. All family members age eighteen and over must sign HUD-52575 “Debts Owed to Public Housing Agencies and Terminations”.

The family has breached the terms of a repayment agreement entered into with the NLRHA or other PHA, unless the family repays the full amount of the debt covered in the repayment agreement prior to being selected from the waiting list. A family will be given the opportunity to pay the debt within ninety days of the eligibility interview. If the family fails to meet their obligation to repay the debt, the applicant will be denied assistance.

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

A family member has engaged in or threatened violent or abusive behavior toward NLRHA personnel in the last 10 years.

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

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

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

Screening for Eligibility

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

NLRHA Policy

The NLRHA will perform a criminal background check for every adult household member. The NLRHA will perform a check on the National Sex Offenders web site for every adult household member.

The NLRHA may require a criminal background check through other law enforcement entities if local information is not available. The NLRHA will use a 3rd party service for screening.

If the results of the criminal background check indicate that there may be past criminal activity, but the results are inconclusive, the NLRHA will request the applicant to be fingerprinted and will request the information from the National Crime Information center (NCIC).

NLRHA is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)].

NLRHA will verify the information provided by the applicant by searching the Dru Sjodin National Sex Offender Database. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries. The website for the database is located at: http://www.nsopw.gov.

A record of this screening, including date performed, will be retained. NLRHA must destroy the results of the search in accordance with 24 CFR 5.903 (g) unless required by other provisions of the law to retain the documents used to determine eligibility. If required to retain, NLRHA must retain the results of the search, along with the application, for a period of three years if the applicant is denied housing or, if the applicant is admitted to the program, for the term of tenancy plus three years.

If the NLRHA proposes to deny assistance based on a criminal record or on lifetime sex offender registration information, the NLRHA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission. The family will be given 10 business days to dispute the accuracy and relevance of the information [24 CFR 5.903(f) and 5.905(d)]. The record will be provided to the applicant in person upon presentation of valid government-issued photo identification. The family must be given the opportunity and may remove the life-time sex offender to gain eligibility status for the other

Rev. 05/2017
members. NLRHA will require documentation of the removal in accordance with verification requirements.

Screening for Suitability as a Tenant [24 CFR 982.307]

The NLRHA has no liability or responsibility to the owner for the family’s behavior or suitability for tenancy. The NLRHA may opt to conduct additional screening to determine whether an applicant is likely to be a suitable tenant.

NLRHA Policy

The NLRHA will not conduct additional screening to determine the applicant’s suitability for tenancy.

Criminal background checks will be performed at the following points:

A. Application for assistance

An initial criminal background screening will be performed for all family members 18 years or older as a part of the process of determining apparent eligibility for the Public Housing Program. The family will not be wait listed until the family has been determined apparently eligible. Apparent eligibility will not be determined until the NLRHA has reviewed the results of the criminal background screening.

B. Final Eligibility Determination

When the family’s name comes to the top of the wait list, before the family is offered a public housing unit, a criminal background screening will be completed to determine whether any violent criminal activity or drug-related criminal activity has occurred between wait listing and final eligibility determination.

C. Investigation Initiated by a Tip, Referral, or Complaint

Upon receiving a tip, referral, or complaint, including information left on the NLRHA Fraud Hotline or other source, a criminal background screening may be performed if it is possible that the screening may provide information pertinent to the investigation.

NLRHA is responsible for screening and selection of the family to occupy the unit. NLRHA may consider a family’s history with respect to factors such as: payment of rent and utilities, caring for a unit and premises, respecting the rights of other residents to the peaceful enjoyment of their housing, criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

A. CRITERIA FOR DECIDING TO DENY ASSISTANCE

Evidence [24 CFR 982.553(c)]

NLRHA Policy

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

Preponderance of the evidence is defined as the greater weight of the evidence; that is, evidence that you believe because it outweighs or overbalances in your mind the
evidence opposed to it. A preponderance means evidence that is more probable, more persuasive, or of greater probative value. It is the quality of the evidence that must be weighed. Quality may, or may not, be identical with (quantity)(the greater number of witnesses).

Consider all evidence. In determining whether an issue has been proved by a preponderance of the evidence, you should consider all of the evidence, regardless of who produced it.

Equally balanced. If the weight of the evidence is equally balanced, or if you are unable to determine which side of an issue has the preponderance, the party who has the burden of proof has not established such issue by a preponderance of the evidence.

Consideration of Circumstances [24 CFR 982.552(c)(2)]

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

NLRHA Policy

The NLRHA will consider the following factors prior to making its decision:

The seriousness of the case, especially with respect to how it would affect other residents

The effects that denial of assistance may have on other members of the family who were not involved in the action or failure

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities

The length of time since the violation occurred, the family’s recent history and the likelihood of favorable conduct in the future

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.

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

VASH will only consider over-income and lifetime sex-offender for ineligibility.

Removal of a Family Member’s Name from the Application [24 CFR 982.552(c)(2)(ii)]

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

NLRHA Policy

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the assisted unit.
After admission to the program, the family must present evidence of the former family member’s current address upon NLRHA request.

The NLRHA may terminate assistance if an owner/manager may bifurcate the lease to terminate assistance to remove a lawful occupant or tenant who engages in criminal acts of violence to family members or others without terminating assistance/evicting victimized unlawful occupants.

Before admission to the program, the family must present evidence of the former family member’s current address upon NLRHA request.

**Reasonable Accommodation [24 CFR 982.552(e)(2)(iv)]**

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

**NLRHA Policy**

If the family indicates the behavior of a family member with a disability is the reason for the proposed denial of assistance, the NLRHA will determine whether the behavior is related to the disability. If so, upon the family’s request, the NLRHA will determine whether alternative measures are appropriate as a reasonable accommodation. The NLRHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance. See section 5.3 for a discussion of reason accommodation.

**B. NOTICE OF ELIGIBILITY OR DENIAL**

**Eligible for Assistance**

If the family is eligible for assistance, the NLRHA will notify the family when it extends the invitation to attend the briefing appointment.

If the NLRHA determines that a family is not eligible for the program for any reason, the family must be notified promptly. The notice must describe (1) the reasons for which assistance has been denied (2) the family’s right to an informal review, and (3) the process for obtaining the informal review [24 CFR 982.554 (a)]. See Chapter 5, for informal review policies and procedures.

**NLRHA Policy**

The family will be notified of a decision to deny assistance in writing within a timely manner days of the determination.

If a NLRHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the NLRHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)]. The NLRHA must give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with program requirements [24 CFR 982.553(d)]
NLRHA Policy

If based on a criminal record or sex offender registration information, an applicant family appears to be ineligible the NLRHA will notify the family in writing of the proposed denial and upon request, will provide a copy of the record to the applicant and to the subject of the record. The family will be given 10 days to dispute the accuracy and relevance of the information. If the family does not contact the NLRHA to dispute the information within that 10 day period, the NLRHA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal review process.

Notice requirements related to denying assistance to noncitizens are contained in Section 2.43.

4.16 Rent Options
A. Rent Options.
(1) Annual Choice by family. Once a year, the PHA must give each family the opportunity to choose between the two methods for determining the amount of tenant rent payable monthly by the family. The family may choose to pay as tenant rent either a flat rent or an income-based rent. Except for financial hardship cases as provided in this section, the family may not be offered this choice more than once a year.

(i) The PHA must provide sufficient information for an informed choice including statement as to the PHA's policy on switching type of rent in circumstances of financial hardship, and

(ii) The dollar amounts of tenant rent for the family under each option. If the family chose a flat rent for the previous year, the PHA is required to provide the amount of income-based rent for the subsequent year only the year the PHA conducts an income reexamination or if the family specifically requests it and submits updated income information. For a family that chooses the flat rent option, the PHA must conduct a reexamination of family income at least once every three years.

(2) Relation to minimum rent. Regardless of whether the family chooses to pay a flat rent or income-based rent, the family must pay at least the minimum rent.

B. Flat rent.
The flat rent is based on the market rent charged for comparable units in the private unassisted rental market. It is equal to the estimated rent for which the PHA could promptly lease the unit after preparation for occupancy.

Flat Rent - High-rises for Elderly and Disabled (All Utilities Paid)
0-Bedroom $367.00
1-Bedroom $420.00
2-Bedroom $501.00
Flat Rent - Family Developments (Tenant-pays Gas & Electricity, PHA pays water)
1-Bedroom $492.00
2-Bedroom $591.00
3-Bedroom $826.00
4-Bedroom $918.00
5-Bedroom $1,055.00

C. Income-based rent
An income-based rent is a tenant rent that is based on the family's income and the PHA's rent policies for determination of such rents. Total Tenant Payment does not include charges for excess utility consumption or miscellaneous charges. Tenant rents must be paid on time in full. Partial rents are not to be accepted. The monthly amount calculated below.

Total Tenant Payment shall be the highest of the following, rounded to the nearest dollar:

a. 30 percent of family monthly adjusted income;
b. 10 percent of family monthly income or;
c. $50 minimum amount (R2062)

The minimum rent policies are effective with the Quality Housing and Work Responsibility Act of 1998, (Section 507) or October 21, 1998.

4.17 Exceptions to Minimum Rent (R2069) - Hardship
Certain exceptions to the minimum rent requirements for hardship circumstances includes the following situations: (1) the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program; (2) the family would be evicted as a result of the imposition of the minimum rent requirement; (3) the income of the family has decreased because of changed circumstance, including loss of employment; (4) a death in the family has occurred; and (5) other circumstances determined by the PHA or HUD.

4.18 Zero Income Policy
Admission
Families that claim zero income at admission (except excluded income) will be required to provide information regarding their means of initial expenses and projected monthly basic subsistence such as food, clothing and grooming items, utilities, transportation, etc. Notarized statements from individual(s) providing subsistence will be required.

Admission, Interim and Annual Reexamination
A temporary rent will be established at admission, interim or annual reexamination based upon established subsistence amount. This rent amount will remain in effect until replaced by other income that equals or exceeds subsistence amount.

4.19 Occupancy Standards
To avoid overcrowding and prevent wasted space, units are to be leased in accordance with the occupancy standards set forth below.

A. Dwellings shall be so assigned that persons of opposite sex, other than husband and wife, will not occupy the same bedroom, except for a minor under the age of five. Minors over the age of five may share the same bedroom with an adult of the same sex.

1. The age, sex and relationship of the family will be taken into consideration in assignments. The maximum number may be exceeded to permit an infant to share a bedroom with parents.

Rev. 05/2017
2. In single parent households, a child of any age may occupy the same bedroom with the single adult of the same sex. Example: mother with daughter; aunt with niece; father with son; uncle with nephew.

3. For reasons of health (old age, physical disability, etc.) separate bedrooms may be provided for each individual family member as verified by the housing manager. Doctor’s statements will be taken into consideration when offered. Applications will contain documentation to this effect and be signed by staff officer.

B. Dwellings shall be so assigned as not to require the use of the living room for sleeping purposes.

C. For the purpose of determining unit size, PHAs are required to include, as members of the household, all children anticipated to reside in a dwelling unit. Examples include children expected to be born to pregnant women, children who are in the process of being adopted by an adult or children whose custody is being obtained by an adult. The PHA should also include children who are temporarily absent from the home due to placement in foster care when considering family composition and family size.

D. **No. of Bedrooms**

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These standards regarding the minimum and maximum number of persons who will occupy a unit will be applied within the restraints of financial solvency and program stability. Assignment of families within the unit ranges indicated above will be determined by the authority based on individual family needs.

**4.20 Security Deposit**

A. Each tenant is required to pay a security deposit (see Appendix III) in an amount determined by the authority. Such payments must be made prior to occupancy, unless other arrangements are made with management.

B. The security deposit may not be used to pay charges during occupancy.

C. The security deposit will be returned to the tenant within 30 days after move-out if the following conditions are met:
   1. There is no unpaid rent or other charges for which the tenant is liable.
   2. The apartment and all equipment are left reasonably clean and all trash and debris have been removed by the tenant.
   3. There is no breakage or damage beyond that expected from normal use.
   4. All keys issued to the tenant are turned in to the management office when the tenant vacates the apartment.

**4.21 Dwelling Lease**

A. The lease shall be kept current at all times. Each lease shall specify the unit to be occupied, the date of admission, the size of the unit to be occupied, all family members who will live in the unit, the Total Tenant Payment and security deposit to be charged, the utility allowances, other charges under the lease, and the terms of occupancy.

Rev. 05/2017
1. The head of household and spouse of each family, or head of family if single-parent family, along with the development manager are required to execute a lease agreement prior to actual admission.

2. A separate lease shall be signed by each single related or unrelated elderly person sharing an apartment, along with the development manager, prior to admission.

One copy of the lease will be given to the resident and the original will be filed as part of the permanent records established for the family.

B. If any other change in the residents status results in the need to change or amend any provision of the lease, or if the authority desires to waive a provision with respect to the resident,

1. The existing lease is to be canceled and a new lease executed. If a family is transferred to a different unit, the existing lease will be canceled and a new lease executed (retaining original move-in date) by the head of the household for the unit which the family is to move, or

2. An appropriate rider is to be prepared and executed by the tenant and authority and made a part of the existing lease. All copies of such riders or insertions are to be dated and signed or initiated by the tenant and the development manager.

3. Cancellation of the lease by a resident will be in accordance with the provisions of the lease.

C. When a tenant requests a family member to be removed from the lease, he or she must provide the authority proof of departure, such as the name and address of the new landlord of the departing family member, a copy of the rental agreement or rental receipt prior to removal of member from the lease.

4.22 Resident Orientation
Eligible applicants selected for admission, if provided by the PHA, will be required to participated in an orientation program conducted by the authority to acquaint new resident families with the policies herein; the lease agreement; maintenance procedures; services provided by the authority; grievance procedures; resident rights, responsibilities and obligations; and the operation of heating, cooling, and plumbing equipment in the units.

4.23 Tenant Late Rent Charges
A $20 late rent penalty shall be applied on the morning of the sixth day for rental payments made after the fifth day of each month for all tenants, except for social security recipients that filed for benefits on or after May 1, 1997. In this event, the late rent penalty shall be applied to rental payments made after five days from and including tenant birthday.

4.24 Other Charges
The tenant will be charged for items sold to the tenants, for special services, and for the cost of all repairs of damages caused by carelessness, misuse, or neglect on the part of the tenant and/or his/her guest(s). Such charges will be for the actual cost of the materials and labor required. Periodically, the Board will adopt revised lists of the most common charges.
4.25 **Transfers**

a. When it is found that the size of the dwelling is no longer suitable for the family in accordance with these standards, the family will be required to move as soon as a dwelling of appropriate size becomes available. To the maximum extent possible, needed transfers may take precedence over new admissions. A new lease will be executed but the original move-in date will remain the same.

If an appropriate size unit is not available, tenant will be placed on a transfer list, and shall be required to move upon notification of PHA. Transfers between projects shall be made for families requiring large size units which do not exist within the project.

Tenants will not be transferred to a dwelling unit of equal size either within a project or between projects, except for alleviating hardships as determined by the executive director or his designee, or in cases of modernization of the unit. Transfers to equal size unit at request of tenant solely for his or her convenience will not be made. The executive director may allow transfers at tenant request only for physical disabilities as verified.

Residents that are clients of the AR CARES Program operating within the Eastgate public housing project may be transferred to apartments adjacent to the residential dependency rehabilitation program complex as they become available so that the clients may continue to receive care and support.

b. Families shall not be reimbursed for out-of-pocket expenses in connection with transfers. Charges for renovation needed to place the vacated unit in condition for re-renting will be assessed upon move out. All rent and other charges will be collected on apartment before the tenant is transferred. Tenant must also furnish evidence from the utility office that they have paid a deposit on the apartment they are moving to and paid their bill in full on the apartment they have moved from. To avoid charging the tenant for both units on the moving day, the vacated apartment will be considered as vacated on the day preceding the move.

4.26 **Misrepresentations**

If it is found that the resident made misrepresentations which resulted in his or her being classified as eligible when in fact he or she was ineligible, the resident may be required to vacate even though he or she may currently be eligible. If the resident's misrepresentation or failure to provide facts has resulted in his or her paying a lower Total Tenant Payment than he or she should have paid, he or she will be required to pay the difference between the Total Tenant Payment he or she has paid and the amount he or she should have paid plus interest at the rate of 10% per annum. In justifiable cases, the authority may take such other action as deemed advisable.
5.0 METHODS OF ADMINISTRATION

5.1 Applications
Applications for housing will be accepted between the hours of 8:30 a.m. and 4:00 p.m., Monday through Thursday at the Leasing Office at 1700 North Vine Street (6/01/05), North Little Rock, Arkansas.

a. Such location of facilities for filing of applications for tenancy and such circumstances for acceptance of applications will afford the applicant the greatest opportunity of his/her rights under the tenant selection and assignment plan adopted by the authority. The income limits and order of assignment criteria requirements are preference determinants that are used to establish the sequence for offering appropriate vacancies wherever they exist within the authority. Applications filed shall be dated and time-stamped. The final completed application signed by the applicant or adult family member establishes the order and sequence in making offers to appropriate sized vacancies.

b. Each applicant shall be assigned his appropriate place on a community-wide basis in sequence based upon date and time his or her application is received, suitable type or size of unit, and factors affecting preference or priority established by the authority's regulations, which are not inconsistent with the objectives of the Civil Rights statutes cited in applicable program regulations and requirements.

c. The waiting list will be monitored regularly to determine needed classifications and appointment time/dates may be adjusted accordingly. Applicant must confirm appointment the day before to be honored, or other applicants will be scheduled for that time slot.

5.2 The plan for the selection of tenants and their assignment to dwelling units is as follows:

1. If there is a suitable vacant unit in more than one location, the applicant shall be offered the unit at the location that contains the largest number of vacancies. If the applicant rejects the first vacancy offered he shall be offered a suitable unit at the location containing the next highest number of vacancies. If the applicant rejects three such offers, he shall be placed at the bottom of the eligible applicant list. There must be a rejection of a prior offer before the applicant may be offered another location. The new eligibility date is the date of the refusal.

2. If there are only two locations at which suitable vacancies exist, the applicant shall be offered a unit at that location first where the most vacancies exist. If the applicant rejects the first vacancy offered, he or she shall be offered the second and, if he or she rejects the second, his or her name shall be moved to the bottom of the eligible applicant list. The PHA shall offer all such locations in sequence and there must be a rejection of a prior offer before the applicant may be offered another location. If there is only one location at which suitable vacancies exist, the applicant shall be offered a unit at that location and if he or she rejects such offer, he or she shall be given a second offer of a suitable vacancy as soon as one becomes available. If he or she rejects the second offer he or she shall be moved to the bottom of the eligible applicant list.

3. Suitable vacancies arising at a given time at any location shall be offered to the eligible applicant first in sequence at such time. The authority will:

(a) Attain to the maximum extent feasible, a tenant body in each project that is composed of families with a broad range of incomes and to avoid concentrations of the most economically deprived families with serious social problems

Rev. 05/2017

83
(b) Prelude admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on the residents or the project environment.

(c) Be objective and reasonable in policies for selection among otherwise eligible applicants, including requirements for applications and waiting lists and for verification and documentation of information relevant to acceptance or rejection of an applicant, including documentation and verification of citizenship and eligible immigration status.

(d) Adopt policies of participant transfer between units, developments, and programs.

4. Applications for handicapped apartments will be filled separately from other apartments. All handicapped/disabled applications will be kept on the same citywide list as other applicants but will be tagged for easy recognition. When a handicapped accessible unit becomes vacant, the PHA before offering such unit to a non-handicapped applicant shall offer such unit:

First, to a current occupant of another unit of the same project, or other projects of the PHA, having handicaps requiring the accessibility features of the vacant unit and occupying a unit not having such features, or, if no such occupant exists, then second, to an eligible qualified applicant on the waiting list having a handicap requiring the accessibility features of the vacant unit. When offering an accessible unit to an applicant not having handicaps requiring the accessibility features of the unit, the PHA may require the applicant to agree to move to a non-accessible unit when available.

To maintain full occupancy in the projects, the handicapped/disabled apartments will be rented to regular applicants if all handicapped/disabled applicants are exhausted.

5. Applicants may reject offers of vacancies without being moved from their place on the eligible applicant’s list in case of hardship or handicap not related to the consideration of race, color, national origin, or language as follows:

a. If the applicant is willing to accept the unit offered but is unable to move at the time of the offer and presents clear evidences of his inability to move to the authority’s satisfaction, refusal of the offer shall not count as one of the number of allowable refusals permitted the applicant before placing his name at the bottom of the eligible applicant list.

b. If an applicant presents to the satisfaction of the authority clear evidence that acceptance of a given offer of a suitable vacancy will result in undue hardship as determined by the executive director or handicap not related to consideration of race, color, national origin, or language, such as inaccessibility to source of employment, children’s day care center, or unable to move because of financial hardship at the time of offer or weather conditions and the like, refusal of such offer shall not be counted as one of the number of allowable refusals permitted an applicant before placing his name at the bottom of the eligible list.

6. The authority records, with respect to applicants for admission, shall indicate as to each application the date of receipt, the determination of the local authority as to eligibility or non eligibility of the applicant; where eligible, the unit size for which eligible; the preference rating, if any; the date of the assignment to a dwelling unit and identification
of the unit to which assigned, and the date of the local authority's offer and date of the applicant’s rejection of a dwelling unit and identification of the unit offered.

7. Reassignment or transfers to other dwelling units will be made without regard to race, color, national origin, religion, creed, sex, age, handicap, or familial status.

Periodically it may become necessary to suspend transfers when, at the discretion of the authority, it appears that the solvency of the authority is in jeopardy.

5.3 Reasonable Accommodations

The PHA’s policies and practices provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. An applicant/participant must first ask for a specific change to a policy or practice as an accommodation of their disability before the PHA will treat a person differently than anyone else. To request a reasonable accommodation, the requester must have an apparent disability or verify disability through a professional third party (SSD, SSI, medical professional). The request for a reasonable accommodation must be in writing.

Once the person’s status as a qualified person with a disability is confirmed, the PHA may require that a professional third party, competent to make the assessment, provide written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

The PHA will provide a written decision to the person requesting the accommodation within ten business days. If the PHA finds that the requested accommodation creates an undue administrative or financial burden, the PHA will deny the request and/or present an alternate accommodation that will still meet the need of the person. An undue administrative burden is one that requires a fundamental alteration of the essential functions of the PHA (i.e., waiving a family obligation). An undue financial burden is one that would pose a severe financial hardship on the PHA, when considering available resources. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the PHA’s decision.

An advocate for person(s) with disabilities will be allowed to provide some information, but only with the permission of the person with the disability. If person with a disability is a minor, the person legally responsible for the minor may represent, if the person with a disability is eighteen years of age or older, the person must have legal guardianship or power of attorney to act on behalf of the person with the disability.

5.4 Compliance with Nondiscrimination Requirements

a. The restrictions on use of assisted housing by citizens and non-citizens with ineligible immigration status will be in conformity with the nondiscrimination requirements of, including, but not limited to, title VI of the Civil Rights Act of 1964 and the implementing regulations of 24 CFR part 1, Section 504 of the Rehabilitation Act of 1973, and the implementing regulations of 24 CFR part 8, the Fair Housing Act and the implementing regulations of 24 CFR part 100, and other civil rights statutes cited in the applicable program regulations. These statutes prohibit, among other things, discriminatory practices on the basis of race, color, national origin, sex, religion, age, disability and familial status in the provision of housing.

b. The authority will receive and process complaints from or on behalf of any person who believes himself or herself to be subject to discrimination by the authority of its staff, and will keep a record of each complaint, including the date of the complaint, by whom made,
investigation and hearing (if any) and evaluation. The complainant will be furnished a written notice of the action taken. The filing of a complaint with the authority will not prevent the subsequent filing of a complaint with the Department of Housing and Urban Development Regional Office.

c. The authority will periodically review its practices to assure that they are in conformity with its obligations.

5.5 Tenant File Confidentiality
The PHA will maintain a record management system to protect the confidentiality of tenant information. When files are not in use, they will be kept in a secure location or in locked file cabinets. Keys to files will be kept in a secure location or in locked key boxes. User logs will be kept in each office of those having access to the file keys.

Tenant file folders will be marked “confidential” and all users (current and new hires) will be trained in the importance of protecting the privacy of tenant personal information. Security safeguard measures will be taken for any inter-office transfers of file folders.

All employees having access to tenant files or computer data will sign a privacy form assuring protection of tenant personal information. User logs will be maintained by the department heads in each office. The PHA’s security administrator will be responsible for entering authorized employees access to tenant personal information in the computer and removing them immediately upon termination or separation of their employment. Any employee that abuses the system will be subject to disciplinary action.

Disposal of dead files containing tenant information may be accomplished after three years or longer if they have not been audited. Files may be shredded or incinerated and a disposal log kept of such action.
6.0 CONTINUED OCCUPANCY: REEXAMINATIONS, VERIFICATIONS & TERMINATIONS

6.1 Eligibility for Continued Occupancy

When PHA is required to conduct reexamination:
For families who pay an income-based rent, the PHA must conduct a reexamination of family income and composition at least annually and must make appropriate adjustments in the rent after consultation with the family and upon verification of the information.
For families who choose flat rents, the PHA must conduct a reexamination of family composition at least annually, and must conduct a reexamination of family income at least once every three years.
For all families who include nonexempt individuals, the PHA must determine compliance once each twelve months with community service and self-sufficiency requirements.
The PHA may use the results of these reexaminations to require the family to move to an appropriate size unit.

Interim reexaminations: A family may request an interim reexamination of family income increases or decreases in the amount of $50 or more, or composition because of any changes since the last determination. The PHA must make the interim reexamination within a reasonable time after the family request.

PHA reexamination policies. Established below.

Family information and verification.
Family obligation to supply information.
The family must supply any information that the PHA or HUD determines is necessary in administration of the public housing program, including submission of required evidence of citizenship or eligible immigration status. “Information” includes any requested certification, release or other documentation.
The family must supply true and complete copies of any information requested by the PHA or HUD for use in a regularly scheduled reexamination or an interim reexamination of family income and composition in accordance with HUD requirements, including (1) family verification and disclosure of social security numbers, (2) family execution and submission of consent forms for obtaining wage and claim information from State Wage Information Collection Agencies (SWICAs).

Family release and consent.
As a condition of admission to or continued assistance under the program, the PHA shall require the family head, and such other family members as the PHA designates, to execute a consent form (including any release and consent as required) authorizing any depository or private source of income, or any Federal, State, or local agency, to furnish or release to the PHA or HUD such information as the PHA or HUD determines to be necessary.
The use or disclosure of information obtained from a family or from another source pursuant to this release and consent shall be limited to purposes directly connected with administration of the program.

PHA responsibility for reexamination and verification.
The PHA must obtain and document in the family file third party verification of the following factors, or must document in the file why third party verification was not available:
(i) Reported family annual income
(ii) The value of assets.
(iii) Expenses related to deductions from annual income, and
(iv) Other factors that affect the determination of adjusted income or income-based rent.
6.2 **Annual Reexamination of Eligibility and Determination of Rent**

1. To assure that residency is limited to families meeting the eligibility requirements for continued occupancy and that such families are charged appropriate rents, the authority must conduct a reexamination of family income and composition at least annually. The effective date of the reexamination in the case of an existing resident is the date on which any change becomes effective.

    The Head of Household will be informed, in writing, of:
    a. Any change of eligibility;
    b. Any change to be made in the Total Tenant Payments or size of dwelling occupied; and
    c. Any instances of misrepresentation or noncompliance with the terms of the Lease revealed through reexamination.

    Resident will accept Notice of Rent Adjustment as an amendment to his or her lease and sign the dwelling lease.

2. When the income of a tenant family decreases for extended length of time, 90 days or more or they lose their job and go on welfare, between admission and first reexamination, or between regular reexaminations, to a point where the family is unable to pay the established rent, the rent will be adjusted in accordance with the family's reduced income or subsistence amount.

3. A hardship is defined as that which would decrease the family's rent by $50 or more per month. Complete justification in such cases will be presented in writing for approval before any action is taken.

4. A tenant who has been granted a reduction in rent under this provision shall be required to report monthly on his or her situation until time for his or her regularly scheduled reexamination. If net family income increases during this time, the rent will be increased accordingly. A fully documented record of the circumstances and decisions shall be included in the tenant's file.

5. Any time a person fails to report an increase in family income to the management, the housing authority will increase the rent retroactive to the date of the increase in income. Income will be verified at the source.

6. Housing managers are responsible for obtaining and reporting tenant family and income status.

7. Verification of resident community services must be reviewed annually at least 30 days before the end of the twelve-month lease. (See Resident Community Services)

6.3 **Exceptions to Minimum Rent (R2069) - Hardship**

Certain exceptions to the minimum rent requirements for hardship circumstances includes the following situations: (1) the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program; (2) the family would be evicted as a result of the imposition of the minimum rent requirement; (3) the income of the family has decreased because of changed circumstance, including loss of employment; (4) a death in the family has occurred; and (5) other circumstances determined by the PHA or HUD.

An exemption may not be provided if the hardship is determined temporary. The PHA or owner may not evict the family for nonpayment of rent on the basis of hardship if the hardship is determined by the PHA or HUD to be temporary during the 90-day period beginning upon the date of the family's request for the exemption. During this 90-day period, the family must demonstrate that the financial
hardship is of a long-term basis. The PHA can request reasonable documentation of hardship under such circumstances. If the family demonstrates that the financial hardship is of a long-term basis, the PHA or HUD shall retroactively exempt the family from the application of the minimum rent requirement for the 90-day period.

(1) If a family requests a hardship exception, the minimum rent requirement is immediately suspended.

(2) Suspension may be handled as follows: the minimum rent is suspended until a determination is made whether:

(a) There is a hardship covered by the statute; and

(b) The hardship is temporary or long-term.

If the PHA determines that there is no hardship covered by the statute, minimum rent is imposed (including back payment for minimum rent from time of suspension).

If the PHA determines that the hardship is temporary, the minimum rent also is imposed (including back payment for minimum rent from the time of suspension) but the family cannot be evicted for non-payment during the 90-day period commencing on the date of the family’s request for exemption of minimum rent in excess of the tenant rent otherwise payable. A reasonable repayment agreement must be offered for any such rent not paid during that period. If the family thereafter demonstrates that the financial hardship is of long-term duration, the PHA shall retroactively exempt the family from the minimum rent requirement.

6.4 Switch From Flat Rent To Income-Based Rent Because of Hardship

(1) A family that is paying a flat rent may at any time request a switch to payment of income based rent (before the next annual option to select the type of rent) if the family is unable to pay flat rent because of financial hardship, including:

(i) The family has experienced a decrease in monthly income in the amount of $50 or more, because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earning or other assistance;

(ii) The family has experienced an increase in monthly expenses in the amount of $50 or more because of changed circumstances, for medical costs, child care, transportation, education, or similar items; and

(iii) Such other situations determined by the PHA to be appropriate.

(iv) Switching rents shall be limited to three times within a 12-month period.

(2) If the PHA determines that the family is unable to pay the flat rent because of financial hardship, the PHA must immediately allow the requested switch to income-based rent. The PHA shall make the determination within a reasonable time after the family request.

6.5 Treatment of Income Changes Resulting from Welfare Program Requirements

(a) The PHA will not reduce the resident’s rent because of a reduction in welfare assistance if reduction is because of fraud or failure to participate in an economic self-sufficiency program or to comply with a work activities requirement.

(b) The PHA will reduce the resident’s rent because of a reduction in welfare assistance if reduction results from:

(1) The expiration of a lifetime limit on receiving benefits; or

(2) The resident has complied with welfare program requirements and has sought but cannot find employment; or

(3) The resident has complied with welfare program requirements but loses welfare because of a durational time limit such as a cap on
welfare benefits for a period of no more than two years in a five-year period.

(c) The PHA will obtain written verification from the welfare agency of the basis for the reduction.

(d) Residents have the right to administrative review through the PHA’s grievance procedure.

6.6 **Treatment of UIV/EIV Income Discrepancies**

The PHA defines a *substantial difference* in cases where UIV/EIV income data differs from tenant-provided and/or other verified income information as one that is $200 or more per month. When there is not a substantial difference between UIV/EIV and tenant-reported income, there is no need for third-part verifications. The “Exceeds Threshold Report” in the EIV computer module will be retrieved bi-monthly to compare the tenant’s prediction of next year’s income in the form HUD 50058 to the actual income data compiled by EIV.

6.7 **Disallowance of Earned Income From Rent Determinations**

(1) **In General.** - Notwithstanding any other provision of law, the rent payable by a family described in paragraph (3) of this subsection may not be increased as a result of the increased income due to such employment during the 12-month period beginning on the date on which the employment is commenced.

(2) **Phase-In of Rent Increases.** - Upon the expiration of the 12-month period referred to in paragraph (1), the rent payable by a family described in paragraph (3) may be increased due to the continued employment of the family member described in paragraph (3)(B), except that during the 12-month period beginning upon such expiration the amount of the increase may not be greater than 50 percent of the amount of the total rent increase that would be applicable but for this paragraph.

(3) **Eligible Families.** - A family described in this paragraph is a family – (a) that - (i) occupies a dwelling unit in a public housing project, or (ii) receives assistance under Section 8; and (b) (i) whose income increases as a result of employment of a member of the family who was previously unemployed for 1 or more years; (ii) whose earned income increased during the participation of a family member in any family self-sufficiency or other job training program; or (iii) who is or was, within 6 months, assisted under any State program for temporary assistance for needy families funded under part A of title IV of the Social Security Act and whose earned income increases. (R2084)

6.8 **Misrepresentation at Annual Recertification**

If the recertification discloses that the resident at time of initial lease or at any previous recertification, made misrepresentations which resulted in his or her being classified as eligible when in fact he or she was ineligible, the resident may be required to vacate even though he or she may currently be eligible.

Furthermore, if at the time of recertification it is found that the resident misrepresentations or failure to provide facts which resulted in a lower rent being charged, he or she will be required to pay the difference between the Total Tenant Payment he or she has paid and the amount he or she should have paid plus interest at the rate of 10% per annum. In justifiable cases, this authority may take such other action as deemed advisable.

If the authority is unable to complete the annual recertification due to the fault of the resident, the effective date of any change will remain the Date of Recertification.
If, by no fault of the resident, the authority is unable to complete the annual recertification by the Date of Recertification, the effective date of any increase in Total Tenant Payment will be the first of the month following completion of recertification; the effective date of any decrease in Total Tenant Payment will remain the Date of Recertification and the resident will be given the appropriate Total Tenant Payment credits for overpayment.

6.9 **Interim Adjustments of Total Tenant Payments**
During the period between Annual Recertification's, a resident need only report those unanticipated changes which involve loss or gain of a family member, lessee, or source of income. However, after Total Tenant Payment has been adjusted downward the resident must report all subsequent changes in Annual Income and family composition within ten days of such changes. The resident's rent will be adjusted accordingly.

Any rent that is changed as a result of a redetermination will become effective on the first of the calendar month following each redetermination. Interim changes in Total Tenant Payment may be made by the authority if changes in the Schedule of Utility Allowances necessitate such changes.

If it is found that a resident has misrepresented or failed to report facts upon which his Total Tenant Payment is based so that the Total Tenant Payment he or she is paying is less than he or she should be paying, the increase in Total Tenant Payment shall be made retroactive to the first of the month following the month in which the misrepresentation started. The resident will be required to pay the difference between the Total Tenant Payment which was paid and the amount he or she should have paid. In the event of an interim Total Tenant Payment adjustment, the authority will mail or deliver a "Notice of Total Tenant Payment Adjustment" to the resident which the resident shall accept as an amendment to his or her lease and shall sign the lease. If the authority determines that the size of the dwelling unit is no longer appropriate to the resident's needs, the authority may require the resident to move to another unit. The resident will be given reasonable time in which to move.

6.10 **Zero Income Policy**
A temporary rent will be established based upon established subsistence amount. This rent amount will remain in effect until replaced by other income that equals or exceeds subsistence amount.

6.11 **Evictions**

1. Drug-related criminal activity, criminal activity, health and safety, or alcohol abuse:
Failure of a tenant to abide by the provisions of the dwelling lease shall cause the housing authority to begin eviction proceedings. Any activity in violation of the following sentences shall be cause for termination of tenancy and for eviction from the unit. No warnings will be issued. No resident member of the household, a guest, or another person under the resident's control, shall engage in:

(1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the PHA's public housing premises by other residents or employees of the PHA; or (2) any drug-related criminal activity on or off such premises; or (3) any activity that threatens the health, safety, or right to peaceful enjoyment of the PHA's public housing premises by other residents or employees of the PHA, or (4) any alcohol abuse that the PHA determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(2) An incident or incidents or actual or threatened domestic violence, dating violence, or stalking will be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good cause for
terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

The PHA may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence stalking to family members or others without terminating or evicting victimized lawful occupants.

There is no limitation on the ability of the PHA to evict for if it “can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s (victim’s) tenancy is not terminated.”

Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

The PHA may require certification by the victim of victim status on such forms as the PHA and/or HUD shall prescribe or approve.

(3) The PHA agrees to notify the post office when an individual or family is evicted from a dwelling unit for engaging in criminal activity, including drug-related criminal activity so that the post office will terminate delivery of mail for such persons at the unit, and that such persons not return to the project for pickup of the mail.

II. **Other Lease Violations:**
The PHA dwelling lease lists all tenant responsibilities and obligations. When the PHA determines the lease has been violated, an eviction notice will be issued depending upon the seriousness or repeated violations of the material term of the lease. The appropriate notice will be determined by the violation in accordance with State and Federal laws.

Residents using verbal or written obscene, threatening, intimidating or abusive language or threatening remarks to housing authority personnel will be given a warning the first time. For repeated occurrences, residents will be given a notice to vacate as undesirable tenants for repeated violations.

In the event an inspection of an apartment reveals non-conformity of housekeeping regulations and/or is habitually late in paying rent and other charges, the resident may be evicted for repeated violations.

In the event the tenant's electricity is disconnected for nonpayment, tenant will be given a Notice to vacate because the apartment is not a decent, safe and sanitary dwelling.

6.12 **Grievance Procedure**
The housing authority grievance procedure is incorporated herein by reference.
7.0 RESIDENT INITIATIVES

7.1 Anti-Drug Strategy & Security Policy
a. The housing authority will continue to pursue efforts to secure police protection for the residents and their community.

b. The housing authority will continue to encourage and support the resident organization in their efforts to secure their community from possible drug trafficking by: (1) identify local referral sources for drug treatment and provide information on how to access these services; (2) alert the resident organization of any seminars, lectures, or literature about drug-free communities; (3) provide evidence that lease policies regarding drug use and/or trafficking have been established and shall be strictly enforced; (4) encourage resident participation and support in the establishment of programs to help maintain secure and drug-free public housing.

7.2 Resident Participation & Management Policy
A. Resident management provides increased flexibility for management of public housing communities and is a means of improving existing living conditions by encouraging a partnership between the residents and the housing authority to establish and implement a resident initiative agenda to create self-sufficiency opportunities and maintain safe, viable and drug-free public housing communities, and

B. The PHA desires to have a meaningful and ongoing resident involvement in housing agency planning, policy development and program implementation in all decision making process by: (1) providing or assisting in obtaining technical assistance for forming a resident organization; (2) developing a Memorandum of Understanding with the resident organization; (3) designing specific programs to aid the resident organization to enter into a contract with the housing authority; (4) alert the resident organization to the budget allocated for their self-sufficiency program; (5) planning and implementation of the Capital Grant Funds Program; (6) encouraging the residents' participation in the requirements for funding opportunities; (7) participating in regular resident organization meetings; (8) formally discuss special concern areas with the resident organization; and (9) appointing a resident of the housing community to the housing authority board of commissioners.

7.3 Homeownership Opportunities Policy
The housing authority will provide information about homeownership opportunities to interested residents, including a list of local community organizations that work with low-income families to secure financing, credit repair, down-payment assistance, etc.; and information such as, homeowner-ship opportunity seminars and brochures; and provide technical assistance to interested parties who strive to meet eligibility requirements of homeowner-ship.

7.4 Economic Development & Self-Sufficiency Policy
The PHA will work with the families to enable them to improve their educational and employment status and achieve a greater measure of economic independence and self-sufficiency; encourage a partnership with the residents and the housing authority that would encourage resident participation in the programs available; and in cooperation with local agencies, provide information of programs that may be available including: (1) information on area agencies that provide educational assistance and services; (2) about possible college preparation training classes and/or job training classes, (3) of adequate and affordable child care available in the resident area; (4) and the availability of health care and other supportive services in the resident area.
7.5 **Resident Community Services Policy**

The community services Policy was developed in accordance with the Quality Housing and Work Responsibility Act of 1998 that requires each adult family member of public housing unless exempted to contribute at least eight hours per month of community service effective with the housing authority’s fiscal year, beginning on or after October 1, 2000. A full definition is listed under 2.0 Definitions.

**Program Eligibility and Description:**

All adult residents residing in the public housing developments are eligible for the program, but the program is focused primarily in the family sites. The program is designed for adult family members to learn new skills, participate in worthwhile and enjoyable community projects by volunteering for jobs of their own choosing. The basic criteria of the program consist of the resident first completing a community service application. Such application includes the option for selecting special interests and flexible hours most convenient for the participant. The resident will then contact his or her on-site manager, or the Resident Initiatives Coordinator who will assist them in enrolling in the program.

- **Initial Resident Notification:** The program was initially introduced to the residents by means of:
  1. Door-to-door flyers.
  2. Initial resident meetings were held to introduce the program to the residents.
  3. Resident newsletter articles beginning with the Summer 2000 issue.
  4. Posters were posted on bulletin boards at each project site.
  5. Leasing office briefings.
  6. Resident orientation packet/briefings at move-in and reexamination by manager.
  7. Annual/5-year plan meetings resident advisory board with housing officials:
  8. Written notification.

- **Continued Resident Notification and Procedures:**
  1. RIC meets with applicants at initial briefing at leasing office.
  2. Resident is reviewed at interim and annual recertification’s. A referral is forwarded to RIC of any resident’s change at work, unemployment or exempted status.
  3. RIC holds one-on one monthly CSSR meetings with residents at all sites.

**Volunteer Service Opportunities:**

The PHA initially contacted local service providers and governmental agencies to develop a list of agencies that have agreed to participate in this program. A list of volunteer service options from partnering agencies is available for review. The resident will then be referred to the agency of his or her choice. The partners have agreed to determine the participants needed skill level and qualifications along with the assignment of the volunteer duties. The City of North Little Rock Office of Volunteers has also offered its services in assisting the housing authority in placing residents in local community service jobs. It is noted that the housing authority is listed as one option for the resident to perform public service. The PHA is aware of the HUD prohibition against substituting community service or self-sufficiency activities performed by residents for work ordinarily performed by housing authority employees.

**Verification of Resident Community Services:**

The PHA will review family compliance with service requirements, and verify such compliance annually at least thirty days before the end of the twelve-month lease term. If qualifying activities are administered by an organization other than the PHA, the PHA will obtain verification of family compliance from such third parties. Reasonable documentation of service requirement performance or exemption must be retained in the participant files. The PHA will comply with non-discrimination and equal opportunity requirements.
Dwelling Lease Agreement:

Resident community service requirements for contributing eight hours per month for non-exempt individuals are incorporated in the dwelling lease specifying that the lease is automatically renewable for all purposes, unless the family fails to comply with the service requirement.

Family violation of service requirement and Non-renewal of Lease:

Violation of the service requirement is grounds for non-renewal of the lease at the end of the twelve-month lease term, but not for termination of tenancy during the course of the twelve-month lease term. The PHA may not renew the lease of any family with a tenant in violation of the service requirement unless (a) the non-compliant resident enters into a written agreement with the housing authority to cure the non-compliance in a way satisfactory to the housing authority; and all other nonexempt members of the family are complying with the requirement.

Notice of Non-Compliance by Family:

In the event of non-compliance of a family member who is required to fulfill a service requirement, but who has violated this family obligation (non-compliant resident), the family will be issued a notice of non-compliance and requirement for curing such default. After the initial 30-days non-compliance notice, a 30-day notice of eviction will be issued by the housing manager.

The notice must (1) briefly describe the non-compliance; (2) state that the housing authority will not renew the lease at the end of the twelve-month period unless: (a) the resident, and any other non-compliant family member enters into a written agreement with the PHA to cure non-compliance in a manner suitable to the PHA, or (b) the family provides written assurance satisfactory to the PHA that the resident or other non-compliant family member no longer resides in the unit, and (c) state that the tenant may request a grievance hearing on the PHA determination, in accordance with the PHA grievance policy, and that the tenant may exercise any available judicial remedy to seek timely redress for the PHA’s non-renewal of the lease because of such determination.

Resident compliance agreement:

If the resident or another family member has violated the service requirement, the housing authority may not renew the lease upon expiration of the term unless: (1) the resident, and any other non-compliant resident, enter into a written agreement with the housing authority, in the form and manner required by the housing authority, to cure such noncompliance by completing the additional hours of community service or economic self-sufficiency activity needed to make up the total number of hours required over the twelve month term of the new lease; and (2) all other members of the family who are subject to the service requirement are currently complying with the service requirement or are no longer residing in the unit.

Method for Resident Service Records:

The housing authority will verify resident’s compliance with the community service requirement. Documentation will include a signed, written third-party verification form. Residents will be supplied with verification forms to take with them to the partnering agency. Said agency will complete the form and mail it to the housing authority verifying resident’s performance of community service hours.

The resident’s service information must be entered into the records and retained by the RIC with copies to the housing manager and occupancy supervisor until such time as the required information is forwarded to the re-exam clerk to compare family compliance with the service requirements.

- Agreement with TANF Agency: The local TANF agency shares information on participant’s work plan to assist the agency in verifying residents’ status.
SECURITY DEPOSITS

Minimum for residents in all projects:

<table>
<thead>
<tr>
<th>Apartment Size</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Efficiency and 1 Bedroom</td>
<td>$ 100</td>
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<tr>
<td>2 Bedroom</td>
<td>$ 125</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>$ 150</td>
</tr>
<tr>
<td>4 &amp; 5 Bedroom</td>
<td>$ 175</td>
</tr>
</tbody>
</table>

*Revised*