

City of Glendale, Arizona
Community Housing Division



Conventional Public Housing

**ADMISSIONS AND CONTINUED
OCCUPANCY POLICY**



ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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City of Glendale Community Housing Division Admissions and Continued Occupancy Policy



This Admissions and Continued Occupancy Policy defines the City of Glendale, Community Housing Division, known as the Glendale Housing Authority (GHA), policies for the operation for the Public Housing Program, incorporating Federal, State, and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

1.0 FAIR HOUSING (§960.103)

GHA complies fully with all Federal, State, and local nondiscrimination laws, the Americans With Disabilities Act, and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. It is illegal to discriminate in the rental of housing, including against individuals seeking housing assistance, like the assistance provided under the PH program.

The Fair Housing Act prohibits discrimination because of race, color, national origin, religion, sex, familial status, and disability. A variety of other federal civil rights laws, including Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, prohibit discrimination in housing and community development programs and activities, particularly those that are undertaken with HUD funding.

These civil rights laws include obligations such as taking reasonable steps to ensure meaningful access to their programs and activities for persons with limited English proficiency (LEP) and taking appropriate steps to ensure effective communication with individuals with disabilities through the provision of appropriate auxiliary aids and services. Federal fair housing and civil rights laws require that HUD and GHA affirmatively further the purposes of the Fair Housing Act. This chapter explains the federal laws and HUD regulations, policies and practices that ensure GHA's compliance with its non-discrimination mandate.

1.1 Mixed-Immigration Status Households

It is the policy of GHA to ensure that steps are taken to ensure the administration of the PH program is designed to aid mixed-immigration status households in accessing services. GHA's application process allows a person who is not applying for benefits for themselves, to be designated as a non-applicant. To be clear any adult member of a household:

- May apply for benefits for themselves and for others in the household.
- May apply for benefits for others in the household and not for themselves.
- Only one person in the household, regardless of age, must be a U.S. citizen or a qualified immigrant to be eligible for the program.

- An adult who does not claim program eligibility and is applying for benefits for others in the household will not be asked about their immigration status or whether they have a Social Security Number.

1.2 COMPLYING WITH CIVIL RIGHTS LAWS

GHA complies with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing, now in effect and subsequently enacted, including, but not limited to those shown in Table 1 below.

Table 1

Law	Description
Title VI of the Civil Rights Act of 1964	Forbids discrimination on the basis of race, color, or national origin.
Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)	Extends protection against discrimination based on race, color, religion, sex, national origin, disabled (disability) and familial status, and spells out forms of prohibited discrimination
Executive Order 11063; codified in 24 C.F.R. Part 107	Prohibits discrimination in federally owned or funded housing based on race, color, religion (creed), sex or national origin.
Section 504 of the Rehabilitation Act of 1973	Prohibits discrimination based on disability in all programs, services, and activities receiving federal financial assistance, requires provision of reasonable modifications and auxiliary aids and services for effective communication
The Age Discrimination Act of 1975	Prohibits discrimination based on age in programs or activities that receive federal financial assistance.
Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)	Prohibits discrimination based on disability in all programs, services, and activities of state and local government administering and operating housing program, requires provision of reasonable modifications and auxiliary aids and services for effective communication, and sets accessibility standards that apply to state and local government.

Law	Description
24 C.F.R. §5.105 and §5.106. Also known as the “Equal Access Rule”.	Provides a determination of eligibility for housing assistance shall be made without regard to actual or perceived sexual orientation, gender identity or marital status.
Executive Order 13166	Requires that recipients of Federal financial assistance be provided meaningful access to their limited English proficiency applicants and beneficiaries.
Violence Against Women Reauthorization Act of 2013 (VAWA)	Provides housing protections for victims of domestic violence, dating violence, sexual assault, and stalking.
Fair Housing Act	Prohibits discrimination in covered dwellings on the basis of race, national origin, color, religion, sex, disability, and familial status. Sets forth the seven accessibility standards for covered multifamily housing and units within covered housing and provides the design and construction standards that are safe harbors for housing providers
Executive Order 13988 on the Enforcement of Fair Housing	Requires agencies to explicitly prohibit discrimination because of gender identity and sexual orientation.

1.3 NONDISCRIMINATION POLICY

All housing programs administered by GHA will be accessible and open to all eligible individuals. GHA shall not discriminate against any person in the leasing, rental, occupancy, use, or other disposition of housing or related facilities on the basis of race, color, religion, sex, marital or familial status, national or ethnic origin, ancestry, genetic information, age, disability, medical condition, or source of income.

For purposes of this policy, “sex” includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, actual or perceived sexual orientation, gender identity, and gender expression. However, GHA may inquire about a person's sex in order to determine the number of bedrooms a household may be eligible for under the occupancy standards or to accurately complete HUD's Form 50058.

For purposes of this policy, “familial status” includes children under the age of 18 living with or visiting parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

For purposes of this policy, “disability” includes any (1) individual with a physical or mental impairment that substantially limits one or more major life activities; (2) individual with a record of such impairment; or (3) individual who is regarded as having such an impairment.

1.3.1 Nondiscrimination Materials

GHA provides information regarding Fair Housing and non-discrimination in housing on its website, in outreach materials, posters at its office, in the individual and household briefing session and program packets, and to owners in meetings. All written information and advertisements contain the appropriate Equal Opportunity language and logo. All applicable Fair Housing Information and Discrimination Complaint Forms are available online and at the GHA office.

1.3.1 Discrimination Complaints

GHA will assist any PH program applicant or participant, or an applicant or participant’s companions or visitors, that believe they have been treated in a discriminatory manner by GHA or an owner by providing information about federal, state, or local laws and when needed, will provide assistance in completing a housing discrimination complaint form.

Housing discrimination complaints can be filed directly with HUD at the address listed below or with the Arizona Attorney General’s Civil Rights Division by calling (602) 542-5263 or emailing civilrightsinfo@azag.gov.

San Francisco Regional Office of FHEO
U.S. Department of Housing and Urban Development
One Samsome Street, Suite 1200
San Francisco, CA 94104
(415) 489-6524 (800) 347-3739
TTY (415) 436-6594
ComplaintsOffice09@hud.gov

Applicants or participants who believe that they have been subject to unlawful discrimination may notify GHA either orally or in writing. Notifications made orally will be documented in writing by GHA staff to include complaint description, applicant/participant name, date, and the name of the staff person taking the complaint.

Within 10 business days of receiving the complaint, GHA will provide a written notice to those alleged to have engaged in the discrimination. GHA will also send a copy of the written notice to the complainant, as well as information on how to complete and submit a housing discrimination complaint form to HUD’s Office of Fair Housing and Equal Opportunity (FHEO).

GHA will conduct an investigation into all allegations of discrimination. Within 10 business days following the conclusion of GHA’s investigation, GHA will provide the

Complainant and those alleged to have engaged in the discrimination written findings and either a proposed corrective action plan or an explanation of why corrective action is not warranted. If the parties agree to accept the recommended corrective action, GHA will monitor the parties' progress in implementing the corrective action plan until all items are completed. If the complaint cannot be resolved consensually, GHA will forward a copy of the Complaint to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

GHA will keep a record of all complaints, investigations, notices, and corrective actions.

1.4 PROGRAM ACCESSIBILITY

GHA will take all necessary actions to ensure the PH program is accessible to persons with disabilities. The terms disability and a person with disabilities are used in two contexts – for civil rights protections, and for program eligibility purposes. Each use has specific definitions. When used in context of protection from discrimination or improving the accessibility of housing, the civil rights-related definitions apply (see 24 CFR § 8.3; 24 CFR § 100.201; 28 CFR §§ 35.104,108). When used in the context of eligibility under the PH program, the program eligibility definitions apply.

Important considerations:

- (1) The meaning of a person with disabilities does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS.
- (2) The meaning of a person with disabilities does not include a person whose disability is based solely on any drug or alcohol dependence (for eligibility purposes).
- (3) A person who qualifies as a person with disabilities also qualifies as an individual with disabilities, as defined in 24 C.F.R. § 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

1.4.1 Federal Nondiscrimination Definition of Disability

Federal nondiscrimination laws define a person with a disability to include any:

- (1) individual with a physical or mental impairment that substantially limits one or more major life activities;
- (2) individual with a record of such impairment; or
- (3) individual who is regarded as having such an impairment.

In general, a physical or mental impairment includes, but is not limited to, examples of conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV), developmental disabilities, mental illness, drug addiction, and alcoholism.

Some impairments are readily observable, while others may be invisible. Observable impairments may include, but are not limited to, blindness or low vision, deafness or being hard of hearing, mobility limitations, and other types of impairments with observable symptoms or effects, such as intellectual impairments (including autism), neurological impairments (e.g., stroke, Parkinson’s disease, cerebral palsy, epilepsy, or brain injury), mental illness, or other diseases or conditions that affect major life activities or bodily functions.

The term “major life activities” includes those activities that are important to daily life. Major life activities include, for example, walking, speaking, hearing, seeing, breathing, working, learning, performing manual tasks, and caring for oneself. There are other major life activities that are not on this list. Major life activities also include the operation of major bodily activities, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems.

Under regulations implementing the ADA Amendments Act of 2008 some types of impairments will, in virtually all cases, be found to impose a substantial limitation on a major life activity resulting in a determination of a disability. Such impairments are “predictably assessed” as disabilities by the very nature of the impairment as substantially limiting a major life activity or major bodily function. Examples include deafness, blindness, intellectual disabilities, partially or completely missing limbs or mobility impairments requiring the use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, muscular dystrophy, multiple sclerosis, Human Immunodeficiency Virus (HIV) infection, major depressive disorder, bipolar disorder, post-traumatic stress disorder, traumatic brain injury, obsessive compulsive disorder, and schizophrenia. This does not mean that other conditions are not disabilities. It simply means that in virtually all cases these conditions will be covered as disabilities.

In general, the definition of a “qualified individual with a disability” shall not include any participant or applicant who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use. However, this exclusion does not apply to an individual who has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use; is participating in a supervised rehabilitation program and is no longer engaging in such use; or is erroneously regarded as engaging in such use, but is not engaging in such use.

1.4.2 Eligibility Definition of Disabled Family

A disabled family, which means a family whose head, co-head, spouse, or sole member, is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. A person with disabilities means a person who:

- 1) Has a disability as defined in 42 U.S.C. § 423(d)(1).
- 2) Has a physical, mental or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes his or her ability to live independently, and is of such a nature that ability to live independently could be improved by more suitable housing conditions; or
- 3) Has a developmental disability as defined in 42 U.S.C. § 15002(8) (formerly codified in 42 U.S.C. § 6001).

1.4.3 3.4.3 Deaf, Hard of Hearing, or Vision Impaired Persons

HUD regulations require the GHA to ensure that persons with disabilities due to hearing and (deaf or hard of hearing) vision impairments have reasonable access to programs and services [24 CFR 8.6].

GHA shall inform all applicants that all application and program materials are available in alternative forms, not just as standard printed hard copies using normal size text. Such other methods of communication may include audio files, large printed materials, Braille, American Sign Language video translations, or other electronic copies or options. The applicant will be informed of the alternative methods of accessing these materials during his/her initial contact with a representative of GHA.

Accessibility will also be ensured during any personal interactions with GHA. In public meetings or presentations, or in individual meetings with GHA staff, one-on-one assistance will be provided as needed. Additionally, a third-party representative (a friend, relative or advocate) can be authorized by the applicant/participant to receive, interpret and explain housing materials and be present at all meetings.

1.4.3.1 Deaf or Hard of Hearing

To meet the needs of persons who are deaf or hard of hearing, GHA will ask participants and applicants their preferred method for communicating, which may include calling them on their own specialized equipment, such as videophones, captioned phones, amplified phones, or texting cellular phones, or providing emails. Primary consideration will be given to the participant or applicant's preferred method of communication. Sign language interpretation by qualified and licensed interpreters will be made available upon request. Additionally, a third-party representative (a friend, relative or advocate) can be authorized by the applicant/participant to receive, interpret, and explain housing materials and be present at all meetings.

It is GHA's responsibility to ensure effective communication with applicants and participants, including the appropriate use of interpreters. GHA will not require an applicant or participant or their designated point of contact to bring their own interpreter for normal business.

The only exceptions are for the following situations:

- (1) In an emergency involving an imminent threat to the safety or welfare of an individual or the public, an adult or minor child accompanying a person who uses sign language may be relied upon to interpret or facilitate communication only when a qualified interpreter is not available.

(2) In situations not involving an imminent threat, an adult accompanying someone who uses sign language may be relied upon to interpret or facilitate communication when a) the individual requests this, b) the accompanying adult agrees, and c) reliance on the accompanying adult is appropriate under the circumstances.

These exceptions do not apply to minor children.

GHA may not rely on an accompanying adult to act as an authorized representative to interpret when there is reason to doubt the person's impartiality or effectiveness, even in exceptional situations.

1.4.3.2 Vision Impaired

To meet the needs of persons with vision impairments, notices and brochures will be available in alternative formats such as large-print, Braille, or audio files.

1.4.3.3 Physical Accessibility

GHA complies with all regulations ensuring to physical accessibility for the disabled, including:

1. Notice PIH 2010-26
2. Section 504 of the Rehabilitation Act of 1973
3. The Americans with Disabilities Act of 1990
4. The Architectural Barriers Act of 1968
5. The Fair Housing Act of 1988

The design, construction, or alteration of GHA facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly- constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. The design and construction requirements include accessible public and common use areas, doors that are wide enough to allow passage by people using wheelchairs, accessible routes into and through the units, accessible light switches, electrical outlets, and thermostats, reinforcements in bathroom walls for grab bars and usable kitchens and bathrooms.

Physical accessibility requirements also apply to any alterations of existing housing and non-housing facilities. Under Section 504 regulations, alterations include any change in a facility or a change to its permanent fixtures or equipment. If alterations are undertaken to a multifamily housing project that has fifteen or more units and the cost of the alterations is 75 percent or more of the replacement cost of the completed facility, this qualifies as "substantial alteration," in which all of the new construction provisions of HUD's Section 504 regulation apply. Alterations to existing facilities that do not meet this unit number and cost threshold must be accessible to the maximum extent feasible unless the physical modification amounts to an undue financial and administrative burden or a fundamental alteration of the program.

1.5 OUTREACH ACTIVITIES

HUD requires a specified percentage of extremely low-income families must be admitted to the PH program and GHA must take steps to ensure there are a sufficient number of applicants to expend the resources that have been allotted. Extremely low-income families are defined as those families whose incomes meet the very low-income threshold (50% of area median income) and do not exceed the higher of the federal poverty line or 30% of area median income. Additionally, to provide diversity in housing choice opportunities to families, GHA strongly encourages program participation by owners of units located outside areas of poverty or minority concentration. The following activities are designed to ensure effective outreach to potential applicants/participants and rental property owners.

1.5.1 Applicant/Participant Outreach and Affirmative Marketing

GHA will conduct extensive outreach and community engagement designed to reach and serve a diverse population of low-income persons, with special attention paid to outreach for people with disabilities, elderly individuals, persons with limited English proficiency (LEP), or underserved populations. Outreach activities will be regularly re-evaluated to ensure they do not inadvertently prefer or exclude members of protected classes.

Specifically, GHA will:

1. Actively seek to identify and reach underserved populations
2. Utilize data regarding the LEP population to adjust communication and outreach
3. Compare applicant/participant demographics to population demographics to monitor outreach performance
4. Adjust outreach and communication efforts if a comparison suggests that certain populations are being underserved
5. Establish partnerships with community organizations that serve the following populations:
 - 1) Low-income households
 - 2) LEP persons
 - 3) Disabled populations
6. Maintain a comprehensive database of community partners
7. Develop and distribute collateral material to community partners designed to explain how their clients can access housing programs and services
8. Engage with community partners to share program information with their clients
9. Enlist support from community partners to assist clients in completing the pre-application process or to host intake workshops
10. Coordinate with the Glendale Public Affairs team to develop a Strategic Marketing & Communication Plan when opening waitlists
11. Seek feedback from community partners on communication strategies and collateral material to be provided in alternative formats that will address the needs of the visually impaired and LEP populations (may include Braille, large print, and

audio format and will be determined based on feedback from community organizations)

To publicize the availability and nature of housing assistance, GHA will utilize the following resources when publishing information regarding our programs, opening the waitlist, and application process:

1. State, local, and minority or special interest newspapers or publications
2. www.glendaleaz.com and www.glendaleazlibrary.com
3. Local officials, government agencies, and agencies that specifically address the needs of individuals with disabilities or underserved populations
4. Community partners
5. City and community partner social media channels

2.0 REASONABLE ACCOMMODATION, MODIFICATION, AUXILIARY AIDS AND SERVICES FOR PERSONS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended is the law that prohibits disability discrimination in programs receiving HUD funds or financial assistance and is applicable to the PH program. GHA's policies and practices are designed to provide equal access to all applicants and participants with disabilities by providing reasonable accommodation, modification, auxiliary aids and services necessary to accommodate a disability.

2.1 Non-Discrimination for Persons with Disabilities

Federal law makes it illegal for an otherwise qualified individual with a disability, because of his or her disability, to be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. An individual with a disability, who is also otherwise qualified for the program, service or activity, is covered under Section 504. To be qualified means the individual meets the essential eligibility requirements, including, for example, income requirements for tenancy, if the program is a housing program, provided those eligibility requirements are not discriminatory and can be met with or without reasonable accommodations, reasonable modifications, or auxiliary aids and services necessary for effective communication.

2.2 Verification of Disability

If a person's disability is obvious, or otherwise known to the GHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required¹.

If a participant or applicant indicates that an accommodation is required for a disability that is not obvious or otherwise known to the GHA, the GHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the

¹ Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act

disability require the requested accommodation and it will enhance the participant or applicant's access to the GHA's programs and services.

All information related to a person's disability will be treated in accordance with the confidentiality policies provided in this Plan. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

1. Third-party verification must be obtained from an individual identified by the participant or applicant who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party, family, member, or friend who is in a position to know about the individual's disability may provide verification of a disability.
2. The GHA must request only information that is necessary. The GHA will not inquire about the nature or extent of any disability.
3. Medical records will not be accepted or retained in the participant file.
4. In the event that the GHA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, the GHA will dispose of it. If the information needs to be disposed, the GHA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information².

2.3 DEFINITIONS OF REASONABLE ACCOMMODATION, MODIFICATION, AND AUXILIARY AIDS AND SERVICES

2.3.1 Reasonable Accommodation

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to fulfill their program obligations. Please note that the ADA often refers to these types of accommodations as "modifications."

Any change in the way things are customarily done that enables a person with disabilities to enjoy housing opportunities or to meet program requirements is a reasonable accommodation. In other words, reasonable accommodations eliminate barriers that prevent persons with disabilities from fully participating in housing opportunities. Housing providers may not require persons with disabilities to pay extra fees or deposits or place any other special conditions or requirements as a condition of receiving a reasonable accommodation.

Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as

² Notice PIH 2010-26

others will sometimes deny persons with disabilities an equal opportunity to enjoy a dwelling or participate in the program. Not all persons with disabilities will have a need to request a reasonable accommodation. However, all persons with disabilities have a right to request or be provided a reasonable accommodation at any time.

2.3.2 Reasonable Modification

Under the Fair Housing Act, a reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. Examples include the installation of a ramp into a building, lowering the entry threshold of a unit, or the installation of grab bars in a bathroom

Under Section 504, a housing provider is required to provide and pay for the structural modification as a reasonable accommodation unless it amounts to an undue financial and administrative burden or a fundamental alteration of the program. If an undue burden or fundamental alteration exists, the recipient is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the particular recipient and/or constitute a fundamental alteration of the program.

2.3.3 Auxiliary Aids and Services

Under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, GHA is obligated to take appropriate steps to ensure effective communications with individuals with disabilities and is required to take appropriate steps that may be necessary to ensure that communications with individuals with disabilities are as effective as communications with individuals without disabilities.

Effective communication is generally provided through the use of appropriate auxiliary aids and services, such as interpreters, computer-assisted real time transcription (CART), captioned videos with audible video description, visual alarm devices, a talking thermostat, accessible electronic communications and websites, documents in alternative formats (e.g., Braille, large print), or assistance in reading or completing a form, etc.

This requirement applies to all oral, written, audible, visual, and electronic communications, including letters, notices, emails, social media, internet websites, forms, leases, rules, and other written documents and electronic media, as well as oral communications that occur in person, over the telephone, over the internet, and in interviews, meetings, training classes, hearings, and public presentations, when communicating with an individual with a disability or when such communications are expected.

Under the effective communication requirement, steps must be taken to ensure that communications are provided in the most integrated setting appropriate for the individual

with a disability. It is also necessary to give primary consideration to the means of communication preferred by the individual with a disability.

2.3.4 Requesting a Disability-Related Accommodation

For purposes of this section, “disability-related accommodation” refers to any request/s for Reasonable Accommodation, Modification, or Auxiliary Aid and Service.

GHA will encourage the individual or participant/applicant to make requests for a disability-related in writing whenever possible as soon as it appears an accommodation is needed. But, if an applicant or participant indicates that an exception, change, or accommodation to a rule, policy, practice, service or dwelling unit is needed because of a disability, the request will be treated as a request for a disability-related accommodation, even if no formal or written request is made³. A disability-related accommodation may also be made by GHA or the housing provider if the need for one is obvious.

There must be an identifiable relationship, or nexus, between the request and the individual's disability. In cases where the need for the accommodation is not readily apparent or known, the participant/applicant must explain the relationship between the requested adjustment and the disability.

2.3.4.1 Examples of Disability-Related Accommodations

The types of disability-related accommodations GHA can provide include changes, exceptions, or adjustments to a rule, policy, practice, or service. Some examples to meet the needs of persons with disabilities which can be requested by applicants or participants are included here for illustrative purposes only, this is not an inclusive list of the types of Reasonable Accommodation, Modification, and Auxiliary Aids and Services that can be provided.

1. Assigning an accessible parking space for a person with a mobility impairment.
2. Permitting a tenant to transfer to a ground-floor unit.
3. Adding a grab bar to a tenant's bathroom.
4. Permitting an applicant to submit a housing application via a different means.
5. Permitting an assistance animal in a "no pets" building for a person who is deaf, blind, has seizures, or has a mental disability.
6. Permitting applications and re-examinations to be completed by mail, telephone, video conference, electronically, or walk-in.
7. Providing “large-print” forms or auxiliary aids, such as a sign language interpreter or documents published in Braille.
8. Conducting home visits.
9. Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with GHA staff.

³ Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act

2.4.0 Reviewing Disability-Related Accommodation

GHA is required to make reasonable accommodations to rules, policies, practices and procedures in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the housing unit, the common areas of a dwelling or participate in or access programs and activities conducted or sponsored by GHA and/or recipient. When a family member requires a policy modification to accommodate a disability, GHA must make the policy modification unless doing so would result in a fundamental alteration in the nature of its program or an undue hardship on the GHA programs.

GHA is not required to accommodate an individual with a disability by modifying a rule or policy that is required by statute. Such a change would be a fundamental alteration of a program.⁴ GHA does not permit the use of medical marijuana as a reasonable accommodation, modification, or auxiliary aid and service in any of its subsidized or assisted housing programs.⁵

2.4.1 Approval/Denial of a Disability-Related Accommodation

GHA may deny a disability-related request if the request was not made by or on behalf of a person with a disability or if there is no disability-related need for the adjustment. In addition, a disability-related request may be denied if providing the request is not reasonable – i.e., if it would impose an undue financial and administrative burden on GHA or it would fundamentally alter the nature of GHA's operations.

The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the cost of the request, the financial resources of GHA, the benefits that the request would provide to the requester, and the availability of alternatives that would effectively meet the requester's disability-related needs.

If GHA refuses a request on the basis that it is not reasonable, GHA will discuss with the requester whether there is an alternative that would effectively address the requester's disability-related needs without a fundamental alteration to GHA's operations and without imposing an undue financial and administrative burden. If an alternative would effectively meet the requester's disability-related needs and is reasonable, GHA must grant it.

An interactive process in which GHA and the requester discuss the requester's disability-related needs and possible alternatives is helpful to all concerned because it often results in an effective accommodation, modification, or auxiliary aid and service for the requester that does not pose an undue financial and administrative burden for the provider.⁶

⁴ HUD NOTICE PIH 2010-26 (HA) <https://www.hud.gov/sites/documents/10-26pihn.doc>

⁵ HUD General Counsel Opinions on Medical Marijuana, 2/10/2011, 12/29/2014

⁶ May 17, 2004 Joint Statement of HUD and DOJ Reasonable Accommodations Under The Fair Housing Act <https://www.hud.gov/sites/dfiles/FHEO/documents/huddoistatement.pdf>

GHA will provide an initial determination as to whether the requested accommodation, modification, or auxiliary aid and services can be made as soon as possible, but in no case shall the response time exceed ten (10) business days from the date the request was made verbally or in writing.

If an interactive process is used, GHA will provide a determination as to whether the requested accommodation, modification, or auxiliary aid and services can be made as soon as possible, but in no case shall the response time exceed ten (10) business days from the date of the most recent discussion or communication with the individual or participant/applicant.

If the individual or participant/applicant disagrees with GHA's final written determination, he or she may file a complaint with HUD FHEO.

2.4. Alternative Voucher Use as Reasonable Accommodation

In order to meet requirements of HUD Public and Indian Housing (PIH) Notice 2006-13, Non-discrimination and Accessibility for Persons with Disabilities, if the accessible unit does not meet the needs of the person/family requesting a reasonable accommodation, and if the change will create an undue financial hardship or administrative burden, Glendale Housing will make available a Section 8 Voucher up to the number stated below. There are a limited number of vouchers available for this purpose to ensure Glendale Housing can meet the requirement for five percent of units in a project to be accessible and up to two percent accessible for persons with hearing impairment. The use of a voucher for this purpose is not designed to give the family a voucher option that is normally unavailable to conventional public housing applicants, nor is it designed for a public housing-eligible family to receive a voucher if there are no vacancies. The family will remain assisted under conventional public housing and will be limited to the conventional public housing policies and regulations.

The number of vouchers available for this use is minimal, and only four total vouchers will be made available for this program. The six vouchers are comprised of:

- One Bedroom Unit – 1
- Two Bedroom Unit – 2
- Three Bedroom Unit – 2
- Four Bedroom Unit – 1

As Glendale Housing increases its number of accessible public housing units, the available alternative voucher count will be reduced accordingly.

The family will not be considered admitted to the Section 8 program. When the person needing the accommodation is no longer a member of the household, the remaining family must move into public housing to continue receiving assistance.

If the household composition changes for persons other than the qualifying person, the assistance will also be reduced accordingly.

3.0 SMOKE FREE POLICY (§965.653) §FR 5597-F-03)

No person may use, smoke, hold or carry lighted tobacco in any form, hereafter referred to as smoking, including cigarettes, pipes, cigars, water pipes/hookahs, and EDS containing prohibited tobacco products or any other natural or synthetic product intended for inhalation, including medical marijuana on Glendale Housing Authority property and in any of its structures. This policy was developed to:

1. Protect tenants from the medical hazards of second-hand smoke;
2. Protect lives and property from fires due to smoking accidents; and
3. Reduce turnover costs associated with smoke damage in our residential units.

This policy applies to everyone living on the property, and their aides, guests and visitors. Each resident is responsible for his or her guests or visitors. Violations of this policy by an aide, guest or visitor will be considered a violation made by the resident(s) head of household. Any costs incurred by the Glendale Housing Authority due to a violation of this policy by a resident, an aide, visitor, or guest shall become the financial obligation of the resident(s) head of household.

3.1 Definitions

Electronic Delivery System (EDS) means any product that can be used to deliver aerosolized or vaporized nicotine, medical marijuana or any other substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, or vape pen.

Medical Marijuana means” all parts of any plant, including the seeds, of the genus cannabis, whether growing or not, used to treat or alleviate a debilitating medical condition or symptoms associated with a debilitating medical condition. The smoking of medical marijuana by any household member, guest, or visitor, with a medical marijuana card is considered a violation of this policy and the Public Housing Dwelling Lease

Prohibited Tobacco Products means items that involve the ignition and burning of tobacco leaves, such as (but not limited to) store bought or hand-rolled cigarettes, pipes, cigars, water pipes/hookahs, and EDS.

Restricted areas. Smoking is not allowed anywhere on the grounds of the public housing communities, such as: Lamar Homes, Glendale Homes and Cholla Vista Apartments. This includes inside the units, interior and exterior common areas, parking lots, inside vehicles in the parking lots, any administrative offices and maintenance facilities, and within 25 feet of public housing and other City-owned structures.

Smoking. The term “smoke” or “smoking” means inhaling or exhaling smoke, aerosol, or vapor from any lighted or heated cigar, cigarette, pipe, water pipe/hookah, or EDS containing tobacco products or any other natural or synthetic product, including medical marijuana. “Smoke” or “smoking” also includes burning, heating, lighting, or using a cigar,

cigarette, pipe, water pipe/hookah, or EDS containing tobacco products, or any other natural or synthetic product intended for inhalation, including medical marijuana.

3.2 Phase in Period

All residents must sign a new lease or addendum incorporating this policy into the lease and sign a form attached to the end of this acknowledging their understanding of the Smoke-Free Policy.

The Glendale Housing Authority has formed a partnership with the American Lung Association to assist people who want to begin their effort to quit smoking even before the new Smoke-Free Policy goes into effect. People desiring a referral should contact the Glendale Community Housing administrative office at 623-930-3718. If this, or any other agency cannot accept a resident or applicant into its stop smoking program, this is not a valid reason to violate the Smoke-Free Policy. This policy must be complied with at all times.

The fact that an applicant smokes is not a valid reason for rejecting an applicant for public housing. However, smokers admitted to GHA properties are expected to comply with the policy immediately upon their admission to public housing. For this reason, the Glendale Housing Authority will offer a referral to a smoking cessation program both upon a request to join the public housing waiting list and upon reaching the top of the waiting list and getting close to being offered a public housing unit. Whether an applicant or resident takes advantage of the referral is up to the applicant.

3.3 Reasonable Accommodation Requests

An addiction to nicotine or smoking is not a disability. However, a person with a disability may request a reasonable accommodation if they are a smoker. Reasonable accommodations may be made, where warranted in the sole discretion of the Glendale Housing Authority.

3.4 Penalties for Violating this Policy

Violations of the Smoke Free Policy are violations of the Public Housing Dwelling Lease. If a resident, aide, visitor, or guest violates this policy the following penalties shall be enforced. Tenants are responsible for their aids, visitors, and guests. The graduated penalties for violating the policy will be as follows:

First Offense	Oral Warning
Second Offense	Written Warning
Third Offense	Final Written Warning and a Referral to a Smoking Cessation Program if the violator is a resident
Fourth Offense	Termination

All penalties assessed against a resident will be documented in the resident's file.

3.5 Disclaimer

The Glendale Housing Authority's adoption of this policy does not change the standard of care it has for the living units or common areas. The Glendale Community Housing Authority specifically disclaims any implied or express warranties concerning the air quality in either the living units or common area. There is no warranty or promise that the air will be smoke free.

4.0 SERVICES FOR LIMITED ENGLISH PROFICIENCY (LEP) APPLICANTS AND RESIDENTS

Language can be a barrier to accessing housing benefits and other federally funded programs. GHA is committed to providing meaningful access to its programs and services to all eligible persons, including those who have Limited English Proficiency, and will take reasonable steps to communicate with people who need services or information in a language other than English. LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this policy, PH program applicants or participant households may qualify as LEP persons. GHA offers language assistance at no cost to the LEP person.

GHA has adopted a Language Access Plan (LAP) to evaluate the needs of LEP persons. A review is conducted in even numbered years to determine if there have been any significant changes in the composition or language needs of the LEP population served by GHA. The Language Access Plan is developed using the four-factor analysis⁷ outlined in federal guidance to determine if other LEP services are needed.

GHA undertakes the following activities to meet the needs of LEP applicants/participants:

1. Spanish translation offered by approved GHA employees.
2. Oral translation services in any other language provided through Language Line Solutions.
3. Notice of the right to receive free, competent oral interpretation services is posted on the city's website, on all forms, and in the lobby of the administrative office in the primary language of the largest LEP language group (Spanish speakers).
4. Written translated documents available through HUD website for Fair Housing and Lead Based Paint in Spanish and other languages that may seek access to our programs.
5. Use language identification and "I speak" cards provided at www.lep.gov to inform applicants and participants of language assistance services.
6. All application materials and critical program documents are available in English, Spanish, Mandarin, Vietnamese, Farsi, Arabic and Burmese. Any other necessary translations will be made using Language Line Solutions.

⁷ January 22, 2007 Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice published in the Federal Register.

7. Track oral interpretation needs of visitors and callers to GHA administrative offices as well as for applicants and participants to periodically assess the language assistance that is needed.

5.0 FAMILY OUTREACH

GHA will publicize the availability and nature of the Public Housing Program for extremely low-income, very low- and low-income families in a newspaper of general circulation, and by other suitable means, including posting notices on the City's website and social media pages and circulating the notices directly to housing partners, community groups and charitable organizations..

To reach people who cannot or do not read the newspapers, GHA will notify the public through updates to web postings and contacts with community service personnel. GHA will also utilize public service announcements.

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

6.0 RIGHT TO PRIVACY

All adult members of both applicant and tenant households are required to sign HUD Form 9886 *Authorization for Release of Information and Privacy Act Notice* and 9887, *Notice and Consent for the Release of Information* annually. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement.

Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant, and then only within the limits as allowed by law. GHA will not release participants' addresses in order to protect their privacy and to allow them to live in the community without public knowledge of their receipt of federal rental assistance and to avoid any negative perception or stigmatization of any neighborhood or community with residents receiving PH assistance.

7.0 REQUIRED POSTINGS (§966.5)

In each of its offices, GHA will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, a notice that the following information is available upon request:

1. Statement of Policies and Procedures governing Admission and Continued Occupancy

2. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours
3. Utility Allowance Schedule
4. Current Schedule of Routine Maintenance Charges
5. Dwelling Lease
6. Grievance Procedure

The following shall also be posted in the lobby of the housing administrative office:

- 1) Notice of the status of the waiting list (opened or closed)
- 2) Income Limits for Admission
- 3) Fair Housing Poster
- 4) Equal Opportunity in Employment Poster
- 5) Any current GHA Notices
- 6) Most recent GHAS and Capital Fund score and designation

8.0 APPLICATIONS (§982.203)

HUD regulations require that all families have an equal opportunity to apply for and receive housing assistance. Adherence to the selection policies described in this chapter ensures that GHA is compliant with all relevant fair housing requirements as described in Chapter 1.

This chapter describes HUD and GHA policies for taking pre-applications, managing the waiting list, and selecting families for assistance.

HUD requires GHA to place all families/households that apply for assistance on a waiting list. When a PH unit becomes available, GHA must select families from the waiting list in accordance with HUD requirements and GHA policies as stated in this Admissions and Continued Occupancy Plan (ACOP) and the annual plan. GHA is required to maintain a waiting list for the PH program that has a sufficient number of eligible applicants to ensure that turnover units are filled as quickly as possible to eligible applicants. At the same time, the waiting list should not be allowed to grow to such a size that the wait for housing is unreasonable.

When soliciting interest and processing applications for the program, GHA will ensure that applicants have the ability to submit all application materials and forms online, in person, via fax, mail, email, or through telephonic intake. Alternate formats will be available for

anyone needing a reasonable accommodation, modification, or auxiliary aid and service by contacting the GHA office. GHA will also strive to accommodate individuals that do not have computer access by providing assistance with the pre-application at the Glendale Public Libraries.

GHA utilizes a three-step process to generate a waiting list.

1. Pre-application (solicitation of interest)
2. Lottery drawing to establish the waiting list
3. Submission of a formal application and required documents

8.1 Pre-application

The pre-application process will be opened at times and in quantities necessary to obtain the quantity and variety of applicants needed to meet HUD requirements. Any interested party can submit a pre-application form to signify that they want to be included in the lottery drawing. The pre-application form collects limited information about the applicant and housing needs to include name, address, household size, estimate of income, and information about special circumstances that may qualify applicants for local preferences identified in Chapter 13 of this plan. Pre-applications will only be accepted during a specific open pre-application process. Submitting a pre-application does not guarantee a position on the waitlist.

Anyone can submit a pre-application. No one will be denied the right to request or submit a pre-application when the process is open.

8.2 Opening the Pre-Application Process

Notice of opening the pre-application process shall be made in accordance with the specifications identified in this plan. Pre-application intake will occur only during publicly announced periods of time. The announcement will occur a minimum of 30 days prior to opening the Pre-Application Waiting List process and will include the following:

1. Start date and time for submitting pre-applications
2. Methods by which applications can be made
3. Information on how to request a reasonable accommodation, modification, or auxiliary aids and services
4. Locations where interested parties can obtain paper pre-applications
5. Telephone number, website, and email address to inquire about the process
6. Information to be provided on the pre-application
7. Number of pre-applications that will be drawn from the pool of submitted pre-applications to populate the Waiting List
8. Closing date and time for submitting pre-applications.

All notices will include the Fair Housing logo and slogan and otherwise will comply with Fair Housing requirements.

8.3 Closing the Pre-Application Process

The pre-application process shall be closed no sooner than 21 calendar days after it was opened to allow for adequate outreach and to accommodate any persons who may need assistance submitting a pre-application for the program. Individuals that require a reasonable accommodation, modification, auxiliary aide or service to apply must notify GHA of their request prior to the closing of the pre-application process in order to be included in the lottery drawing.

The pre-application Waiting List period will close upon the expiration of the number of days identified in the notice as provided in see above. No additional Notice will be provided prior to closing the Waiting List pre-application period.

8.4 LOTTERY TO ESTABLISH THE WAITING LIST

When the pre-application period has closed, only pre-applications received prior to the deadline and individuals who requested a reasonable accommodation but have not yet completed the pre-application will be included in the lottery selection pool. GHA will utilize a computerized random selection process to draw a pre-determined number of pre-applications for the waiting list. **The pre-applications selected during the lottery process will comprise the Waiting List until the next pre-application process takes place.**

All heads of household that were not selected for the Waiting List will be notified and provided with information on how to receive future notifications of pre-application Waiting List being open.

8.5 ORGANIZING THE WAITING LIST (§982.204)

Once the Waiting List has been generated randomly, an applicant's priority may change based on the number of preferences claimed (the higher the number of preferences, the higher the applicant's priority). An applicant with no preferences may drop in priority if others drawn after him have greater preference(s). The waiting list will be maintained in accordance with the following guidelines:

1. The applicant will be informed in writing of:
 - 1) Assigned Waiting List order
 - 2) How to check status of the Waiting List
 - 3) Applicants are required to report to GHA any changes in family composition or address within 10 days of the change as changes could affect the applicant's Waiting List status or eligibility for housing.
 - 4) Any applicant knowingly providing false information or fraudulent statements affecting the applicant's status or eligibility for housing will be removed from the waiting list.
2. The application will be a permanent file. However, it is subject to records retention schedules if the applicant is removed from the waiting list in a manner other than admission to the program (See Chapter 11);

3. Any significant contact between GHA and the applicant will be documented in the applicant file.

8.6 PROCESSING THE WAITING LIST

Households will be selected from the waiting list based on the order of priority in accordance with identified preferences and bedroom size as discussed in Chapter 1. When a family/household is close to the top of the waiting list, the verification process will begin. When selected from the waiting list, GHA will first verify that the applicant qualifies for the claimed preferences to ensure accuracy of the applicant's position on the Waiting List. GHA will also verify the household's stated income. If the family/household does not appear to meet the preliminary preference or income eligibility, or if the information on the application is incomplete or appears inaccurate, GHA will attempt to reach the household/family to verify the pre-application details. If the applicant's priority on the waiting list cannot be verified, the family's name will be returned to the appropriate spot on the waiting list absent the claimed preferences. GHA must notify the family in writing of this determination and give the family the opportunity for an informal review.

Once claimed preferences are confirmed, the family/household will be invited to submit a full application to include documentation to determine eligibility in accordance with the requirements set forth in Chapter 11. Applicants will be given the opportunity to update their HUD Form 92006 at that time. Anyone needing assistance with completing a full application or providing documentation to determine eligibility, including persons with disabilities or limited English proficiency, will be served in accordance with GHA's Program Accessibility policies outlined in section 3.3.

GHA will review all documentation provided for eligibility review. If at any time during the eligibility review process, GHA determines that the family/household was not eligible for preferences claimed on the pre-application, the family/household's name will be returned to the Waiting List in the order in which they were drawn for the lottery, absent claimed preferences. GHA must notify the family in writing of this determination and give the family the opportunity for an informal review.

It is important to note that documents such as Arizona Driver's License, DES benefits, Social Security letter will not suffice to prove residency if other documentation disputes residency, such as bank statements with activity in other locales where residency would not be possible. Example – out of state transactions with no or minimal local transactions.

Failure to provide all documentation to substantiate claimed preferences will be caused to remove preference points and place the applicant back on the waiting list in accordance with the order in which they were drawn as defined in section 7.2. Failure to provide documentation to comply with eligibility requirements will be caused to be removed from the Waiting List.

An applicant's time on the waiting list is dependent upon preferences claimed, available units, and the federal budget process.

If an applicant is successfully eligible yet refuses the unit and wants to be put back on the Waiting List, GHA will do this only once, unless the applicant has good cause for not selecting to occupy the offered unit. The applicant must request this in writing. GHA will inform the applicant this can be done only once, as the family will remain at the top of the waiting list. The next time GHA is seeking to fill the unit, if the family refuses the unit, the family will be removed from the waiting list, and will have no right to an informal review, or any other appeal process.

For Waiting List families only, the application will show head of household and co-head. If, at the time of eligibility the head of household is no longer a part of the household and has made no contact with GHA, the co-head will become head of the household for application/waiting list purposes only. During eligibility and offering assistance, the co-head cannot also be claimed as a spouse (HUD-50058 Guidebook, Section 3: Household).

A co-head is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

8.7 APPLICATION INTERVIEW

Applicants selected from the waiting list are required to participate in an eligibility interview. Interviews may be conducted in-person or through video conference if appropriate.

An advocate, interpreter, or other assistant may assist the family with the application and the interview process. Where an advocate, interpreter or other third party is used to assist the family, the family and GHA will execute a certification attesting to the role and assistance of the third-party.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, GHA will provide translation services in accordance with GHA's LEP plan (Chapter 4 of this plan).

If the applicant is unable to attend a scheduled interview, the applicant should contact GHA in advance of the interview to schedule a new appointment. If an applicant does not attend a scheduled interview, GHA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without GHA approval will be denied assistance based on the applicant's failure to supply information needed to determine eligibility. A notice of denial will be issued in accordance with policies contained in this chapter.

The head of household and all adult family members will be strongly encouraged to attend the interview together. However, the head of household or the spouse or a legal representative (documented through a legal power of attorney or guardianship) may

attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not be undertaken until signed release forms are returned to GHA.

The head of household or spouse or legal representative must provide acceptable documentation of legal identity. If the family representative does not provide the required documentation at the time of the scheduled interview, he or she will be required to provide it within 10 business days.

Pending disclosure and documentation of social security numbers, GHA will allow the family to retain its place on the waiting list for 30 days.

The family must provide the information necessary to establish the family's eligibility and to determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, GHA will provide the family with a written list of items that must be submitted and the time frame for submitting the missing information.

Any required documents or information that the applicant is unable to provide at the interview must be provided within 10 business days of the interview unless otherwise stated herein. If the applicant is unable to obtain the information or materials within the required time frame, the applicant may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the applicant will be sent a notice of denial.

8.8 PURGING THE WAITING LIST

GHA will update and purge its waiting list at least annually.

The purge process will consist of mailing a notice via first class mail, and/or via electronic mail, if the applicant has a valid email address on file with GHA, to each applicant requesting they confirm their contact information or update it. The applicant will also be asked to confirm their continued interest in the program by checking their status on the waiting list at least annually. If the applicant responds within 30 days of the date of receipt of the notice, GHA will keep the applicant on the waiting list. If the applicant fails to confirm/update their address or check their status, the system will automatically send the applicant a notice of denial. The applicant can then request to be reinstated to the waiting list if they provide the requested information within 30 days. Reinstatement will only be allowed once during the time an applicant is on the waiting list.

8.9 REMOVAL OF APPLICANTS FROM THE WAITING LIST (§982.204)

GHA will not remove an applicant's name from the waiting list unless:

1. The applicant requests that the name be removed.
2. The applicant fails to update their status annually as provided in this chapter, or misses scheduled appointments; or the written or electronic mail is returned as undeliverable; or
3. The applicant does not meet either the eligibility or screening criteria for the program; or
4. The applicant has been selected off the Waiting List and has offered a unit but has failed to execute a lease.
 - 1) Provides fraudulent information, verified by GHA and in accordance with HUD regulations, including any documentation provided by the applicant to gain admission to the program.

8.10 NOTIFICATION OF NEGATIVE ACTIONS

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

GHA's system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, GHA will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, GHA will verify that there is in fact a disability and that the accommodation the applicant is requesting is necessary based on the disability. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

GHA will also include the Form HUD 5380, Notice of Occupancy Rights Under the Violence Against Women Act, Form HUD 5382, and Certification of Domestic Violence Dating Violence, Sexual Assault, or Stalking and Alternate Documentation Form HUD 5382 in all negative action letters.

8.11 INFORMAL REVIEW

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

applicant's letter must state the reason to overturn the denial. GHA will provide the results of the informal review in writing only.

If the denial is based on criminal activity, GHA will provide the subject with a copy of the NCIC criminal record and/or the adverse reference information, and an opportunity to dispute the record/information. If the applicant/tenant fails to submit a written request for review within ten working days from receipt of his/her notification of ineligibility, or if the denial/termination is upheld, the applicant will be denied assistance.

The informal review may be conducted by any person designated by GHA, other than a person who made or approved the decision under review or subordinate of this person. The applicant will be given the opportunity to present written objections to GHA's decision. GHA must notify the applicant of the final decision within 10 business days after the informal review, including a brief statement of the reasons for the final decision.

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

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

An applicant's voluntary withdrawal is not subject to an informal review or appeal process.

When an informal or formal hearing is scheduled and the applicant has been notified of the date and time and does not attend the hearing or call to notify GHA of a problem, the decision will default on behalf of GHA.

If the applicant provides proof of an emergency that precluded attendance at the hearing, at the discretion of GHA, the hearing may be rescheduled.

GHA will reschedule an informal hearing one time with reasonable cause. If the second scheduled hearing is not attended, the denial or termination will stand, and the appeal period will expire.

8.12 ADMISSION BASED ON FRAUDULENT OR NON-DISCLOSED INFORMATION

Once the family is admitted, assistance may be terminated, and they may be evicted if the GHA discovers their admission was based on fraudulent or omitted information. The termination and eviction process is the same as would be for other non-complying participants.

9.0 ELIGIBILITY FOR ADMISSION

GHA is responsible for ensuring that individuals and families admitted to the PH program meet all program eligibility requirements. This responsibility includes ensuring the eligibility of any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by GHA to confirm eligibility and determine the level of the family's assistance.

It is important to note that HUD program rules account for situations in which some family members have eligible immigration status, and some do not contend eligible immigration status. For more information, see Chapter 13.

To be eligible for the PH program:

1. The applicant family must:
 - 1) Qualify as a family as defined by HUD and GHA.
 - 2) Have income at or below HUD-specified income limits.
 - 3) At least one household member is a citizen, national, or noncitizen with eligible immigration status eligibility.
 - 4) Provide social security number information for household members who are seeking assistance from the program.
 - 5) Consent to GHA's collection and use of family information as provided for in PHA-provided consent forms.
2. GHA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or GHA.

This chapter contains HUD and GHA definitions of family and household members and explains initial and ongoing eligibility issues related to these members.

9.1 OVERVIEW

Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the assisted unit. This part provides information that is needed to correctly identify family and household members, and to apply HUD's eligibility rules.

9.2 FAMILY AND HOUSEHOLD; NOTICE PIH 2014- 20]

The terms *family* and *household* have different meanings in the PH program.

9.3 FAMILY

To be eligible for assistance, an applicant must qualify as a family. *Family* as defined by HUD includes, but is not limited to, individual persons and a group of persons residing together, regardless actual or perceived sexual orientation, gender identity, marital status, age, or disability. Such group includes, but is not limited to, a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a family with a member who is a person with a disability, a family that meets HUD's definition of a disabled family, a displaced family, or the remaining member of a tenant family. GHA has the discretion to determine if any other group of persons qualifies as a family.

9.3.1 GHA POLICY

1. Each family must identify the individuals to be included in the family at the time of application, and must notify GHA if the family's composition changes.
2. A family also includes two or more individuals who not related by blood, marriage, adoption, or other operation of law but who either can demonstrate that the individuals have lived together previously, or certify that each individual's income and other resources will be available to meet the needs of the family.

9.4 HOUSEHOLD

Household is a broader term that includes additional people who live in an assisted unit with GHA's permission, but do not receive federal housing assistance. Examples include, but are not limited to live-in aides, foster children, foster adults and ineligible persons.

9.5 FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY

9.5.1 Family Break-up [24 CFR 982.315; Notice PIH 2017-08]

Except under the following conditions, GHA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

1. If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, GHA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault, and stalking, see Chapter 22 of this plan.)
2. If a court determines the disposition of property between members of the assisted family, GHA is bound by the court's determination of which family members continue to receive assistance.

9.5.1.1 GHA Policy

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

If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted.

In the absence of a judicial decision, or an agreement among the original family members, GHA will determine which family retains their placement on the waiting list or will continue to receive assistance. In making its determination, GHA will take into consideration the following factors:

1. Which family member applied as head of household or co-head;
2. The interest of any minor children, including custody arrangements;
3. The interest of any ill, elderly, or disabled family members;
4. The interest of any family member who is the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave an assisted unit as a result of such actual or threatened abuse;
5. Any possible risks to family members as a result of domestic violence or criminal activity; and,
6. The recommendations of social service professionals.

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

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of an assisted family who remains in the unit when other members of the family have left the unit.

Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only “remaining members of a tenant family” and there is no family member able to assume the responsibilities of the head of household, see Chapter 11.10, for the policy on “Caretakers for a Child.”

9.7 Head of Household [24 CFR 5.504(b)]

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

9.7.1 GHA Policy

The family may designate any qualified family member as the head of household.

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

9.8 Spouse, Co-head, and Other Adult

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

Spouse means the marriage partner of the head of household.

A *cohead* is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse.

A family can have only one cohead.

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

9.8.1 GHA Policy

A *marriage partner* includes the partner in a "common law" marriage as defined in state law. The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.

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

9.9 Dependent [24 CFR 5.603]

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

9.10 Joint Custody of Dependents

9.10.1 GHA Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or participant family 50 percent or more of the time.

When more than one applicant or participant family is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or re-examination will be able to claim the dependents. If there is a dispute about which family should claim them, GHA will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the

child for income tax purposes, school records, or other credible documentation acceptable to GHA

9.11 Full-Time Student [24 CFR 5.603]

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

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

9.12 ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100 AND 5.403]

9.12.1 Elderly Persons

An *elderly person* is a person who is at least 62 years of age.

9.12.2 Near-Elderly Persons

A *near-elderly person* is a person who is at least 50-61 years of age.

9.12.3 Elderly Family

An *elderly family* is one in which the head, spouse, cohead, or sole member is an elderly person. Identifying elderly families is important because elderly families qualify for the elderly family allowance.

9.13 PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403]

9.13.1 Persons with Disabilities

Under the PH program, special rules apply to persons with disabilities and to any family whose head, spouse, or cohead is a person with disabilities. The technical definitions of individual with disabilities and persons with disabilities are provided in the Glossary. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

GHA must make all aspects of the PH program accessible to persons with disabilities and consider reasonable accommodations when a person's disability limits their full access to the program or GHA's services.

9.13.2 Disabled Family

A *disabled family* is a family whose head, spouse, co-head, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. Identifying disabled families is important because these families qualify for the disabled family allowance.

Even though persons with drug or alcohol dependencies are considered persons with disabilities, this does not prevent GHA from denying assistance for reasons related to alcohol and drug abuse in accordance with the policies found in in this chapter, or from terminating assistance in accordance with the policies in Chapter 22.

9.14 GUESTS AND UNAUTHORIZED OCCUPANTS [24 CFR 5.100]

A *guest* is a person temporarily staying in the unit with the consent of a member of the household who has expressed or implied authority to provide consent on behalf of the tenant. [24 CFR 5.100] A guest is a temporary visitor of the tenant's and should not be confused with an unauthorized occupant. Additionally, a guest is not a party to the lease agreement. The tenant must comply with the lease agreement at all times as it relates to guests.

An *unauthorized occupant* is a person who, with the consent of a tenant, is staying in the unit, but is not listed on the lease documents or approved by GHA to dwell in the unit.

GHA will allow a guest to remain in the assisted unit no longer than a total of 30 days in any 12-month period if allowed under the terms of the lease agreement or if provided with written permission from GHA. Requests for guest stays longer than 30 days will be treated as a request for reasonable accommodation.

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

The family in tenancy that allows an unauthorized occupant to reside in their unit is not in compliance will be subject to termination of tenancy. Some examples of unauthorized occupants include:

1. Use of the unit address as the guest's current residence for any purpose that is not explicitly temporary or has GHA's consent shall be construed as permanent residence.
2. Persons that have joined the household without undergoing screening;
3. Persons that stay in the unit beyond an authorized period; and
4. A person (often a relative) that came to the unit as an extended visitor because the resident needed support, for example, after a medical procedure but stayed in the unit beyond the time needed by the resident.

The burden of proof that the individual is a guest rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the household

and GHA may terminate assistance unless the family in tenancy makes notice of a household composition change.

9.14 FOSTER CHILDREN AND FOSTER ADULTS

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

The term *foster child* is not specifically defined by the regulations.

Foster children and foster adults that are living with an applicant or who have been approved by GHA to live with a participant family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603 and HUD-50058 IB, p. 13].

9.14.1 GHA Policy

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

A foster child or foster adult may be allowed to reside in the unit if their presence would not result in a violation of State space standards.

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

9.15 ABSENT FAMILY MEMBERS

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

9.16 Definitions of Temporarily and Permanently Absent

9.16.1 GHA Policy

Generally, an individual who is or is expected to be absent from the assisted unit for less than 30 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from the assisted unit for more than 30 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

9.17 ABSENT STUDENTS

9.17.1 GHA Policy

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

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

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

9.17.3 GHA Policy

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

9.17.4 ABSENT HEAD, SPOUSE, OR COHEAD

9.17.4.1 GHA Policy

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

A head, spouse, or cohead who is absent from the unit because of a military deployment or active service will continue to be considered a family member.

9.18 FAMILY MEMBERS PERMANENTLY CONFINED FOR MEDICAL REASONS [PH GB, P. 5-22]

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted.

9.18.1 GHA Policy

GHA will request verification of the family member's permanent absence from a responsible medical professional. If the responsible medical professional cannot provide a determination, the person will be considered temporarily absent. If the family certifies that the family member is confined on a permanent basis, they may present, and GHA will consider, any additional documentation or evidence.

9.19 RETURN OF PERMANENTLY ABSENT FAMILY MEMBERS

9.19.1 GHA Policy

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

9.20 Live-In Aide

The definition of a live-in aide is recorded in 24 CFR Section 5.403 which states that a live-in aide is a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities and who is: (1) determined to be essential to the care and well-being of the persons; (2) is not obligated for the support of the persons; and (3) would not be living in the unit except to provide the necessary supportive services. It should be noted that the definition applies to a specific person. In accordance with this definition, a live-in aide is not a member of the assisted family and is not entitled to the PH assistance as the remaining member of the tenant family.

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

The income of a live-in aide is not counted in the calculation of annual income for the family [24 CFR 5.609(c)(5)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide.

9.20.1 GHA Policy

A family's request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member.

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

Live-in aides are subject to the same background screening requirements as participants, see Section 5.4.3 including consideration of special circumstances. GHA may withdraw approval of a particular person as a live-in aide if any of the following occur after being approved as a live-in aide [24 CFR 982.316(b)]:

- The person is convicted of fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- The person is convicted of drug-related or violent criminal activity.
- Is found to have outstanding arrest warrant for drug-related or violent criminal activity that is not cured within 30 days after being notified of such.

- The person is found to owe rent or other amounts to GHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

Should GHA deny a request for or withdraw approval of a live-in aid as a result of background screening, the tenant may request an exception as a reasonable accommodation which will be processed in accordance with this plan.

GHA will notify the family of its decision in writing as soon as possible but in no case shall the response time exceed 10 business days from the time the request and all required documentation related to the request for a live-in aide are received.

Occasional, intermittent, multiple or rotating care givers typically do not reside in the unit and would not qualify as live-in aides. Therefore, an additional bedroom should not be approved for a live-in aide under these circumstances [PIH 2014-25].

9.21 SUITABILITY (§960.202)

1. Applicant families will be evaluated to determine whether, based on their habits and practices, which could reasonably be expected to result in noncompliance with the public housing lease, program rules, regulations, and local policy, and/or have a detrimental effect on the residents or the community. GHA will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the community, neighborhood environment, other tenants, neighbors, GHA employees, contractor/vendors, or other people residing in the immediate vicinity the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.
2. GHA will not admit a family who attempts to provide fraudulent documents to gain admission to the program or receive benefits.
3. GHA will not admit a family with a household member who has engaged in or threatened abuse whether physical or verbal or with gestures, attempted intimidation, used racial epithets, racial or discriminatory language, written or verbal, against any GHA/City employee, other GHA employee, vendor, contractor, neighbor or neighbors' guest(s), irrespective of the amount of time that has elapsed.
4. The family will have the option to remove the family member and sign a statement understanding assistance may be terminated if the person is allowed to reside in the unit. GHA reserves the right to trespass the person. If so, the family may be terminated if the person is a visitor or guest. If the person is the head of household, GHA will deny admission and remove the family from the waiting list.
5. The applicant will be checked against the computer listing of prior participants of Glendale Housing, or other housing authorities, who left owing money, or moved

in violation of the program rules (EIV Debts Owed and Negative Actions Report, Lindsey database, HAPPY debts owed, etc.).

6. GHA also determines eligibility and suitability by conducting criminal background checks on all household members, 16 years of age or older, including live-in aides. GHA will deny assistance to a family because of drug-related criminal activity by family members, violent criminal activity by family members, or criminal history that may constitute a history that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. If the person denied is other than the head of household, the applicant family will have the option of removing the person from the household.
7. GHA may, where a federal or state statute requires that a GHA 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. GHA has extended this period of time to two years from the resolution of the last offense, unless HUD determines that a longer period of time is appropriate. For example, the EIV Debts Owed and Adverse Termination report may set forth a longer period of time for which an applicant may not be eligible for the program. In this case, GHA will follow HUD's determination.
8. GHA retains the right to perform a secondary criminal check if it has been more than six (6) months since the prior background check, or if a family member turns 16 years of age while on the waiting list.
9. No applicant for public housing who has been a victim of domestic violence, dating violence, sexual assault, or stalking shall be denied admission into the program if they are otherwise qualified.
10. GHA may consider objective and reasonable aspects of the family's background, including the following:
 - 1) History of meeting financial obligations, especially rent;
 - 2) Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
 - 3) History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other tenants or staff or cause damage to the property;
 - 4) History of disturbing neighbors or destruction of property;

- 5) Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
 - 6) Having committed fraud in any public assistance program funded with taxpayer dollars.
 - 7) Any household member currently engaging in illegal use of a drug.
 - 8) History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.
 - 9) Persons evicted from public housing, Indian Housing, Section 23, or any Section 8 program because of drug or alcohol-related criminal activity or violent criminal activity are ineligible for admission to housing for a two-year period beginning on the date of such eviction. GHA will not waive this policy. (See Section §960.203(c)(ii) and §960.204(a).
 - 10) Any household member subject to sex offender registration requirement.
 - 11) History of mental or physical condition, which may prevent him/her from fulfilling his/her obligations under the terms of the lease. If the applicant has supportive services (i.e. live-in aide, agency assistance, family assistance, etc.) which enable him/her to fulfill their lease obligations, the mental or physical condition shall not prevent him/her from receiving housing assistance.
11. GHA will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. GHA will verify the information provided. Such verification may include but may not be limited to the following:
- 1) A credit check of the head, spouse, co-head and all other household members age 18 and older;
 - 2) A request will be submitted for the applicant to be checked against the computer listing of prior residents of other housing authorities, who left owing money, or moved in violation of the lease.
 - 3) A rental history check with previous landlords and/or other references of all adult family members. (Applicants must complete and submit a reference check form.) A request will be submitted for the applicant to be checked against the computer listing of prior residents of other housing authorities, who left owing money, or moved in violation of the lease.

- 4) A criminal background check on all household members 18 years of age or older, including live-in aides. This check may be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last two years. Where the individual has lived outside the local area, GHA may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);
 1. Applicant household members 18 years of age and older, may be fingerprinted and a request for criminal history background checks will be made through the Glendale Police Department (GPD). If the background check received from GPD is positive, GHA will proceed with the Interstate Identification Index fingerprint check.
 2. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.
- 5) The eligibility packet, and ongoing recertification packet, contains forms to be signed by all adult family members attesting to their understanding that if the background check for all family members 18 years of age and older reveals that eligibility requirements have not been met because of a criminal history/background and/or because of false/untrue information provided, at its sole discretion, GHA will either allow the tenant to remove the family member from the unit within ten calendar days, or may terminate the family's assistance.

12) Evaluation of Information Relating to Previous Conduct of Applicant. household.

1. Screening Criteria - GHA will use prior conduct (as described in this chapter) to evaluate the suitability of an applicant for tenancy. GHA will consider applications for residence by persons on a case-by-case basis, focusing on the concrete evidence of the seriousness and recentness of criminal or other unsuitable activity as the best predictors of tenant suitability. GHA will also take into account the extent of criminal or suitable activity and any additional factors that might suggest a likelihood of favorable conduct in the future, such as evidence of rehabilitation. Applicants denied assistance based upon a history of previous unsuitable behavior may reapply for assistance when the waiting list is open.

3. Evidence of Rehabilitation - In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects. Further information may be requested or received from the applicant to show extenuating circumstances and/or rehabilitation efforts.

10.0 MANAGING THE WAITING LIST

10.1 Opening and Closing the Waiting List

This chapter describes HUD and GHA policies for taking pre-applications, managing the waiting list, and selecting families for PH assistance.

HUD requires GHA to place all families/households that apply for assistance on a waiting list. When a PH unit becomes available, GHA must select families from the waiting list in accordance with HUD requirements and GHA policies as stated in this administrative plan and the annual plan. GHA is required to maintain a waiting list for the PH program that has a sufficient number of eligible applicants to ensure that new and turnover vouchers are issued as quickly as possible to eligible applicants. At the same time, the waiting list should not be allowed to grow to such a size that the wait for housing is unreasonable.

When soliciting interest and processing applications for the program, GHA will ensure that applicants have the ability to submit all application materials and forms online, in person, via fax, mail, email, or through telephonic intake. Alternate formats will be available for anyone needing a reasonable accommodation, modification, or auxiliary aid and service by contacting the GHA office. GHA will also strive to accommodate individuals that do not have computer access by providing assistance with the pre-application at the Glendale Public Libraries.

GHA utilizes a three-step process to generate a waiting list.

1. Pre-application (solicitation of interest)
2. Lottery drawing to establish the waiting list
3. Submission of a formal application and required documents

10.2 Pre-application

The pre-application process will be opened at times and in quantities necessary to obtain the quantity and variety of applicants needed to meet HUD requirements. Any interested party can submit a pre-application form to signify that they want to be included in the lottery drawing. The pre-application form collects limited information about the applicant and housing needs to include name, address, household size, estimate of income, and information about special circumstances that may qualify applicants for local preferences identified in section 7. Pre-applications will only be accepted during a specific open pre-

application process. Submitting a pre-application does not guarantee a position on the waitlist.

Anyone can submit a pre-application. No one will be denied the right to request or submit a pre-application when the process is open.

10.2.1 Opening the Pre-Application Process

Notice of opening the pre-application process shall be made in accordance with the specifications identified in this plan. Pre-application intake will occur only during publicly announced periods of time. The announcement will occur a minimum of 30 days prior to opening. After the announcement has been made, any person who will need assistance to complete the pre-application may contact GHA to make their request in advance of the opening of the Pre-Application so that GHA may plan appropriate assistance accordingly. The Pre-Application Waiting List process and will include the following:

1. Start date and time for submitting pre-applications
2. Methods by which applications can be made
3. Information on how to request a reasonable accommodation, modification, or auxiliary aids and services
4. Information on how to request language assistance services
5. Locations where interested parties can obtain paper pre-applications
6. Telephone number, website, and email address to inquire about the process
7. Information to be provided on the pre-application
8. Number of pre-applications that will be drawn from the pool of submitted pre-applications to populate the Waiting List
9. Closing date and time for submitting pre-applications.

All notices will include the Fair Housing logo and slogan and otherwise will comply with Fair Housing requirements.

10.2.2 CLOSING THE PRE-APPLICATION PROCESS

The pre-application process shall be closed no sooner than 21 calendar days after it was opened to allow for adequate outreach and to accommodate any persons who may need assistance submitting a pre-application for the program. Individuals that require a reasonable accommodation, modification, auxiliary aide or service, or language assistance service, to apply must notify GHA of their request prior to the closing of the pre-application process in order to be included in the lottery drawing.

The pre-application Waiting List period will close upon the expiration of the number of days identified in the notice as stated above. No additional Notice will be provided prior to closing the Waiting List pre-application period.

10.3 Lottery to establish the Waiting List

When the pre-application period has closed, only pre-applications received prior to the deadline and individuals who requested a reasonable accommodation or language service but have not yet completed the pre-application will be included in the lottery

selection pool. GHA will utilize a computerized random selection process to draw a pre-determined number of pre-applications for the waiting list. **The pre-applications selected during the lottery process will comprise the Waiting List until the next pre-application process takes place.**

All heads of household that were not selected for the Waiting List will be notified and provided with information on how to receive future notifications of pre-application Waiting List being open.

10.4 Organization of the Waiting List

Once the Waiting List has been generated randomly, an applicant's priority may change based on the number of preferences claimed then by bedroom size (the higher the number of preferences, the higher the applicant's priority). An applicant with no preferences may drop in priority if others drawn after him have greater preference(s). The waiting list will be maintained in accordance with the following guidelines:

1. The applicant will be informed in writing of:
 - 1) Assigned Waiting List order
 - 2) How to check status of the Waiting List;
 - 3) Applicants are required to report to GHA any changes in family composition or address within 10 days of the change as changes could affect the applicant's Waiting List status or eligibility for housing.
 - 4) Any applicant knowingly providing false information or fraudulent statements affecting the applicant's status or eligibility for housing will be removed from the waiting list.
2. The application will be a permanent file. However, it is subject to records retention schedules if the applicant is removed from the waiting list in a manner other than admission to the program;
3. Any significant contact between GHA and the applicant will be documented in the applicant file.

10.5 Family Breakup

Except under the following conditions, GHA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

1. If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, GHA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault, and stalking, see section XXX of this plan.)
2. If a court determines the disposition of property between members of the assisted family, GHA is bound by the court's determination of which family members continue to receive assistance.

10.5.1 GHA Policy

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

If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted.

In the absence of a judicial decision, or an agreement among the original family members, GHA will determine which family retains their placement on the waiting list or will continue to receive assistance. In making its determination, GHA will take into consideration the following factors:

1. Which family member applied as head of household or co-head;
2. The interest of any minor children, including custody arrangements;
3. The interest of any ill, elderly, or disabled family members;
4. The interest of any family member who is the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave an assisted unit as a result of such actual or threatened abuse;
5. Any possible risks to family members as a result of domestic violence or criminal activity; and,
6. The recommendations of social service professionals.

10.6 PROCESSING THE WAITING LIST

Households will be selected from the waiting list based on the order of priority in accordance with identified preferences as discussed in Chapter 11 and bedroom size.

When a family/household is close to the top of the waiting list, the verification process will begin. When selected from the waiting list, GHA will first verify that the applicant qualifies for the claimed preferences to ensure accuracy of the applicant's position on the Waiting List.

GHA will also verify the household's stated income. If the family/household does not appear to meet the preliminary preference or income eligibility, or if the information on the application is incomplete or appears inaccurate, GHA will attempt to reach the household/family to verify the pre-application details. If the applicant's priority on the waiting list cannot be verified, the family's name will be returned to the appropriate spot on the waiting list absent the claimed preferences.

GHA must notify the family in writing of this determination and give the family the opportunity for an informal review.

Once claimed preferences are confirmed, the family/household will be invited to submit a full application to include documentation to determine eligibility in accordance with the requirements set forth in Section 4. Applicants will be given the opportunity to update their HUD Form 92006 at that time. Anyone needing assistance with completing a full

application or providing documentation to determine eligibility, including persons with disabilities or limited English proficiency, will be served in accordance with GHA's Program Accessibility policies outlined in Chapter 1 & 2.

GHA will review all documentation provided for eligibility review. If at any time during the eligibility review process, GHA determines that the family/household was not eligible for preferences claimed on the pre-application, the family/household's name will be returned to the Waiting List in the order in which they were drawn for the lottery, absent claimed preferences. GHA must notify the family in writing of this determination and give the family the opportunity for an informal review.

It is important to note that documents such as Arizona Driver's License, DES benefits, Social Security letter will not suffice to prove residency if other documentation disputes residency, such as bank statements with activity in other locales where residency would not be possible. Example – out of state transactions with no or minimal local transactions. Failure to provide all documentation to substantiate claimed preferences will be cause to remove preference points and place the applicant back on the waiting list in accordance with the order in which they were drawn as defined in Chapter 11. Failure to provide documentation to comply with eligibility requirements will be cause to be removed from the Waiting List.

An applicant's time on the waiting list is dependent upon preferences claimed, available vouchers, and the federal budget process.

If an applicant is successfully eligible yet refuses the voucher and wants to be put back on the Waiting List, GHA will do this only once. The applicant must request this in writing. GHA will inform the applicant this can be done only once, as the family will remain at the top of the waiting list. The next time GHA is seeking to issue vouchers, if the family refuses the voucher, the family will be removed from the waiting list, and will have no right to an informal review, or any other appeal process.

For Waiting List families only, the application will show head of household and co-head. If, at the time of eligibility the head of household is no longer a part of the household and has made no contact with GHA, the co-head will become head of the household for application/waiting list purposes only. During eligibility and offering assistance, the co-head cannot also be claimed as a spouse (HUD-50058 Guidebook, Section 3: Household).

A co-head is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

10.7 APPLICATION INTERVIEW

Applicants selected from the waiting list are required to participate in an eligibility interview. Interviews may be conducted in-person or through video conference if appropriate.

An advocate, interpreter, or other assistant may assist the family with the application and the interview process. Where an advocate, interpreter or other third party is used to assist the family, the family and GHA will execute a certification attesting to the role and assistance of the third-party.

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

If the applicant is unable to attend a scheduled interview, the applicant should contact GHA in advance of the interview to schedule a new appointment. If an applicant does not attend a scheduled interview, GHA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without GHA approval will be denied assistance based on the applicant's failure to supply information needed to determine eligibility. A notice of denial will be issued in accordance with policies contained in Chapter 6.

The head of household and all adult family members will be strongly encouraged to attend the interview together. However, the head of household or the spouse or a legal representative (documented through a legal power of attorney or guardianship) may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not be undertaken until signed release forms are returned to GHA.

The head of household or spouse or legal representative must provide acceptable documentation of legal identity. If the family representative does not provide the required documentation at the time of the scheduled interview, he or she will be required to provide it within 10 business days.

Pending disclosure and documentation of social security numbers, GHA will allow the family to retain its place on the waiting list for 30 days.

The family must provide the information necessary to establish the family's eligibility and to determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, GHA will provide the family with a written list of items that must be submitted and the time frame for submitting the missing information,

Any required documents or information that the applicant is unable to provide at the interview must be provided within 10 business days of the interview unless otherwise stated herein. If the applicant is unable to obtain the information or materials within the

10.8 Purging the Waiting List

GHA will update and purge its waiting list at least annually.

The purge process will consist of mailing a notice via first class mail, and via electronic mail, if the applicant has a valid email address on file with GHA, to each applicant requesting they confirm their contact information or update it. The applicant will be also be asked to confirm their continued interest in the program by checking their status on the waiting list at least annually. If the applicant responds within 30 days of the date of receipt of the notice, GHA will keep the applicant on the waiting list. If the applicant fails to confirm/update their address or check their status, the system will automatically send the applicant a notice of denial. The applicant can then request to be reinstated to the waiting list if they provide the requested information within 30 days. Reinstatement will only be allowed once during the time an applicant is on the waiting list.

10.9 Removal of Applicants from the Waiting List

GHA will not remove an applicant's name from the waiting list unless:

1. The applicant requests that the name be removed;
2. The applicant fails to update their status annually as provided in Section 6.8 above, or misses scheduled appointments; or the written or electronic mail is returned as undeliverable; or
3. The applicant does not meet either the eligibility or screening criteria for the program; or
4. The applicant has been selected off the Waiting List and has been offered a unit and the family accepts the unit (See Chapter 11 offer a unit).
 1. Provides fraudulent information, verified by GHA and in accordance with HUD regulations, including any documentation provided by the applicant to gain admission to the program.

10.10 Missed Appointments

All applicants who fail to keep a scheduled appointment with GHA will be sent a notice of eligibility and removal from the waiting list.

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

10.11 Notification of Negative Actions

Any applicant whose name is being removed from the waiting list will be notified by GHA, in writing, that they have ten (10) business days from the date of the written correspondence, to present mitigating circumstances or request an informal review, in

writing. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the time frame specified.

GHA's system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, GHA will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, GHA will verify that there is in fact a disability and that the accommodation the applicant is requesting is necessary based on the disability. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

GHA will also include the Form HUD 5380, Notice of Occupancy Rights Under the Violence Against Women Act, Form HUD 5382, and Certification of Domestic Violence Dating Violence, Sexual Assault, or Stalking and Alternate Documentation Form HUD 5382 in all negative action letters.

10.12 Informal Review

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

If the denial is based on criminal activity, GHA will provide the subject with a copy of the NCIC criminal record and/or the adverse reference information, and an opportunity to dispute the record/information. If the applicant/tenant fails to submit a written request for review within ten working days from receipt of his/her notification of ineligibility, or if the denial/termination is upheld, the applicant will be denied assistance.

GHA will review the request for an informal review and respond in writing within ten business days of receiving the request. The response will include a preliminary determination and will offer the applicant an opportunity to present any final written objections to GHA's preliminary determination within ten business days. The informal review may be conducted by any person designated by GHA, other than a person who made or approved the decision under review or subordinate of this person. After receiving the applicant's final written objections, GHA must notify the applicant of the final decision within 10 business days after the informal review, including a brief statement of the reasons for the final decision. If an applicant needs additional time to provide a written objection or gather records that dispute the preliminary determination, up to two additional 10-day extensions may be requested.

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

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

An applicant's voluntary withdrawal is not subject to an informal review or appeal process.

When an informal or formal hearing is scheduled and the applicant has been notified of the date and time and does not attend the hearing or call to notify GHA of a problem, the decision will default on behalf of GHA.

If the applicant provides proof of an emergency that precluded attendance at the hearing, at the discretion of GHA, the hearing may be rescheduled.

GHA will reschedule an informal hearing one time with reasonable cause. If the second scheduled hearing is not attended, the denial or termination will stand, and the appeal period will expire.

10.13 Admission based on Fraudulent or Non-disclosed Information

Once the family is admitted, assistance may be terminated, and they may be evicted if the GHA discovers their admission was based on fraudulent or omitted information. The termination and eviction process is the same as would be for other non-complying participants.

11.0 TENANT SELECTION AND ASSIGNMENT PLAN (§960.206)

Consistent with GHA Agency Plan, the following preferences, based on local housing needs and priorities, will be used to determine placement on the waiting list. An applicant does not have any right or entitlement to be listed on the waiting list, to any particular position on the waiting list, or to admission to the programs.

11.1 PREFERENCES (§982.202, §982.207)

The following preferences, based on local housing needs and priorities, will be used to determine priority on the waiting list. An applicant does not have any right or entitlement to be listed on the waiting list, to any particular position on the waiting list, or to admission to the programs. Applicants will receive points for each preference for which they qualify and be ranked in priority based on the total number of points they receive for all preferences.

Glendale Housing utilizes, among other things, a local residency preference. Use of a residency preference will not delay or cause an applicant to be denied admission to the program.

11.1.1 Definitions for Preferences and Eligible Points

The following definitions shall be used and considered for purposes of ranking priority only:

1. "Living, Working, or Last Permanent Residence in Glendale" – 15 points:

At least one eligible member of the household meets one or more of the following criteria:

- Currently resides within Glendale, AZ city limits (examples of documentation include but are not limited to lease agreement, utility bill, or driver's license); or,
- Currently employed or has been offered employment with a company that has a verifiable physical location within Glendale, AZ city limits (examples of documentation include but are not limited to pay stub, W-2, or employer letter documenting the employee's primary work location within Glendale); or,
- Currently homeless as defined in item 4 below with a last permanent residence within Glendale, AZ city limits.

2. "Employed, Elderly, Disabled, or Military (active duty or veteran)" – 10 points:

At least one eligible member of the household meets one or more of the following criteria:

- "Employed" means working at least 20 hours per week on average over the most recent six consecutive months with no more than a 30-day gap between employers (temporary work is qualifying); or
- "Elderly" means 62 years of age or older within six months; or
- "Disabled" means any eligible member is a person with a disability (including children with disabilities); or,
- "Military (active duty or veteran)" means any household member who is currently serving full time in their military capacity or any former member of any branch of the United States military regardless of service record or discharge.

3. "Current Homeless or At Risk of Homelessness" – 5 points:

At least one eligible member of the household meets any of the criteria of as defined in the Glossary under Homeless or At Risk of Homelessness regardless of last known residence.

4. "Victim of Domestic Violence/VAWA Crime" – 5 points:

At least one eligible member of the household who is the victim of domestic violence, dating violence, sexual assault, or stalking or other criminal act covered by the Violence Against Women Act (VAWA) within one year of their pre-application.

5. "Displaced by Government Action or Disaster" – 5 points:

The action must not be associated with action or inaction by the resident, i.e., code compliance failure by the resident. The application for assistance must be received no later than 30 calendar days after the action that caused the person or family to be displaced.

11.2 Assignment of Bedroom Sizes

GHA will assign public housing units based on the number of bedrooms necessary to house the family without overcrowding. The bedroom size is a factor in determining the family's level of assistance. The following guidelines will determine each family's unit size without overcrowding or over-housing:

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Two adults will share a bedroom.

In determining bedroom size, GHA will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children currently under a 50% or more joint custody decree, children who are temporarily away at school or temporarily in foster-care.

When children are in the process of adoption or custody, a court order or documentation received from the court is necessary. Before GHA will increase a bedroom size, GHA requires evidence that the court will approve the adoption or custody arrangement or has been given physical custody.

A request to add a person to a household may be approved if the change does not cause an increase to the size of the unit, or if it is a reasonable accommodation. GHA reserves the right to review each case to determine the merits of each request. (See Section 15.6 Interim Reexaminations for additional guidance.)

At the initial eligibility, the family unit size will be determined using the subsidy standards below. This will not change unless the family size exceeds the maximum number per bedroom or living/sleeping area. Upon continued assistance but not for eligibility, the living room is considered as a sleeping area. The living room is considered a bedroom when adding a person.

GHA reserves the right to review each case to determine the merits of each request. (See Section 15.6 Interim Reexaminations for additional guidance.)

The following guidelines will determine each family's unit size without overcrowding or over-housing. Determination includes by gender.

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

Criteria for Unit Assignment - For the purpose of determining the appropriate bedroom size at the time of initial occupancy, the following criteria will be used. The occupancy standard must provide for the smallest number of bedrooms needed to house a family without overcrowding:

1. A family consisting of a single parent and one child under the age of 4 years, shall occupy a one-bedroom unit.
2. A single person in the process of securing legal custody of one or more individual(s) who has/have not attained the age of 18 years, shall occupy a two-bedroom unit or larger.
3. In a family consisting of a single parent and three or more children, the youngest child under the age of 4 years may occupy a bedroom with the parent.
4. Children under the age of four (4) will not qualify for an additional bedroom. A child will be considered age 4 if the birthdate is within 120 calendar days of the annual recertification or lease date.
5. Other than heads of household, persons of the opposite sex who are 6 years of age or older or who will reach their 6th birthday during the first 12 months of the lease shall not occupy the same bedroom.
6. Two children of the same sex, regardless of age, will be assigned to occupy the same bedroom.
7. Foster-adults and children will not be required to share a bedroom with family members.
8. The following may be approved for assignment of additional bedrooms:
 1. A household requiring an additional bedroom due to documented medical reasons.

- 1) Proof of medical necessity must be on the Medical Verification form provided by GHA, as there is a signature line for legal purposes. No prescription forms will be acceptable proof.
 - 2) Third party verification required.
 - 3) Necessity will be re-verified every three years, unless the need for the reasonable accommodation is readily apparent. (See joint statement of Reasonable Accommodations under the Fair Housing Act in this policy document.
 - 4) Rooms for medical equipment only if the need is documented by a health care provider. Approved use of the room will be verified during annual inspection or any other time a GHA employee enters the assisted families' unit.
 - 5) GHA will consider the size of the equipment when reviewing the request, as all living and sleeping rooms must be considered insufficient to meet the need of the equipment. GHA will ask for specific size dimensions of the medical equipment that needs the extra bedroom.
2. A household that includes a live-in aide (See Section 10.10 for further guidance on adding unit size for live in aides and additional live in aide family members). GHA reserves the right to deny a live-in aide with a family that would be the equivalent of adding another family to the assisted family.
9. Dwellings will be assigned so as not to require the use of the living room for sleeping purposes.
 10. Every family member, regardless of age, is to be counted as a person. An unborn child will be counted as a person to determine initial eligibility. However, a single pregnant woman only qualifies for a one-bedroom unit.
 11. Exceptions to Occupancy Criteria - The criteria and standards prescribed for the determination of the family's unit size should apply to most families. However, in some cases, the relationship, age, sex, health, or disabled of the family members may warrant the assignment of a larger or smaller unit. Such flexibility is permissible to the extent that determinations are made on the basis of these factors. Such cases must be recommended by the Housing

Assistance Representative and approved by the Housing Supervisor and documented in the file. The proper unit size may be determined during continued occupancy by counting the living room as a sleeping room.

11.3 Selection from the Waiting List

GHA shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income does not exceed the higher of 30% of the median income for the area (as determined by HUD with adjustments for smaller and larger families) or the Federal poverty level, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family (defined at <http://www.huduser.org/portal/datasets/il/il14/index.html> as extremely low-income). To insure this requirement is met, GHA shall monitor the incomes of newly admitted families and the incomes of the families on the waiting list. If it appears that the requirement to house extremely low-income families will not be met, GHA will skip higher income families on the waiting list to reach extremely low-income families.

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

11.4 De-concentration Incentives

GHA may offer one or more incentives to encourage applicant families whose income classification would help to meet the de-concentration goals of a particular development.

Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and nondiscriminatory manner.

11.5 Offer of a Unit

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

GHA will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given five (5) business days from the date the letter was mailed or the date of the telephone call to contact GHA regarding the offer.

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

the offer of the unit, GHA will send the family a letter documenting the offer and the rejection.

11.6 Rejection of Unit

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

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

If GHA did not skip over other families on the waiting list to reach this family, did not offer any other de-concentration incentive, and the family rejects the unit without good cause, GHA will allow the family a second vacant unit choice, but only after the family rejects the first unit offered. The family will keep their preferences, but the date and time of application will be changed to the date and time the unit was rejected. The family will be offered the right to an informal review of the decision to alter their application status. (See Public Housing Occupancy Guidebook, Sect. 3.8, Removing or Dropping an Applicant for Refusal of a Unit Offer.)

If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. Good cause includes reasons related to health, disability, or at the discretion of GHA.

If the family rejects the second unit offer, the family will be removed from the waiting list.

For a reasonable accommodation, unit modification or accessible unit request, see the Section 504 Transition Plan.

11.7 Showing a Unit

Showing a unit does not indicate an approval of a move in date. As unforeseen maintenance requirements may arise at any time before a family actually moves into a unit, showing a unit does not indicate that family will be offered that specific unit. Others of the same bedroom size may be first available when the family is given a move in date.

11.8 Signing the Lease

Until the lease is signed, the family remains in eligibility status. Any changes, with or without formal notice to GHA, to residency, household composition, household income, or any other eligibility requirement may affect continuation of the eligibility process and acceptance into the program.

11.9 Acceptance of Unit

1. Leasing

A dwelling lease is to be entered into between GHA and each tenant family member over the age of 18. The dwelling lease is to be kept current at all times and is to reflect the rent being charged, and the conditions governing occupancy. Any changes to the lease, including changes in rent, must be accomplished by written amendment to the lease signed by both parties.

If, through any cause, the signer of the dwelling lease ceases to be a member of the tenant family, the lease is to be voided, and a new dwelling lease executed and signed by a head of household and co-head, if there is one.

If a tenant family transfers to a different HUD-aided housing unit operated by GHA, the existing lease is to be canceled and a new lease executed by the head of household or co-head, if there is one, for the dwelling unit into which the family is to move.

The applicant will be provided a copy of the lease, the grievance procedure, utility allowances, utility charges, the current schedule of routine maintenance charges, and a request for reasonable accommodation form. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and that they have reviewed them with Housing Authority personnel. The certification will be filed in the tenant's file.

2. Security Deposit

1. A security deposit of \$200.00 or one month's rent, whichever is greater, will be required from each family.
- 2) Should rent increase more than 10% after the amount of security deposit is originally determined, an additional amount will be required to bring the amount of security to an amount equal to the new one month's rent.
- 3) The security deposit is to be paid immediately upon execution of the lease, unless this creates a hardship. In this case, the security deposit may be paid in six installments over the period of the six-month probationary lease. Security deposits will be held on account by GHA accruing no interest, and will be returned to the tenant after move-out if the following conditions are met:
 1. There is no unpaid rent or other charges for which the tenant is liable under the lease or as a result of breaching the lease;

2. The unit and all equipment are left clean, and all trash and debris have been removed by the family;
3. There is no breakage or damage beyond that expected from normal wear and tear; and,
4. There was proper notice given under the lease and all keys issued have been returned to GHA when the family vacates the unit.

3. Caretaker for Children

1. If circumstances evolve that cause neither parent to remain in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for any minors left in the household for an indefinite period, GHA will treat that adult as a temporary guardian for the first thirty (30) calendar days.
2. The income received by the temporary guardian will be counted in determining family income.
3. If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the assistance will be transferred to the caretaker, pending an eligibility review of the caretaker, including a background screening.
4. Although typically a criminal background check is required before anyone can receive public housing assistance, this requirement will be waived for a guardian in this situation. Instead, the background check will occur after the person moves in. If the results of the check dictate that the person is ineligible for the program, the family shall be given a reasonable time to find a replacement guardian or lose the assistance.
5. If the appropriate agency cannot confirm the guardianship status of the caretaker, GHA will review the status at 30-day intervals. Each case will be considered on its individual merits and a determination will be made based on the specifics of each case alone.
6. Any person(s) brought into a public housing unit for any purpose must not have a criminal background that would prevent any other person from living in the unit, nor must the person(s) have been previously trespassed from the public housing rental communities.
7. If the court has not awarded custody or legal guardianship, but the action is in process, GHA will secure verification from social services staff or the attorney as to the status.

8. If custody is awarded for a limited time in excess of stated period, GHA will state in writing that the transfer of the unit is for that limited time or as long as the legal caretaker has custody of the children. GHA will use discretion as deemed appropriate in determining any further assignment of the unit on behalf of the children. Any further assignment of the unit will be subject to an eligibility review, including a background screening.
9. The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made unless there is evidence of an unsatisfactory background, such as a criminal history. If the caretaker violates any family obligations while temporarily in the assisted family, the transfer will be denied.
10. GHA will transfer the unit to the caretaker, in the absence of a court order, if the caretaker has been in the unit for more than 12 months and it is reasonable to expect that custody will be granted, and the caretaker has qualified for the program through an eligibility review and background screening.
11. When GHA approves a person to reside in the unit as caretaker for the child/children, the income should be counted pending a final disposition. GHA will work with the appropriate service agencies to provide a smooth transition in these cases.
12. If a member of the household is subject to a court order that restricts him/her from the home for more than 30 calendar days, the person will be considered permanently absent.
13. GHA will not consider a request for a caretaker if the need for the caretaker is the result of criminal activity of the head of household. GHA will request police reports and review for eviction or non-renewal of the lease.

11.11 Live-in aide (§5.403, PIH 2010-51)

A live-in aide is defined in 24CFR §5.403 as a person who resides with an elderly, disabled, or disabledped person or persons and who:

1. Is determined to be essential to the care and well-being of the person(s)
2. Is not obligated for the support of the persons; and
3. Would not be living in the unit except to provide the necessary supportive services. This also applies to additional family members of the live-inaide.
4. Is not considered a household member as income is not included in rent calculation and would not be entitled to remain in the unit if the resident no longer is in need of it (move out of unit, i.e., death, nursing home, etc.).

In accordance with PIH Notice 2010-51, only one additional bedroom will be approved for a live-in aide. GHA will also enforce HQS standards to ensure there is no more than two

people per bedroom or living/sleeping space. If the approval of the live-in aide will result in a violation of HQS standards, the live-in aide may not be approved.

Also, if approved and not in violation with HQS standards, if a live-in aide with an additional family member is approved, all must pass a background check. If not, the live-in aide will not be approved.

GHA will also consider additional requirements and limitations on the addition of a live-in aid if the request includes additional persons added to the household, or if full time 24/7 care is not required.

GHA will not approve an extra bedroom for a live-in aide who is not identified and passed a criminal background check, has committed fraud in any other federal housing program, or currently owes rent to any GHA for any housing assistance program.

Rotating aides, occasional, intermittent, or multiple aides do not meet the definition of a live-in aide and therefore do not qualify for an extra bedroom.

Refer to Section 10.2(F) for verification requirements for medical accommodations.

If a live-in aide is employed outside of the home of the individual needing the aide, GHA will request verification regarding the extent of the care needed and if applicable, request information regarding who is caring for the individual while the approved live-in aide is at work. If it is determined that this is a rotating aide situation, the live-in aide will not be approved, in accordance with PIH Notice 2010-51 and related federal program regulations.

If it is determined that the live-in aide is not the person that was approved by GHA, the family will be notified of non-compliance and the need to move the person out. GHA will perform an immediate interim to correct the payment standard based on a reduced bedroom size unit.

If it is determined that a live-in aide was approved and the payment standard in place is for an additional bedroom for the live-in aide, but GHA discovers that there is no aide living in the unit, GHA will perform an immediate interim to correct the payment standard based on a reduced bedroom size unit.

If the failure to have a live-in aide, or if the person in the unit is not an approved live in aide will be cause for review for termination of assistance.

11.12 Absence from the Unit

Because the purpose for the public housing program is to give a low-income family an affordable home, if the family is not using it as their sole residence and is absent for more than 30 calendar days without authorization, the family will be terminated from the program.

Absence means that no member of the approved family is residing in the unit.

The family may be absent from the unit for up to 30 calendar days. The family must request permission, from GHA for absences that will exceed 30 calendar days. GHA will make a determination within five (5) business days of the request.

An authorized absence may not exceed 180 calendar days. Authorized absences may include, but are not limited to:

1. Prolonged hospitalization. The family must provide GHA with proof of hospital stay. The reason for hospitalization is not needed, however the proof of why they were not able to reside in the unit based on time in a medical facility is necessary.
2. Absences beyond the control of the family (i.e., death in the family, other family member illness).
3. Other absences deemed necessary by GHA.

Incarceration is not considered an authorized absence. GHA will terminate assistance if absence over 30 days is due to incarceration.

If incarceration of a lesser period of time causes other family obligations to be violated, GHA will terminate assistance.

If the head of household, or any other household member, does not reside in the unit for 30 calendar days, and the absence is unauthorized, the remaining family member(s) must notify GHA. GHA will review for change to head of household or termination depending upon family composition (Domestic violence situations will be considered.)

If GHA suspects that a family, or household member, is absent from a unit for more than 30 calendar days, and the absence was not authorized, GHA will request information, including documentation relating to the occupancy or absence from the unit:

The family must supply any information or certification requested by GHA to verify that the family is living in the unit or relating to family absence from the unit. The family must cooperate with GHA for this purpose.

The family must promptly notify GHA of its absence from the unit. GHA may contact neighbors, family members, and make site visits. GHA may set an appointment by mail to review any suspected absences. Failure to respond to the notice or to attend the meeting will be construed as reasonable proof of absence from unit.

GHA will also act in accordance with the Arizona Residential Landlord Tenant Act, Section 33-1370, "Abandonment; notice; remedies; personal property; definition

12.0 Income, Exclusions From Income, and Deductions From Income

To determine annual income, GHA counts the income of all family members, except for the types and sources of income that are specifically excluded. On HUD Form 50058, GHA will identify income from all sources and all types, and distinguish between included and excluded amounts. Once the included annual income is determined, GHA subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

12.1 Annual Income (§5.609, 5.612)

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

- 1) Are paid or provided 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 re-examination effective date; and
- 3) Are not specifically excluded from annual income.
- 4) If it is not feasible to calculate a level of income over a 12-month period (e.g. seasonal, periodic, or cyclic income), GHA may calculate the income for a shorter period, subject to a re-determination at the end of the shorter period. (§5.609(d)).
- 5) If payments are assigned to the family head, spouse or co-head on behalf of any other family member, but the payment is voluntarily given to someone outside of the family, unless there is a written, legal agreement between the parties, the payments will be included as income to the assisted household.
- 6) If the head of household, or another family member is married, and the absent spouse is not an approved member of the household, GHA will consider them temporarily absent and the income of the absent spouse will be counted. The exception is a legal separation or other court order prohibiting the spouses from maintaining contact.
- 7) Funds deposited into a bank account will be considered income and used to calculate income, unless excluded by GHA or legal agreement. Such determination shall be made on a case-by-case basis and solely at the discretion of GHA.

Annual income includes, but is not limited to the amounts specified in the federal regulations currently found in 24 CFR §5.609 and 5.612:

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

- 2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
 - 3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD. Income that could have been derived from assets worth more than \$1,000 that were disposed of for less than fair market value within the past two years will be counted as income.
 - 4) Asset income of minors is counted as income.
 - 5) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability, or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
 - 6) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
 - 7) Portion of athletic scholarships that is available specifically for housing costs.
 - 8) Welfare assistance.
1. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

- 1) Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
- 2) Are not otherwise excluded under paragraph Section 12.2 of this Plan.

If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:

- 1) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
- 2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.

If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

2. Imputed welfare income.

1. A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to GHA by the welfare agency resulting from either welfare fraud or the failure to comply with economic self-sufficiency requirements), plus the total amount of other annual income.
2. At the request of GHA, the welfare agency will inform GHA in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform GHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. GHA will use this information to determine the amount of imputed welfare income for a family.

3. A family's annual income includes imputed welfare income in family annual income, as determined at an interim or regular re-examination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to GHA by the welfare agency).
4. The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.
5. GHA will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction
6. If a participant is not satisfied that GHA has calculated the amount of imputed welfare income in accordance with HUD requirements, and if GHA denies the family's request to modify such amount, then GHA shall give the resident written notice of such denial, with a brief explanation of the basis for GHA's determination of the amount of imputed welfare income. GHA's notice shall also state that if the resident does not agree with the determination, the resident may contest the decision in accordance with our informal review policy.

3. Interactions with welfare agencies

- 1) GHA has electronic access to state welfare records, in accordance with agreements, and will use these records for admissions and continued occupancy reviews. All information is available via electronic access/format.
- 2) GHA will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives GHA written notice of such reduction, the family's annual

income shall include the imputed welfare income because of the specified welfare benefits reduction.

- 3) GHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency and specified in the notice by the welfare agency to GHA. However, GHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.
- 4) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. GHA shall rely on the welfare agency notice to GHA of the welfare agency's determination of a specified welfare benefits reduction.
- 5) Periodic and quantifiable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
- 6) All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)
- 7) Unless otherwise verified, child support from a court awarded settlement agreement that is not being paid, if no attempt to collect is being made. If an attempt is being made to collect the support amount owed, and that attempt can be verified, the amounts owed are only counted as income once they are actually received. GHA will accept verification that the family is receiving an amount less than the award if the family furnishes documentation of a child support or alimony collection action filed through a child support enforcement/collection agency or has filed an enforcement or collection action through an attorney. GHA utilizes the State Department of Economic Security

Child Support Enforcement database to verify child support collection activity.

- 8) Costs for the purchase of the medical marijuana registry card and the purchase of medical marijuana are not deductions from income
- 9) Any financial assistance in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for persons over the age of 23 with dependent children. Also see Section 12.2 for definition of housing eligibility for students. For purposes of determining income, "financial assistance" does not include loan proceeds.
- 10) The individual must obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support.

NOTE: This certification is required even if no assistance will be provided for the student receiving the tuition assistance.

This rule does not apply to students residing with their parents in a Section 8 assisted unit or who are applying for Section 8 assistance or is a disabled person.

12.2 Exclusions from Income (§5.609, §5.612)

Annual income does not include the following amounts specified in the federal regulations currently found in 24 CFR §5.609:

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

1. 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) or payments made under Kin-GAP or similar guardianship care programs for children leaving the juvenile court system;
2. 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;

3. Amounts received by the family that is specifically for, or in reimbursement of, the cost of medical expenses for any family member ;
 - 1) Income of a live-in aide;
4. SEE DEFINITION OF TUITION IN THE GLOSSARY.
5. The amount of student financial assistance paid directly to the student or to the educational institution for tuition.
6. (For Section 8, any financial assistance in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for persons over the age of 23 with dependent children, or is a disabled person. Also, see Section 3.2 for definition of housing eligibility for students. For purposes of determining income, “financial assistance” does not include loan proceeds.)
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. The amounts received from the following programs:
 - 1) Amounts received under training programs funded by HUD;
 - 2) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain self-sufficiency (PASS);
 - 3) Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and that are made solely to allow participation in a specific program;
 - 4) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiative coordination, and serving as a member of GHA’s governing board. No resident may receive more than one such stipend during the same period of time;

- 5) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
- 6) “Temporary, nonrecurring, or sporadic” income (including gifts). This specifically includes temporary income payments from the U. S. Census Bureau, defined as employment lasting no longer than 180 days per year and not culminating in permanent employment;
- 7) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- 8) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- 9) Adoption assistance payments in excess of \$480 per adopted child;
- 10) Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
- 11) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on a dwelling unit;
- 12) 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
- 13) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits.

These exclusions include:

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

2. Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(f)(1), 5058);
3. Certain payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
4. 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);
5. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
6. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, section 6
7. The first \$2,000 of per capita shares received from judgment funds awarded by the Indian National Gaming Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, and the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408). This exclusion does not include proceeds of gaming operations regulated by the Commission;
8. Amounts of scholarships funded under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070), including awards under Federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For Section 8 programs, only (42 U.S.C. 1437f), any financial assistance in excess of amounts received by an individual for tuition and any other required fees and charges under the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall not be considered income to that individual if the individual is over the age of 23 with dependent children (Pub. L. 109-115, section 327) (as amended);
9. Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(g));
10. Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund (Pub. L. 101-201) or any other fund established pursuant to the settlement in *In Re Agent-Orange Liability Litigation*, M.D.L. No. 381 (E.D.N.Y.);
11. Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420), (25 U.S.C. 1728);

12. The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
13. Earned income tax credit (EITC) refund payments received on or after January 1, 1991, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, section 101 of the Housing and Urban Development Act of 1965, and sections 221 (d)(3), 235, and 236 of the National Housing Act (26 U.S.C. 32(j));
14. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95–433);
15. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
16. Any allowance paid under the provisions of 38 U.S.C. 1883(c) to children of Vietnam veterans born with spina bifida (38 U.S.C. 1802-05), children of women Vietnam veterans born with certain birth defects (38 U.S.C. 1811-16), and children of certain Korean service veterans born with spina bifida (38 U.S.C. 1821);
17. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602(c));
18. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931(a)(2));
19. Any amount received under the Richard B. Russell School Lunch Act (U.S.C. 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1760(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);
20. Payments, funds or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b));
21. Payments from any deferred U.S. Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts (42 U.S.C. § 1437a(b)(4));
22. Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111-

269; 25 U.S.C. 4103(9)) to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self-Determination Act (NAHASDA) (25 U.S.C. 4101 *et seq.*) and administered by the Office of Native American Programs;

23. A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, 816 F. Supp. 2d 10 (Oct. 5, 2011 D.D.C.), for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010 (Pub. L. 111-291);
24. Any amounts in an “individual development account” as provided by the Assets for Independence Act, as amended in 2002 (Pub. L. 107-110, 42 U.S.C. 604(h)(4));
25. Per capita payments made from the proceeds of Indian Tribal Trust Cases as described in PIH Notice 2013-30 “Exclusion from Income of Payments under Recent Tribal Trust Settlements” (25 U.S.C. 117b(a)); and
26. Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations. (42 U.S.C. 5155(d)).
 - 1) Accounts created under the Achieving a Better Life Experience Act of 2014 (ABLE Act) are excluded from the calculation of both income and assets (PIH 2019-9).

GHA will not provide exclusions from income in addition to those already provided for by HUD.

12.3 Deductions from Annual Income (§5.611; §5.617)

The following deductions will be made from annual income:

1. \$480 for each dependent
2. \$400 for any elderly family or disabled family (24 CFR §5.403)
3. The sum of the following, to the extent the sum exceeds three percent of annual income: (24 CFR §5.611(3))
 - 1) Unreimbursed medical expenses of any elderly family or disabled family including any fee paid by the participant for the Medicare Prescription Drug Program. Costs for the purchase of the medical

marijuana registry card and the purchase of medical marijuana are not deductions from income; and

- 2) Unreimbursed reasonable attendant care and auxiliary apparatus (auxiliary apparatus can include veterinarian costs and food costs of a service animal, costs of maintaining necessary equipment added to a vehicle but not the cost of the vehicle itself or maintenance of the vehicle not associated with the necessary 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
 - 3) The Medicare assistance provided prior to May 15, 2006 for the cost of drugs pursuant to prescription drug discount cards, negotiated drug price, or transitional assistance subsidies.
4. Reasonable full or part-time childcare expenses for children under age 13 necessary to enable an adult family member to be actively seeking work, to be employed, or to further his or her education. This deduction shall not exceed the amount of employment income that is included in annual income. In the case of a family where both adults are able to work, HUD suggests using the lesser income as the annual income limit.

Childcare allowances cannot exceed the income that is included in annual income that the enabled family member earns.

** Reasonable full time childcare is defined to be no more than the amount published by the Arizona Department of Economic Security (DES) as the average median cost as determined by the DES market rate survey for Maricopa County (See <http://arizonachildcare.org/acccost.html> for recent costs). Childcare for less than full time will be prorated based on the DES average median.

5. For persons with disabilities, the incremental earnings due to employment during a cumulative 12-month period following date of the initial hire shall be excluded. This exclusion is only available to the following families:
 - 1) Qualified families whose income increases as a result of employment of a family member who is a person with disabilities who was previously unemployed (See definition of "Previously Unemployed") for one or more years prior to employment.
 - 2) Earned income in excess of income prior to the qualifying change is excluded.

- 3) Qualified families whose income increases as a result of participation of a family member who is a person with disabilities in any economic self-sufficiency or other job-training program.
6. Persons with disabilities who are or were, within 6 months, assisted under a State TANF or Welfare-to-Work program. TANF includes regular monthly income and one-time benefits and/or services that total at least \$500 over a six-month period.

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

The disallowance of increased income of an individual family member is limited to a lifetime, consecutive 48-month period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

Noncitizen/ineligible family members do not qualify for this exclusion.

12.4 Receipt of A Letter or Notice from HUD Concerning Income

1. If a PH participant receives a letter or notice from HUD concerning the amount or verification of family income, the letter shall be brought to the responsible housing specialist for income verification within thirty (30) calendar days of receipt by the participant.
2. GHA Administrator or authorized designee shall reconcile any difference between the amount reported by the participant and the amount listed in the HUD communication. This reconciliation shall occur as promptly as possible.
3. After the reconciliation is complete, GHA shall, if appropriate, adjust the participant's rental contribution beginning at the start of the next month. If the reconciliation is completed during the final five (5) calendar days of the month, the new rent shall take effect on the first day of the second month following the end of the current month. In addition, if the participant had not previously reported the proper income, GHA shall do one of the following:
 1. Immediately collect the overpaid assistance paid by the agency;
 2. Establish a repayment plan for the resident to pay the sum due to GHA;
 3. Terminate the participant from the program for failure to report income; or
 4. Terminate the participant from the program for failure to report income and collect the overpaid assistance paid by the agency.
 - 5.

12.4.1 Cooperating with Welfare Agencies

GHA will make its best efforts to enter into cooperation agreements with local welfare agencies. The welfare agencies will agree:

- 1) To target assistance, benefits, and services to families receiving assistance in the public housing and Section 8 tenant-based assistance program to achieve self-sufficiency.
- 2) To provide written verification to GHA concerning welfare benefits for families applying for or receiving assistance in our housing assistance programs.

13.0 VERIFICATION

GHA will verify information to confirm claimed waiting list preferences, eligibility, and level of benefits prior to admission. During occupancy, eligibility and income will also be reviewed and verified on an annual basis or whenever there is a change in household composition. For family members 18 years of age and older, income, assets, expenses, disability and student statuses and related adjustments will be verified. Social Security Numbers and citizenship/eligible non-citizen status is only required for any new family/household members who claim eligibility. Age and relationship will only be verified in those instances where necessary to determine the level of assistance.

An applicant may claim qualification for a ranking preference by certifying to GHA that the family qualifies for such preference(s) and must provide information needed by GHA to verify that the applicant qualifies for the preference. Admission decisions are based on the applicant's current status, not on the status on the date of the pre-application. Once GHA has verified that an applicant qualifies for a preference, GHA will only request additional verification if 60 calendar days have passed since the initial verification or information exists to suggest that the applicant no longer qualifies for a preference.

13.1 Document Age

Verification documents must be dated within 60 calendar days of certification or re-examination. If the verification is older than 60 calendar days, the source will be contacted and asked to provide information regarding any changes.

When an interim re-examination is conducted, GHA will verify and update only those elements reported to have changed.

13.2 Social Security Numbers

Applicants who claim program eligibility shall verify their SSN by either submitting a valid, original SSN issued by the Social Security Administration, an original document issued

by the federal or state agency which contains the name, SSN and identifying information of the applicant or such other evidence of the SSN as HUD may prescribe in any administrative instructions.

13.3 CITIZENSHIP/ELIGIBLE IMMIGRANT STATUS (§5.506)

To be eligible for Federal housing assistance, at least one member of the household must be a U.S. citizen or have a qualifying immigration status. The eligible person does not have to be the person completing the application and the eligible person is not required to be an adult. A family in which some family members have eligible immigration status, and some do not contend eligible immigration status, is called a mixed-status family/household. Mixed-status families/households receive prorated assistance based on the percentage of family/household members who qualify for assistance. An ineligible adult applying for benefits on behalf of an eligible person will be included as an ineligible household member.

13.3.1 Qualifying Immigration Statuses

An individual who is not a U.S. citizen or national who is a resident of the U.S. and has any of the following immigration statuses is eligible for assistance:

- A non-citizen lawfully admitted for permanent residence as an immigrant (includes special agricultural workers granted lawful temporary resident status and noncitizens that indicate they have satisfactory immigration status, such as VAWA self-petitioners, whose verification of eligibility or appeal of a determination as to permanent residence is pending with DHS).
- A non-citizen who entered the United States before 1/1/72 (or such later date as enacted by law) and:
 - Has continuously maintained residence in the U.S. since then; and
 - Is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General.
- A non-citizen who is lawfully present in the United States as a result of:
 - Refugee status, including:
 - 1) Those granted Temporary Protective Status (TPS) under the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) (section 207 of the Immigration and Nationality Act (INA)) – these families have a “T” visa; or
 - 2) The granting of asylum (which has not been terminated (section 208)); or
 - 3) The granting of conditional entry (section 203 (a)(7)) prior to 4/1/80 because of persecution or fear on account of race, religion, or political opinion, or because of being uprooted by catastrophic national calamity.
- A non-citizen who is lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest (section 221(d)(5)) (e.g., parole status).

- A non-citizen who is lawfully present in the United States as a result of the Attorney General's' withholding deportation (section 243(h)) (threat to life or freedom).
- A non-citizen lawfully admitted for temporary or permanent residence (245A) (amnesty granted).
- An alien who is lawfully residing in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: Provided, That, within Guam any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.

13.3.2 Documentation of Citizenship or Immigration Status

For each family member who contends that he or she is a U.S. citizen or a noncitizen with eligible immigration status, the family must submit to GHA a written declaration, signed under the penalty of perjury, declaring whether he or she is a U.S. citizen or a noncitizen with eligible immigration status⁸. For children, the declaration must be signed by an adult residing in the assisted dwelling unit who is responsible for the child⁹.

If one or more members of a family elect not to contend that they have eligible immigration status, and other members of the family establish their citizenship or eligible immigration status, the family may be eligible for prorated assistance despite the fact that no declaration or documentation of eligible status is submitted for one or more members of the family. The family, however, must identify in writing to GHA, the family

member (or members) who will elect not to contend that he or she has eligible immigration status¹⁰.

13.3.2.1 Evidence of Citizenship or Eligible Immigration Status¹¹

Each family member claiming program eligibility, regardless of age, must submit the following evidence to GHA:

(1) For U.S. citizens or U.S. nationals, the evidence consists of a signed declaration of U.S. citizenship or U.S. nationality. The responsible entity may request verification of the declaration by requiring presentation of a United States passport or other appropriate documentation, as specified in HUD guidance.

(2) For noncitizens who are 62 years of age or older or who will be 62 years of age or older and receiving assistance under a Section 214 covered program on September 30, 1996 or applying for assistance on or after that date, the evidence consists of:

- (i) A signed declaration of eligible immigration status; and
 - (ii) Proof of age document.
- (3) For all other noncitizens, the evidence consists of:
- (i) A signed declaration of eligible immigration status;
 - (ii) One of the INS documents referred to in §5.510; and
 - (iii) A signed verification consent form.

Documentation must be submitted by the time of the eligibility determination. Once documents have been submitted and verified for an individual, citizenship documentation for that individual will not need to be collected again. Household members who do not provide the required evidence of citizenship or eligible immigration status will be considered ineligible.

13.3.2.2 Extensions

GHA must provide an extension of up to 30 days to submit evidence of eligible status if the family/household submits the declaration of eligible immigration status and certifies that the family needs more time because the required evidence is temporarily unavailable. To obtain an extension, the family/household must also certify that prompt and diligent efforts will be undertaken to obtain the evidence.

Upon determining if the extension request meets the requirements, GHA must inform the family, in writing, whether its request for a time extension has been granted or denied. If granted, the notice must state the specific period of the extension. If the extension request is denied, the notice must explain the reasons for the denial.

13.3.3 Verification of Eligible Immigration Status

GHA is required to verify eligible immigration status of at least one household member through the U.S. Citizenship and Immigration Service (CIS). GHA may not admit any individual prior to receiving the required documentation described in Section 5.3.2.1. above.

13.3.3.1 Primary Verification Method

GHA will conduct primary verification of eligible immigration status for at least one household member through the CIS automated system, Systematic Alien Verification for Entitlements (SAVE).

13.3.3.1 Secondary verification method

If the primary verification system does not confirm eligible immigration status for at least one household member, or if the primary verification system verifies immigration status that is ineligible for assistance GHA must attempt secondary verification by requesting a manual record check by CIS within 10 days of receiving results of the primary verification. To request secondary verification, the GHA will forward photocopies of the original

required documents with the form G-845S Document Verification Request or such other form specified by the.

If secondary verification fails, GHA must notify the family/household in writing to include:

- A statement that financial assistance will be denied or terminated and the justification;
- Notification that the family may be eligible for prorated assistance if it is a mixed-status family;
- In the case of a currently assisted household, the procedures for requesting proration of assistance;
- The right to appeal the results of the secondary verification to the CIS and how to appeal; and
- The right to request an informal hearing from the GHA in lieu of or after a CIS appeal

13.3.3.2 CIS Appeals Process

GHA must notify the family in writing if the secondary verification process does not confirm eligible immigration status for at least one household member. The notice must indicate whether assistance will be delayed, denied, or terminated and inform the family of the right to file an appeal with the CIS.

If the family wants to exercise its right of appeal with the CIS, the family must submit a written request for an appeal to the CIS within 30 days of the date of the GHA notification. The family must also take the following steps:

- Include with the appeal request a cover letter and any support documentation as well as a copy of the verification request form (CIS Form G-845S) which was submitted by GHA for the secondary verification request;
- Provide GHA with a copy of the request for appeal with the CIS and proof of mailing (e.g., USPS Certified Mail ©, a service that provides the sender with a mailing receipt); and
- Provide any additional documentation that the CIS may request.

Within 30 days the CIS must render its decision to the family and forward a copy to GHA (or provide notice of the reasons for any delay).

13.3.3.3 Delay, Denial, or Termination of Assistance

GHA will not delay, deny, or terminate assistance to an applicant or participant on the basis of ineligible immigration status of a family member if any of the following circumstances apply:

- At least one person in the household is a U.S. citizen or an eligible noncitizen who has been verified by CIS;
- The family has submitted the required documents to GHA in a timely manner, but the primary and secondary verification processes has not been completed;

- The family member whom the GHA has not determined eligible moves out of the household;
- The CIS appeals process has not been completed;
- Assistance is prorated, and the family is not receiving assistance for the family member(s) whose eligible immigration status has not been verified; or
- For a program participant, the informal hearing process is not complete.

Assistance must be denied or terminated when:

- The family has not submitted the declaration of citizenship or eligible immigration status for at least one household member and appropriate documentation by the specified deadline or any extension;
 - The family has submitted required documentation, but CIS primary and secondary verification do not verify immigration status and the family does not pursue CIS or GHA appeal;
 - The family has submitted required documentation, but CIS primary and secondary verification do not verify immigration status, and CIS or GHA appeal is pursued but decision(s) are rendered against the family; or
- GHA determines that a family has knowingly permitted an ineligible person to live in the assisted unit. In this case, GHA must terminate assistance for at least 24 months. This does not apply if the ineligibility of the ineligible individual at issue was considered in calculating any proration of assistance provided for the family.

For information regarding verification of citizenship status, see Chapter 13.12 for details and Exhibit 1 for document types.

13.3 Frequency

Household composition will be verified annually, unless an interim examination is necessary. Verification of eligible immigration status and Social Security number, for at least one household member, will be obtained only once and must be accomplished prior to admission. If a family member has attained eligible immigration status and wishes to apply for and be added to the family's housing benefits, the family member's eligible immigration status will be verified at the next regular re-examination. When a family member who did not have a Social Security number at admission receives a Social Security number, that number will be verified at the next regular re-examination.

13.4 Income Verification

HUD requires PHAs to use the Enterprise Income Verification system (EIV) in its entirety to verify tenant employment and income information during mandatory re-examinations of family composition and income in order to reduce administrative and subsidy payment errors.

PHAs are required to access the EIV system and obtain an Income Report for each household. The PHA is required to maintain the Income Report in the tenant file along

with the form HUD-50058 and other supporting documentation to support income and rent determinations for all mandatory annual re-examinations of family income and composition. If the Income Report does not contain any employment and income information for the family, the PHA should attempt the next lower level verification technique, as noted in the below chart.

Level	Verification Technique	Ranking
6	Upfront Income Verification (UIV) using HUD’s Enterprise Income Verification (EIV) system (not available for income verifications of applicants)	Highest (Mandatory)
5	Upfront Income Verification (UIV) using non-HUD system	Highest (Optional)
4	Written Third-Party Verification (Includes tenant-provided documents if generated by a third party – example – check stubs, bank statements)	High (Mandatory to supplement EIV-reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute)
3	Written Third-Party Verification Form	Medium-Low (Mandatory if written third-party verification documents are not available or rejected by GHA; and when the applicant or tenant is unable to provide acceptable documentation)
2	Oral Third-Party Verification	Low (Mandatory if written third-party verification is not available)
1	Tenant Declaration	Low (Use as a last resort when unable to obtain any type of third-party verification)

13.5 HUD’s EIV System

The EIV System is a web-based application, which provides PHAs with employment, wage, unemployment compensation and social security benefit information of tenants

who participate in the Public Housing and various Section 8 programs under the jurisdiction of the Office of Public and Indian Housing (PIH). This system is available to all PHAs nationwide. Information in EIV is derived from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all program participants with valid personal identifying information (name, date of birth (DOB), and social security number (SSN)) reported on the form HUD-50058.

All PHAs are required to review the EIV Income Report of each family before or during mandatory annual and interim re-examinations of family income and/or composition to reduce tenant under reporting of income and improper subsidy payments. EIV is classified as an UIV technique (or automated written third party verification), which helps to identify income sources and/or amounts that the tenant may not have disclosed. This UIV technique in many instances will reduce the need to mail or fax third party verification request forms to an income source. EIV also provides various reports to assist PHAs with the following:

1. Identifying tenants whose reported personal identifiers do not match the SSA database;
2. Identifying tenants who need to disclose a SSN;
3. Identifying tenants whose alternate identification number (Alt ID) needs to be replaced with a SSN;
4. Identifying tenants who may not have reported complete and accurate income information;
5. Identifying tenants who have started a new job;
6. Identifying tenants who may be receiving duplicate rental assistance;
7. Identifying tenants who are deceased and possibly continuing to receive rental assistance;
8. Identifying former tenants of PIH rental assistance programs who voluntarily or involuntarily left the program and have a reportable adverse status and/or owe money to a PHA or Section 8 landlord.

13.6 Other Up-Front Income Verification (UIV) Sources

GHA will use additional UIV resources as they become available. This will be done before, during and/or after examinations and/or re-examinations of household income as appropriate. The following is a list of other sources GHA currently uses.

1. State Wage Information Collection Agencies (SWICAs)
2. State systems for the Temporary Assistance for Needy Families (TANF) program
3. Credit Bureau Information (CBA) credit reports (PIH Notice 2010-19)
4. Internal Revenue Service (IRS) Letter 1722
5. Private sector databases (e.g. The Work Number)

Applicants and participants are still required to disclose accurate and complete information.

It is important to note that UIV data will only be used to verify a participant's eligibility for a rental assistance program and to determine the level of assistance the participant is entitled to receive. The verification will be performed only by properly trained persons whose duties require access to this information. Any other use, unless approved by the HUD Headquarters UIV Security System Administrator, is specifically prohibited and will not occur.

No adverse action can be taken against a participant until GHA has independently verified the UIV information and the participant has been granted an opportunity to contest any adverse findings through the established grievance procedure. The consequences of adverse findings may include GHA requiring the immediate payment of any over-subsidy, entering into a repayment agreement for re-payment over time, eviction, criminal prosecution, or any other appropriate remedy.

13.7 EIV/UIV Privacy Requirements

In order to view income data in the EIV system, GHA will require a valid Form-HUD 9886 *Authorization for Release of Information and Privacy Act Notice* and 9887 *Notice and Consent for the Release of Information*, signed by all household members who are at least 18 years of age. Alternative consent forms are not acceptable to HUD for access to the EIV system. Form HUD-9886 notifies the signer of the authorization and purpose for collecting the information, the uses of the data, and the consequences to the individual for failing to provide the information.

EIV data will not be disclosed in any way that would violate the privacy of the individuals represented in the system.

Tenants will have access to their records upon written request and will have the opportunity to contest the contents of the information received by GHA through the HUD EIV system. If the tenant disagrees with any employment/wage information, the tenant must contest that information with the employer/income source. GHA cannot alter or modify any information in the EIV system.

Upon submission of additional documentation by the tenant showing information different than that in the EIV system, GHA will verify the information through third party verification. If the information is verified by the third party, GHA will correct its records to reflect correctly verified income information.

If the EIV information is contested by the tenant, but cannot be verified through third party verification, GHA must use the EIV income information received.

The case file must be thoroughly documented. All supporting documentation must be included in the file.

Upon written request, GHA can release EIV data to the tenant only. The tenant cannot, in writing or otherwise, give GHA permission to release the data to a third party.

File and key control procedures are in place to ensure safeguards of all data received

13.8 Records Retention

The EIV Income Report must remain in the tenant file for the duration of tenancy and for a period of three years from the end of participation (EOP) date or end of the tenant-related action, whichever is longer. GHA is required to maintain at a minimum, the last three years of the form HUD-50058 and supporting documentation for all annual and interim re-examinations of family income. Once the retention period has expired, the EIV Income Record can be destroyed by appropriate means. GHA policy is to retain records for four years after the conclusion of the tenancy period.

13.9 Written Third-Party Verification (Including Tenant-provided Documents)

An original or authenticated copy of a document generated by a third-party source dated either within the 60-day period preceding the re-examination or GHA request date may be provided to verify income. Such documentation may be in the possession of the tenant (or applicant) and is commonly referred to as tenant-provided documents.

It is HUD's position that such tenant-provided documents are written third-party verification since these documents originated from a third-party source. GHA may, at its discretion, reject any tenant-provided documents and follow up directly with the third party to obtain any necessary verification.

Examples of acceptable tenant-provided documentation include, but are not limited to: pay stubs, payroll summary report, employer notice/letter of hire/termination, SSA benefit verification letter, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

GHA will obtain 30 days of current and consecutive pay stubs during the most recent 60-day period for determining annual income from wages. For new income sources or when the necessary number of pay stubs are not available, GHA will project income based on the information from a traditional written third-party verification form or the best available information.

Third-party written verifications may also be used to supplement independent UIVs described above. They will be utilized when there is a discrepancy of \$200 a month or more and the participant disputes the UIV results.

When UIV/EIV, written and oral third-party verifications are not available or third parties do not respond to requests for verification, GHA will use the tenant-provided documents if they contain complete information. Photocopies of the documents, excluding government checks, provided by the family will be maintained in the file. In cases in which staff reviews but cannot copy documents, staff will provide a complete and accurate written statement describing and verifying the contents of the document(s) they reviewed.

Note: Social Security benefit information in EIV is updated every three months. If the

tenant agrees with the EIV-reported benefit information, PHAs do not need to obtain or request a benefit verification letter from the tenant.

13.10.1 Written Third-Party Verification Form

If other verification methods cannot be used, GHA will attempt to obtain verification information utilizing a standardized form sent to a third-party source by GHA. The form is completed by the third-party and returned to GHA directly by the third party.

HUD recognizes that third-party verification request forms sent to third-party sources often are not returned.

HUD requires GHA to rely on documents that originate from a third-party source’s computerized system and/or database, as this process reduces the likelihood of incorrect or falsified information being provided on the third-party verification request form. The use of forms, which originate from a third-party source, will improve the integrity of information used to determine a family’s income and rent and ultimately reduce improper subsidy payments. This verification process will also streamline the income verification process.

13.10.2 Oral Third-Party Verifications

This type of verification includes direct contact with the source, in person or by telephone. When this method is used, staff members will be required to document in writing with whom they spoke, the date of the conversation, the telephone number, and the facts obtained. Oral third-party documentation will include the same information as if the documentation had been written, i.e. name, date of contact, amount received, etc.

13.10 Tenant Declaration

When UIV/EIV, written and oral third-party verifications are not available or third parties do not respond to requests for verification, GHA may accept a statement detailing information needed, signed by the head, spouse, co-head, or other adult family member.

Verification forms and reports received will be contained in the applicant/tenant file.

When any verification method other than independent UIV/EIV is utilized, GHA will document the reason for the choice of the verification methodology in the applicant/resident’s file.

13.11 Verification Requirements

The following chart outlines the factors that may be considered when verifying information and gives common examples of the type of verification that will be sought. To obtain third-party generated verification, GHA will send a request form to the source along with a release form signed by the applicant/participant. This list is not all-inclusive.

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

General Eligibility Items		
Social Security Number	Not allowed	Original Social Security Card, an appropriate government letter showing the number or other HUD-allowed method
Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
Adult Status of Head of Household		Valid driver's license, identification card issued by a government agency or a birth certificate.
Citizenship	N/A	INS acceptable documentation
Eligible immigration status	INS SAVE confirmation #	INS acceptable documentation
Student Head of Household (under age 24) (Exemption for student who is a disabled person)	Certification of financial assistance from parent or guardian or other source of financial support. All income eligibility requirements (may include that of parents or guardian)	Proof of age (over or under age 24); Proof of veteran status; Proof of dependent child in household

<p>Independent Student Status – student must have established a household separate from parents/guardians for at least one year prior to applying for assistance</p> <p>(Exemption for student who is a disabled person)</p>	<p>IRS documentation via IRS Form 4506-T</p>	<p>Proof of separate residence such as lease, utility bills that are for the 12-month period before receiving assistance.</p> <p>Copy of tax return for previous year showing not claimed as a dependent on someone else’s tax return; or a copy of the parent /guardian tax return showing the student was not claimed for the previous year</p>
<p>Full time student status for household member not head</p>	<p>Proof of registration and of semester completion – school registration and end of semester grade report</p>	<p>Same.</p>
<p>Verification Requirements for Individual Items</p>		
<p>Item to Be Verified</p>	<p>3rd party verification</p>	<p>Hand-carried verification</p>
<p>Disability</p> <p>**Requires periodic re-verification of the disability</p>	<p>Letter from medical professional, SSI, print-out of benefit amounts generated by GHA through automated link to DES, etc.</p> <p>EIV system verification, if available for social security disability benefits.</p> <p>Certification of Disability completed and signed by the medical professional</p>	<p>Proof of SSI or Social Security disability payments. (Note – not every disabled person will be receiving disability payments.)</p>
<p>Need for a live-in aide</p>	<p>Letter from health care provider (see PIH 2008-20) knowledgeable of condition</p>	<p>N/A</p>

Need for Additional bedroom for Medical Equipment	Letter from health care provider knowledgeable of condition; Size and dimensions of the equipment deemed necessary	
Victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (VAWA)	A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency; or A third-party employee, agent, or volunteer of a victim service provider, an attorney, medical professional, or a mental health professional from whom an applicant or tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects	All can be hand-carried.
Verification Requirements for Individual Items		
Item to Be Verified	3rd party verification	Hand-carried verification

	<p>of the abuse and under penalty of perjury, that this individual believes that the incident of domestic violence, dating violence, sexual assault , or stalking, that is the ground for protection, and meets the requirements under VAWA. This statement must be signed by the victim and the service provider:</p> <p>or</p> <p>** HUD Certification Form 5382</p>	
Childcare costs	Letter from care provider indicating amount and frequency of payment, hours of care, names of children, and if care is necessary for employment or education	Bills and receipts
Addition of family member due to adoption or custody	<p>Court-awarded custody decree or legal adoption. In the case of an emergency placement, court supplied documentation of the necessity of placement.</p> <p>For guardianship, CPS letter</p>	Same
Custodial Parent (Joint Custody 51%)	Legal court-ordered divorce custody agreement or other legal custody agreement, and school record proving residency	Same
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance, or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Medicare Prescription Drug Coverage		A card issued by the private prescription drug plan with the words "Medicare Rx" on it.
Value of and Income from Assets		
Savings, checking accounts	Letter from institution. (In accordance with EIV guidance on 3 rd party verification, tenant-provided documentation (monthly statements) may be used. If review shows deposits are attributable to EIV and/or tenant-reported income, no further verification necessary. Savings account information must be included on statements.	Passbook, most current statements, Credit Bureau Report
CDs, bonds, etc.	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return, Credit Bureau Report
Personal property held as investments	Assessment, bluebook, etc.	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement, Credit Bureau Report
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth
Income		
Earned income	Letter from employer	Multiple pay stubs, tax return, Credit Bureau Report
Self-employed	N/A	Tax return from prior year, books of accounts, Credit Bureau Report
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence, Credit Bureau Report
Alimony/child support	Court order, letter from source, letter from Human Services, DES child support enforcement print out	Record of deposits, divorce decree, Credit Bureau Report

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
Social Security		Letter from Social Security no more than 60 days old, as verified by HUD computer systems.
Periodic payments (i.e., welfare, pensions, workers' comp, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments, Credit Bureau Report
Training program participation	Letter from program provider indicating <ul style="list-style-type: none"> - whether enrolled or completed - whether training is HUD-funded - whether Federal, State, local govt., or local program - whether it is employment training - whether it has clearly defined goals and objectives - whether program has supportive services - whether payments are for out-of-pocket expenses incurred in order to participate in a program - date of first job after program completion 	N/A

13.12 EIV Deceased Tenant Report

GHA shall generate the EIV's Deceased Tenants Report monthly shortly before disbursing HAP payments to owners to see if the system flags deceased residents. GHA shall review the report and follow up with any listed families immediately and take any

necessary corrective action as set forth in PIH Notice 2010-50 or successor publications (See Chapter 22.8 for additional guidance on deceased Head of Household).

13.13 Resolving Discrepancies

An EIV Income Report will be pulled from the system before annual or interim re-examinations are conducted for any family and compared with family-reported information. If the EIV report reveals an income source that was not reported by the tenant or a substantial difference (defined as \$2400 or more annually) in the reported income information, GHA will:

- 1) Discuss the income discrepancy with the tenant; and
- 2) Request the tenant to provide any documentation to confirm or dispute the unreported or underreported income and/ or income sources.
- 3) In the event the tenant is unable to provide acceptable documentation to resolve the income discrepancy, GHA will request from the third-party source, any information necessary to resolve the income discrepancy; and
- 4) If applicable, determine the tenant's underpayment of rent as a result of unreported or underreported income, retroactively*; and
- 5) Take any other appropriate action, which may include recovering any payments required due to unreported or underreported income.

*Regarding continuing assistance or at termination of assistance, GHA will determine the retroactive rent as far back as the existence of complete file documentation (form HUD-50058 and supporting documentation) to support such retroactive rent determinations.

The tenant will be provided an opportunity to contest GHA's determination of tenant rent underpayment. Tenants will be promptly notified in writing of any adverse findings made on the basis of the information verified through the aforementioned income discrepancy resolution process. The tenant may contest the findings in accordance with established grievance procedures. GHA will not terminate, deny, suspend, or reduce the family's assistance until the expiration of any notice or grievance period.

When there is a minimal or no disparity between tenant-reported and EIV-reported income information, GHA will obtain from the tenant, any necessary documentation to complete the income determination process. As noted previously, GHA may reject any tenant-provided documentation if GHA deems the documentation unacceptable. Documentation provided by the tenant will only be rejected for the following reasons:

- 1) The document is not an original; or

- 2) The original document has been altered, mutilated, or is not legible;
- 3) The document appears to be a forged document (*i.e.* does not appear to be authentic), or
- 4) The documentation calls into question or conflicts with other submitted documentation.

GHA will explain to the tenant the reason(s) the submitted documents are not acceptable and request the tenant to provide additional documentation. If at any time, the tenant is unable to provide acceptable documentation that GHA deems necessary to complete the income determination process, GHA will transmit a verification form to the third-party source for completion and submission to GHA.

If the third-party source does not respond to GHA's request for information, GHA will document the tenant file that it attempted to obtain third-party verification and that no response to the third-party verification request was received.

GHA will then pursue to verify the tenant's income using any alternative method. During eligibility or ongoing recertification/interim reviews, GHA will make the determination whether the documentation supplied sufficiently and reliably supports family claims of household income level(s). GHA reserves the right to request additional documentation.

14.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

14.1 Family Choice of Rent (§960.253)

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

1. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would otherwise undergo. However, any changes to the Flat Rent amounts due to HUD-published Fair Market Rents (FMR):
2. Will be effective on the annual anniversary date for each affected family.
3. Families who opt for the flat rent will be required to undergo an annual review of family composition.
4. Families who opt for the flat rent may request to have a reexamination and switch to the income-based method at any time for any of the following reasons, however they can only switch to the flat rent at their annual recertification:

- 1) The family's income has decreased.
- 2) The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
- 3) Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

Upon submission of family's request for switch, GHA will review the family situation and determine whether or not a financial hardship exists. If it is determined that a financial hardship exists, GHA will immediately allow the switch to income-based rent.

12. Families have only one choice per year except for financial hardship cases. In order for families to make informed choices about their rent options, GHA will provide them with the following information whenever they have to make rent decisions:

- 1) GHA's policies on switching types of rent in case of a financial hardship; and
- 2) The dollar amount of tenant rent for the family under each option. If the family chose a flat rent for the previous year, GHA will provide the amount of income-based rent for the subsequent year only the year GHA conducts an income reexamination or if the family specifically requests it and submits updated income information.
- 3) There is no utility allowance for families who choose the flat rent.

14.2 The Income Method

The total tenant payment is equal to the highest of:

- 1) 10% of the family's monthly income; or
- 2) 30% of the family's adjusted monthly income; or
- 3) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this provision is the amount resulting from one application of the percentage: or
- 4) The minimum rent amounts.

*** When calculating income for a wage earner who works less than 12 months per year (example is a school employment where the person is off during the summer),

calculate the TTP both ways, then give the head of household the choice. The head of household MUST initial agreeing to the rent calculation method chosen.

14.3 Minimum Rent and Hardship Exemption (24CFR §5.630)

HUD allows the minimum rent to be set between \$0 and \$50.00. GHA minimum rent is \$50.00.

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

1. A hardship exists in the following circumstances:
 - 1) When the family has lost eligibility for, or is waiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is a non-citizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;
 - 2) When the family would be evicted because it is unable to pay the minimum rent;
 - 3) When the income of the family has decreased because of changed circumstances, including loss of employment; and
 - 4) When a death has occurred in the family.
2. No hardship. If GHA determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
3. Temporary hardship. If GHA reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the tenant portion of the rent will not be imposed for a period of 90 calendar days from the beginning of the suspension of the minimum rent. At the end of the 90-day period, the tenant portion of the rent will be imposed retroactively to the time of suspension. GHA will offer a repayment agreement in accordance with Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period, GHA will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
4. Long-term hardship. If GHA determines there is a long-term hardship, the family will be exempt from the tenant portion of the rent requirement until the hardship no longer exists.
5. Appeals. The family may use the grievance procedure to appeal GHA's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

14.4 The Flat Rent (PIH-2017-23, §960.253)

GHA has set a flat rent for each public housing unit. The flat rent is determined annually, based on the market rental value of the unit using one of the following three options:

1. Option One: GHA will establish a flat rent for each public housing unit that is no less than 80 percent of the applicable Fair Market Rent (FMR) as determined under 24 CFR part 888, subpart A;
2. Option Two: No less than 80 percent of an applicable small area FMR (SAFMR) or 80% of the unadjusted rent, if applicable, as determined by HUD, or any successor determination, that more accurately reflects local market conditions and is based on an applicable market area that is geographically smaller than the applicable market area used in the first paragraph of this section. If HUD has not determined an applicable SAFMR or unadjusted rent, GHA will rely on the applicable FMR under the first option or may apply for an exception flat rent under the third option. No other smaller geographical FMRs will be allowed by HUD;
3. Option Three: GHA may request, and HUD may approve, on a case-by-case basis, a flat rent that is lower than the amounts in Options One or Two of this section, subject to the following requirements:
 - 1) GHA must submit a market analysis of the applicable market.
 - 2) GHA must demonstrate, based on the market analysis, that the proposed flat rent is a reasonable rent in comparison to rent for other comparable unassisted units, based on the location, quality, size, unit type, and age of the public housing unit and any amenities, housing services, maintenance, and utilities to be provided by the GHA in accordance with the lease.
 - 3) All requests for exception flat rents under this option must be submitted to HUD.

GHA will not implement Option Three prior to receiving HUD's written approval. (A new market analysis and a new HUD written approval is required every year.)

The option chosen to establish the required flat rent will be the sole decision of GHA.

GHA will determine flat rents in accordance with Option One.

Annually, no later than 90 calendar days after issuance of new FMRs or SAFMRs by HUD, GHA will compare the current flat rent amount to the applicable FMR and SAFMR/unadjusted rent. If the flat rent is at least 80 percent of the lower of the FMR or SAFMR/unadjusted rent, GHA is in compliance with the law, and no further steps are necessary. If the flat rent is less than 80 percent of the lower of the FMR and SAFMR, GHA will adjust the flat rents at no less than 80 percent of the lower of the FMR or SAFMR/unadjusted rent¹, subject to the utilities adjustment required

for tenant-paid utilities, or GHA may request an exception flat rent pursuant to

Option Three, as described above. Revised flat rents will become effective for all families admitted after the flat rent is changed or at the lease renewal for an existing resident. (See footnote 1 for HUD's definition of "unadjusted rent" as relates to Flat Rent requirements).

1. As for flat rent phase-ins, previous regulations in PIH Notice 2014-12 and the subsequent FAQ's, HUD provided flexibility to GHAs to phase in all flat rent increases over a three-year period, including those increases that were 35 percent or less.

However, the FY 2015 Appropriations Act provides GHA additional flexibility to establish flat rents at lower amounts, thereby eliminating the need for the three-year phase-in of flat rent increases that are 35 percent or less. **Therefore, the only flat rent increases that will be phased-in are those where a family's rent will increase by more than 35 percent.**

Agencies that began phase-ins for families with rent increases at 35 percent or less last year shall follow the actions outlined below at the family's next annual rent option:

- 1) On a case-by-case basis, at the family's next annual rent option, compare the updated flat rent amount applicable to the unit to the rent that was being paid by the family immediately prior to the annual rent option;
 - 1) If the updated flat rent amount would not increase a family's rental payment by more than 35 percent, the family may choose to pay either the updated flat rent amount or the previously calculated income-based rent;
 - 2) If the agency determines that the updated flat rent amount would increase a household's rental payment by more than 35 percent, the family may choose to pay the phased-in flat rent amount resulting from the flat rent impact analysis or the previously calculated income-based rent.

Affected families will be given a 30-day notice of any rent change. Adjustments are applied at the end of the annual lease (for more information on flat rents, see Section 15.3).

Flat rents are incorporated in this policy as set by HUD Final Rules, Notices and regulatory requirement.

GHA will post the flat rents at the administrative office.

Flat rent families will receive a utility allowance based on the current utility schedule. (See Section 15.3)

14.5 Rent for Families Under the Non-Citizen Rule §5.500, 5.514, 5.516, 5.518, 5.520, PIH 2016-05

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

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

The family's assistance is prorated in the following manner:

1. Step 1. Determine the total tenant payment in accordance with 24 CFR §5.628. (Annual income includes income of all family members, including any family member who has not established eligible immigration status.)
2. Step 2. Family maximum rent is equal to the applicable flat rent for the unit size to be occupied by the family.
3. Step 3. Subtract the total tenant payment from the family maximum rent. The result is the maximum subsidy for which the family could qualify if all members were eligible ("family maximum subsidy").
4. Step 4. Divide the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status ("eligible family member"). The subsidy per eligible family member is the "member maximum subsidy."
5. Step 5. Multiply the member maximum subsidy by the number of family members who have citizenship or eligible immigration status ("eligible family members"). The product of this calculation is the "eligible subsidy."
6. Step 6. The mixed family TTP is the maximum rent minus the amount of the eligible subsidy.
7. Step 7. Subtract any applicable utility allowance from the mixed family TTP. The result of this calculation is the mixed family tenant rent.

When the mixed family's TTP is greater than the maximum rent, the XYZ Housing Authority will use the TTP as the mixed family TTP.

14.6 Utility Allowance

GHA will evaluate utility allowances at least annually as well as any time utility rate changes by 10% or more since the last revision to the allowances.

The payment responsibilities for utilities to the public housing rental units are as follows:

GHA shall pay for City water, trash removal, and sewer fees. All other utilities are the responsibility of the tenant family. Telephone and cable television are not considered utilities.

The utility allowance will be subtracted from the family's income rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to GHA.

The amount of the utility allowance will be paid directly to the utility company to be applied to the tenant family's monthly bill. In the event that the billed amount is less than the utility allowance, the utility company will place a credit on the tenant family's utility account. Any utility cost above the allowance is the responsibility of the tenant. The utility company will continue to send monthly billing statements to the tenant family, showing either a credit balance or additional payment due to satisfy the utility charge. The utility payment will be sent to the utility company with the highest bill owed by the tenant family. The other utility charge will be the sole responsibility of the tenant family.

24 CFR §965.505 states, "For systems that offer residents the option to choose air conditioning, the GHA shall not include air conditioning in the utility allowances." Regulations prohibit GHA from giving a utility allowance for costs incurred in running the air conditioner. However, 24 CFR §965.508 allows a housing authority to grant relief on reasonable grounds for individuals as defined in §965.508. A letter received October 11, 2005 from HUD also states that a housing authority may provide such relief to individuals, individual units, or projects. HUD does not have to approve relief. If GHA determines to provide relief via a utility allowance, GHA is required to establish criteria necessary to grant relief and to continue to provide a utility allowance for air conditioning. The criteria is as follows:

GHA may provide a utility allowance for air conditioning for all units in all public housing rental communities.

GHA will monitor costs closely to determine if it can financially cover allowing a utility allowance for air conditioning to public housing residents. GHA retains the right to reduce or remove the utility allowance for air conditioning in accordance with federal regulations.

14.7 Paying Rent

Rent and other charges are due and payable on the first day of the month. All rents should be paid at GHA Office, located at 6842 North 61st Avenue, Glendale, Arizona

85301. Payment will be delinquent after 5:00 p.m. on the fifth day of the month. A penalty of \$10.00 late fee will be charged on the sixth day and is due and payable the first day of the next month.

Rental payments of \$10.00 or greater must be paid by check or money order. Personal checks will not be accepted and rental payments must be paid by money order if a check has been returned to GHA for non-sufficient funds. Cash payments will be accepted for rental payments under \$10.00.

Reasonable accommodations for this requirement will be made for persons with disabilities.

If any rent payment check is returned by the bank as not payable, no further checks will be accepted from the household. Any subsequent payments will be made in money orders or cashier's check only.

A tenant may receive a reduction in rent in return for certain maintenance tasks in common areas and/or other services. The terms and amount of the reduction will be in accordance with current GHA procedures governing rent reductions for tenant services and applicable HUD regulations. Any agreement for rent reduction in return for services will be incorporated into the tenant's lease by amendment.

14.8 Collection fees

Should it be necessary for collection through legal proceedings or through a collection agency, the undersigned will pay a reasonable collection fee to the holder hereof together with the costs and reasonable expenses of collection.

15.0 COMMUNITY SERVICE (\$960.600)

15.1 Community Service Requirement

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities) or (2) participate in an economic self-sufficiency program unless they are exempt from this requirement, or (3) perform eight hours per month of combined activities unless they are exempt from this requirement. Service must be performed within the jurisdictional boundaries of the City of Glendale. GHA will not allow aggregate hours across a year; eight hours must be performed each month.

15.2 Definitions (See PIH Notice 2015-12)

1. **Community Service** - volunteer work, which includes, but is not limited to:
 - 1) Work at a local non-profit or public institution including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.;
 - 2) Work with a non-profit organization that serves GHA residents or their children such as: Boy Scouts, Girl Scouts, Boys or Girls clubs,

4-H program, PAL, Garden Center, Community cleanup programs, beautification programs, other youth or senior organizations;

- 3) Work at GHA when activities are available;
- 4) Helping neighborhood groups with special projects;
- 5) Working through resident organization to help other residents with problems, serving as an officer in a Resident organization, serving on the Resident Advisory Board; and
- 6) Caring for the children of other residents so they complete their community service requirements or attend a resident council meeting.

2. **Self Sufficiency Activities** - activities that include, but are not limited to:

- 1) Job readiness programs;
- 2) Job training programs;
- 3) GED classes;
- 4) GHA-provided job training programs, i.e. stipend program;
- 5) Substance abuse or mental health counseling;
- 6) English proficiency or literacy (reading) classes;
- 7) Apprenticeships;
- 8) Budgeting and credit counseling;
- 9) Any kind of class that helps a person toward economic independence; and
- 10) Full time student status at any school, junior college, college, or vocational school.

3. **Exempt Adult** - an adult member of the family who:

- 1) Is 62 years of age or older;
- 2) Is blind or disabled as defined under 216(I)(1) or 1614 of the Social Security Act (42 U.S.C. 416(I)(1), Section 1382(c)) and who certify that, because of this disability, she or he is unable to comply with the community service requirements;
- 3) Is a family member who is the primary care giver of such individual;
- 4) Is working at least 20 hours per week in work activities as defined in section 407(d) of the Social Security Act (42 U.S.C. 607(d)), specified below:
 1. Unsubsidized employment;
 2. Subsidized private-sector employment;
 3. Subsidized public-sector employment;

4. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
 5. On-the-job-training;
 6. Job-search and job-readiness assistance;
 7. Community service programs;
 8. Vocational educational training (not to exceed 12 months with respect to any individual);
 9. Job-skills training directly related to employment;
 10. Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
 11. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and
- 5) Is participating in a welfare to work program.
 - 6) Able to meet requirements under a State program funded under part A of Title IV of the Social Security Act (42 U.S.C. Section 601 et seq.) or under any other welfare program in our State, including a State-administered Welfare-to-Work program; or
 - 7) 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. Section 601 et seq.), or under any other welfare program of our State (HUD has determined that the Supplemental Nutrition Assistance Program (SNAP) qualifies as a welfare program of the state. Therefore, if a tenant is a member of a family receiving assistance under SNAP, and has been found by the State to be in compliance with the program requirements, that tenant is exempt from the CSSR), including a State-administered Welfare-to-Work program, and has not been found by the State or other administering entity to be in non-compliance with such a program. HUD has determined that this includes the SNAP (food stamp) program, which qualifies as a welfare program of the state, as long as the family member is compliant with the program.

By regulation, GHA can use reasonable guidelines in clarifying work activities in coordination with the Temporary Assistance to Needy Families (TANF) agency, as appropriate.

15.3 Notification of the Requirement

By reviewing all documentation in the tenant file, GHA shall identify all adult family members who are not exempt from the community service requirement.

GHA shall notify all non-exempt family members of the community service requirement, and all exempt family members of their exempt status in writing. The notification will provide the opportunity for non-exempt family members to claim and explain an exempt status. GHA shall verify such claims.

The notification will inform all exempt adult family members that they need to certify to their exempt status by completing the Exempt Status Certification form available in the housing administrative office.

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

At lease execution, all adult family members, age 18 or older, must:

1. Provide all requested documentation, if applicable, that they qualify for an exemption; (Documentation provided by the tenant will be used (and verified if necessary) by the GHA to determine whether the tenant is exempt from the CSSR), and
2. Sign a certification that they have received and read the policy and understand that, if they are not exempt, failure to comply with the community service requirement will result in non-renewal of their lease, per 24 CFR 966.4(l)(2)(iii)(D)

When a non-exempt person becomes exempt, it is his or her responsibility to report this to the GHA and provide documentation. When an exempt person becomes non-exempt, it is his or her responsibility to report this to the GHA as soon as possible.

Signed documents will be placed in the tenant file and a signed copy to the family member. All non-exempt family members will receive time logs, service verification forms, and will sign the Community Service Agreement form, stating they have been apprised of their responsibilities.

For families paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

15.4 Volunteer Opportunities

Eligible community service activities include, but are not limited to, serving at:

1. Local public or non-profit institutions, such as schools, Head Start Programs, before- or after-school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult daycare programs, homeless shelters, feeding programs, food banks

- (distributing either donated or commodity foods), or clothes closets (distributing donated clothing);
2. Non-profit organizations serving GHA residents or their children, such as: Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs, Police Activities League (PAL), organized children's recreation, mentoring, or education programs, Big Brothers or Big Sisters, Garden Centers, community clean-up programs, beautification programs;
 3. Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels;
 4. Public or non-profit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts;
 5. GHA housing to improve grounds or provide gardens (so long as such work does not alter the GHA's insurance coverage), or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board, outreach and assistance with GHA-run self-sufficiency activities including supporting computer learning centers; and
 6. Care for the children of other residents so parents may volunteer.

In order to facilitate easier documentation of the community service provided, residents shall work exclusively for non-profits. Any required court-ordered community service or probation-based work shall not count towards a resident's required 8 hours per month of community service.

15.5 The Process

Upon admission to the program and then at each annual reexamination thereafter, GHA will do the following:

1. Verify whether household members 18 years of age or older are required to participate in the Community Service program.
2. Provide a list of known volunteer opportunities to the family members.
3. Have each adult family member sign the Community Service Policy, acknowledging their responsibilities and that they understand the consequences of non-compliance, and that they are responsible for updating their status, if at any time, they become exempt.
4. All non-exempt family members will receive time tracking logs and service verification forms.

5. All exempt family members will sign the Exemption Certification, certifying to their exempt status.
6. Thirty (30) calendar days before the family's next lease anniversary date, GHA will verify compliance with the community service requirement for each adult non-exempt family member.
7. Each family member required to perform this service will be responsible for providing certification of their monthly progress. The eligibility worker will track the family member's monthly progress for compliance with the requirement.
8. If a resident's status changes from exempt to nonexempt, it is the resident's responsibility to notify GHA of the change and to make arrangements to complete any required community service time.

15.6 Notification of Non-compliance with Community Service Requirement (§960.605)

At least 30 calendar days before the end of the lease term, GHA will notify any family member found to be in noncompliance of the following:

1. The family member(s) determined to be in noncompliance;
2. That the determination is subject to the grievance procedure;
3. That the tenant may exercise any available judicial remedy to seek timely redress for the lease nonrenewal; and
4. That, unless the family member(s) enter into a written work-out agreement the lease will not be renewed at the annual recertification.

15.7 Opportunity for Cure

GHA will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours that are deficient, as needed to comply with the requirement over the past 12-month period. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with the current year's community service requirement.

If any applicable family member does not accept the terms of the noncompliance agreement, the lease will not be renewed unless the noncompliant family member no longer resides in the unit. If the noncompliant family member is the head of household, the lease will not be renewed.

If any member of the family enters into an agreement in order to cure noncompliance and does not fulfill their obligation to participate in an economic self-sufficiency program or falls behind in their obligation under the agreement to perform community service, GHA



will not renew the lease at the next reexamination.

In the case of non-compliance of a family member other than the head of household, the family has the option of providing written assurance to GHA that the noncompliant family member no longer resides in the unit. Providing false information or allowing an unauthorized person to reside in the assisted unit is cause for termination of assistance.

15.8 Prohibit Replacement of Agency Employees

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

15.9 Satisfying Delinquent Community Service Hours after Leaving the Program

Families who have left public housing for any reason(s) other than one that would preclude receiving assistance at any time in the future, and who have failed to meet their community service requirement must correct their deficiency before becoming eligible again for assistance. The community service hours can no longer be satisfied under the program; however, GHA will consider entering into an agreement to allow correction and completion of the delinquency. All community service program guidelines apply except that hours owed will be satisfied as follows:

1. If less than 40 hours are owed, complete a minimum of 40 hours of community service, or;
2. If more than 40 hours are owed, complete the total hours of community service owed.
3. Report completion of hours monthly using the same forms.

GHA will make the determination if the hours completed meet the guidelines for acceptable service.

Eligibility for re-entry into the program will not be considered until the delinquency is satisfied.

16.0 RECERTIFICATIONS (§960.257)

GHA must reexamine the income and composition of PH families at least annually. The results of the re-examination will be used to determine: (1) the rent the family will pay, and (2) whether the family subsidy is correct based on the family unit size.

A family's failure to comply with GHA's re-examination requirements is grounds for terminating assistance.

16.1 Changes in Income Between Annual Re-examinations

Families are required to report changes in income during the annual recertification process. GHA will not require an interim re-examination for increased income between

annual re-examinations. Families are not required to report increases in income

throughout the year, but may request an interim re-examination if they have experienced a decrease in income.

16.2 Changes in Family Composition Between Annual Re-examinations

Changes in family composition must be reported to GHA within 30 days of the change. GHA will utilize the HUD approved process to streamline an interim re-examination when a family member is added and will not complete a full redetermination of income.

As part of this streamlined interim re-examination, GHA is still required to verify eligibility of the new member, including social security number, criminal background, and citizenship, and submit a HUD-50058, including any applicable deductions, with the new household member's information. The standards outlined in Chapter 5 apply to requests to add additional household members. GHA will not collect and verify the new family member's Income information until the next scheduled annual re-examination.

If the individual is found to be ineligible or does not pass the screening criteria, he/she will be provided the reason for the rejection of his/her application in writing and the household will be given an opportunity for an informal review.

If the basis for rejecting the request is because the individual is an ineligible noncitizen, but otherwise passes the background check and the family wishes to pursue adding the individual to the household but not receive benefits for that individual, complete income verification will be required.

A family will not receive approval to add a family member(s) if it causes an HQS violation for over-crowding. In this case, the family must wait until the annual re-examination to add household members to the family, at which time GHA will evaluate whether to increase the unit size to include the new household member.

16.3 Re-examination Date

A family's annual re-examination date will be the first day of the month in which they moved into the unit.

16.4 Re-examination Process

GHA will accommodate the re-examination process in-person, by phone, mail, or through other electronic means. Notification to the family regarding the required re-examination can be provided by U.S. mail or electronic mail, if the participant has expressed a preference and has a valid email address on file with GHA.

Families will be notified a minimum of 60 days prior to the annual re-examination date and provided with all of the following:

1. Due date for all required forms and documentation which shall be 60 days before the re-examination date
2. Required forms that must be completed

3. Required documentation for income verification

4. How to request assistance completing forms or obtaining documentation
5. How to request a reasonable accommodation, such as a home visit, to complete the annual re-examination.

16.5 Flat Rents (§960.253, PIH Notice 2014-12)

1. Each year at the time of the annual reexamination, the family is given the option of selecting between the two methods of determining the amount of tenant rent paid monthly by the family. The family will be informed of the following:
 1. The amount of the flat rent.
 1. The amount of the income-based rent
 2. They will not be offered this choice more than once a year.
 3. Utility Allowance will be calculated on rent based on the Flat Rent option. The Public Housing Utility Allowance schedule will be used.
 5. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo, however they will undergo a family composition reexamination annually.
 6. Families who opt for the flat rent may request to have a reexamination and return to the income-based method at any time for any of the following reasons:
 1. The family's income has decreased.
 2. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
 3. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.

16.6 In-Person Interviews

GHA may select a random sample of families in any given month to conduct a mandatory in-person interview, but is not required to do so. GHA may require a family to appear in person for circumstances where additional information or explanation is necessary to complete the annual recertification.

16.7 Components to be Reviewed/Updated at Annual Re-examination

When completing a re-examination, GHA must obtain and document in the tenant file third-party verification of the following components, or document in the tenant file why third-party verification was not available.

16.7.1 Release and Consent

GHA must obtain updated HUD-9886 signed by all adult household members.

16.7.2 Changes in income, assets, deductions, expenses, and household characteristics

GHA must obtain a declaration of income, assets, deductions, expenses, and household characteristics; review for changes; and follow verification hierarchy to verify and calculate income, assets, deductions, expenses, and household characteristics. See section 16.11 regarding declaration of assets.

16.7.3 Changes in Family Composition

Review and update the HUD-50058. If household size increases, the family may be overcrowded in their current unit. A person cannot be added to the household if overcrowding is a result of the addition.

16.7.4 Utility Allowance

Verify that the utility allowance is correct for the unit size the family occupies and using GHA's current Utility Allowance Schedule.

16.7.5 Subsidy Determination

Upon verification of all information GHA will determine the family's annual income, calculate the family's subsidy and rent obligation, and provide written notice of subsidy determination.

16.8 Effective Date of Rent Changes

Any change in the family's subsidy or rent obligation will generally be effective 30 calendar days' from the date of the written notice of subsidy determination.

If the subsidy determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-calendar day notice of the amount. Any rent reduction will be effective on the first of the month, for the 1st month after GHA completes its review.

If the family caused the delay, any rent increase or decrease in the rent subsidy shall take effect on 1st of the month in the new lease term.

16.9 Failure to Respond

If the family fails to respond to the request for re-examination documents by the due date established, a second notice will be sent requiring an in-person interview on a specified date and time. The family must notify GHA a minimum of 24 hours prior to the appointment date/time if they need to reschedule. The notice will also advise that failure by the family to attend the appointment will result in termination of the family's assistance. If there is no response to the second notice, a termination notice will be issued to the family. The

termination notice will inform the family of its right to request an informal hearing to appeal the termination of benefits.

16.10 Families with 90% Fixed Income

It is the policy of GHA to utilize the HUD approved streamlined annual re-examination process for income evaluation for families with an unadjusted income consisting of 90 percent or more from fixed income sources as approved in PIH2016-05. This process allows for verifying and adjusting fixed income sources over a three-year cycle.

16.10.1 Definition of Fixed Income Sources

For the purposes of streamlined income determinations for fixed income families, HUD defines fixed income to mean periodic payments at reasonably predictable levels from one or more of the following sources:

1. Social Security, Supplemental Security Income, Supplemental Disability Insurance
2. Federal, state, local, or private pension plans
3. Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts

16.10.2 Three-Year Review Cycle

GHA must fully reverify and recalculate both fixed and non-fixed income sources every three years. In the initial year of a three-year cycle, GHA will complete an annual income determination consistent with all applicable HUD regulations and guidance.

In the second and third year of the three-year cycle, GHA will obtain from the family a certification that their fixed income sources have not changed, and that the family's income is still made of at least 90 percent from fixed income sources.

For non-fixed income sources, the family will have the option of providing full verification documents of non-fixed sources of income or electing to utilize the streamlined income adjustment based on what was reported in year one.

If the family provides that certification in years two and three, GHA will adjust the family's fixed income sources by the Cost of Living Adjustment (COLA) that is applicable to that fixed income source instead of fully reverifying and recalculating the income source.

GHA must properly document any fixed source of income, and the applicable COLA or interest adjustment for each specific fixed source of income.

GHA is still required to follow-up on any discrepancies or new sources of income reported in HUD's Enterprise Income Verification system.

16.10.3 Cost of Living Adjustments (COLA)

GHA will utilize the Social Security Administration's published COLA information to calculate the adjustment for fixed and non-fixed sources of income.

16.10.4 Declaration of Assets

GHA must obtain third-party verification of all family assets upon admitting a family to the public housing program and then again at least every 3 years thereafter. In accordance with Notice PIH2016-05, it is the policy of GHA to accept a family's declaration that it has total net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration.

If a family submits such a declaration, GHA will not request supporting documentation (e.g., bank statements) to verify the assets or the amount of income expected to be received from those assets.

1. The family's declaration of total assets must show each asset and the amount of income expected from that asset.
2. The total amount of income expected from all assets must be less than or equal to \$5,000.
3. The total amount of the expected income from assets will be the family's "final asset income," and must be entered in field 6j of Form HUD-50058.
4. All family members 18 years of age and older must sign the family's declaration of total assets.
5. A family that knowingly submits false information is subject to a civil penalty, plus damages, under the False Claims Act (31 U.S.C. 3729).
6. Whenever a family member is added, GHA must obtain third-party verification of that family member's assets. At the next annual reexamination of income following the addition of that family member, GHA must obtain third-party verification of all family assets if the addition of that family member's assets puts the family above the \$5,000 asset threshold.
7. If the addition of that family member's assets does not put the family above the \$5,000 asset threshold, then GHA will not obtain third-party verification of all family assets at the next annual reexamination of income following the addition of the family member.
8. Third-party verification of all family assets is required at least every 3 years.

16.11 Interim Re-Examinations

GHA must process an interim re-examination whenever one is requested by the family. GHA may conduct an interim re-examination at any time. During an interim re-examination, only the change being reported will be reviewed and verified.

If GHA discovers family composition changes that were not reported within the 30-day deadline, GHA may conduct an interim examination and adjust rent subsidy in the

month immediately following GHA's discovery of the change. GHA may seek to recover any funds retroactive to the date the change actually occurred or terminate assistance.

GHA will not process any interim re-examination without all verification documentation attached. Failure to submit the required documentation may cause to GHA to delay its review or reject the requested review.

It may take GHA up to 45 calendar days to process all changes. Decreases in rent amount will be retroactive to the first day of the month following the date the request was made, unless the change was requested and documentation after the 20th of the month, as provided in this section.

The person submitting the request will be notified by his/her preferred method whether the change has been approved and, if so, the date the change becomes effective. If the person has not been notified of GHA's decision on the requested within 60 days of its submittal, the client should contact GHA to check on the status of the requested change.

16.12 Effective Date of Rent Changes

1. Rent Decreases: If the family has provided GHA with a complete Change Report and all required documentation on or before the 20th day of the month, rent decreases will be effective on the first day of the following month

Changes reported after the **20th of the month** will result in the rent decrease becoming effective the first day of the second month immediately following the month in which the change was requested and the application was complete. (Ex - a change reported and all required documentation was submitted on January 25th will result in a rent decrease effective March 1st.)

17.0 UNIT TRANSFERS

17.1 Objectives of the Transfer Policy

The objectives of the Transfer Policy include the following:

1. To address emergency situations.
2. To fully utilize available housing resources while avoiding overcrowding by ensuring that each family occupies the appropriate size unit.
3. To facilitate a relocation when required for modernization or other management purposes.
4. To facilitate relocation of families with inadequate housing accommodations.
5. To provide an incentive for families to assist in meeting GHA's de-concentration goal.
6. To eliminate vacancy loss and other expenses due to unnecessary transfers.

7. To accommodate *Remaining Family Members*. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

17.2 Categories of Transfers

1. Transfer Waiting List - GHA shall maintain a list of the names of tenants requiring transfer in chronological order within the listed priorities.
2. Transfer Priorities - Transfers will be granted to tenants according to the following priorities:
 1. Hazardous Defects - Tenants whose units have defects hazardous to life, health, or safety. If such defects are caused by tenant abuse and/or neglect, termination of tenancy rather than transfer may result.
 2. Unit Rehabilitation - Tenants who must be transferred to allow for rehabilitation or construction work in their unit.
 3. Medical Condition - Tenants who have a medically verified physical condition that requires a different type or size of unit.
 4. Unit Size Adjustments - Tenants either over or under housed who require a unit size adjustment.
 5. Other - Tenants requesting transfer for any reason other than the above specified categories.
3. Dwelling Unit Size Adjustments: If GHA determines that the size of the dwelling unit is no longer appropriate to the tenant's needs, whether too large or too small, it shall serve notice of such determination to the tenant. The notice will advise the tenant that they have been placed on a waiting list to await the availability of a suitable unit. Tenant shall be given notice in writing of the date that a suitable unit is expected to be ready for occupancy. Tenant shall be given a reasonable time of not less than seven (7) days in which to move. Seven (7) days shall commence on the day that the new lease is signed and the keys to the new unit are delivered to the tenant. Return of the keys to the original unit shall evidence termination of the prior lease. Tenant's failure to transfer to a suitable unit is a cause for eviction. Failure to return the keys for the previous unit within seven (7) days is cause for eviction. Tenants shall not be penalized if they are willing to accept the new unit but are unable to move by the date required and present evidence satisfactory to GHA of their inability to move.

17.3 Documentation

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

17.4 Incentive transfers

Transfer requests will be encouraged and approved for families who live in a development where their income category (below or above 30% of area median) predominates and wish to move to a development where their income category does not predominate.

Families approved for such transfers will meet the following eligibility criteria:

1. Have been a tenant for three years;
2. For a minimum of one year, at least one adult family member is enrolled in an economic self-sufficiency program or is working at least thirty-five (35) hours per week, the adult family members are 62 years of age or older or are disabled or are the primary care givers to others with disabilities;
3. Adult members who are required to perform community service have been current in these responsibilities since the inception of the requirement or for one year, whichever is less;
4. The family is current in the payment of all charges owed to GHA and has not paid late rent for at least one year;
5. The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year;
6. The family has not materially violated the lease over the past two years by disturbing the peaceful enjoyment of their neighbors, persons residing in the immediate vicinity of the premises (24CFR 5.858), by engaging in criminal or drug-related activity, or by threatening the health or safety of tenants or Housing Authority staff.

17.5 Processing Transfers

GHA will accept, prioritize, and process transfer requests in such a manner as to avoid situations that adversely affect program operations, taking into account the resources available to accomplish the transfers. As resources for a transfer become available, the household to be transferred may take precedence over an admission from the waiting list.

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

1. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.
2. If GHA determines that a transfer is appropriate, it shall serve notice of such determination to the tenant. The notice will advise the tenant that they have been placed on a waiting list to await the availability of a suitable unit. Tenant shall be given notice in writing of the date that a suitable unit is expected to be ready for occupancy. Tenant shall be given a reasonable time of not less than seven (7) days in which to move. Seven (7) days shall commence on the day that the new lease is signed and the keys to the new

unit are delivered to the tenant. Return of the keys to the original unit shall

evidence termination of the prior lease. Failure to deliver keys to the original unit by the end of the 7th day will result in the tenant being evicted. Tenant's failure to transfer to a suitable unit is a cause for eviction. Tenants shall not be penalized if they are willing to accept the new unit but are unable to move by the date required and present evidence satisfactory to GHA of their inability to move.

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

17.6 Cost of the Family's Move

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

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

The cost of the transfer will be paid by GHA in the following circumstances:

1. When the transfer is needed in order to carry out rehabilitation activities; or
2. When action or inaction by GHA has caused the unit to be unsafe or inhabitable.

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

The City has no obligation to reimburse the Tenant for the loss of or damage to fixtures, equipment, or other personal property of the Tenant, except for such loss or damage as is caused by the negligence or fault of the City of its officers, employees, or agents. The Tenant may purchase insurance for such fixtures, equipment or other personal property for its own protection if it so desires.

17.7 Tenants in Good Standing

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

All utilities that are the responsibility of the tenant must be paid and in current status. GHA will request proof of utilities paid current before approving a unit transfer or transfer to the PH Section 8 program. If a family moves before GHA is notified of unpaid utilities, the family must resolve the unpaid debt. Failure to do so may result in termination of assistance.

17.8 Transfer Requests

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

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

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

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

Tenants who are victims of VAWA crimes will be given priority for unit transfers. See the Violence Against Women Act Addendum to the Agency Plan and the emergency transfer policy for tenants who are victims of VAWA crimes.

17.9 Right of GHA In Transfer Policy

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

18.0 INSPECTIONS

GHA will maintain the public housing properties and buildings in a manner that meets the physical condition standards set forth in 24CFR Part 902 in order to be considered decent, safe, sanitary, and in good repair.

In accordance with PIH 2018-19, all public housing units will meet HUD's minimum heating standards. GHA will maintain heating equipment so it has the capability of heating to at least 68 degrees Fahrenheit (PIH 2018-2019).

18.1 Major inspectable areas. The five major inspectable areas are the following:

1. **Site.** The site includes components, such as fencing and retaining walls, grounds, lighting, including security lighting, mailboxes, signs (such as those identifying the development or areas of the development), parking lots/driveways, play areas and equipment, refuse disposal, roads, storm drainage and walkways. The site must be free of health and safety hazards and be in good repair, and free of erosion and graffiti. The site must not be subject to material adverse conditions, such as abandoned vehicles, dangerous walks or steps, poor drainage, septic tank back-ups, sewer hazards, excess accumulations of trash, vermin or rodent infestation or fire hazards.
2. **Building exterior.** Each building on the site must be structurally sound, secure, habitable, and in good repair. The building's exterior components such as doors, fire escapes, foundations, lighting, roofs, walls, fascia/soffit, and windows must be free of health and safety hazards, operable, and in good repair. Dryer vents may not have any missing louvers or holes. Exterior cracks should be repaired with materials specifically designed to repair concrete and mortar cracks so the repair is not easily distinguishable. PVC downspouts; plastic and PVC piping is acceptable if used for its intended purpose. Additionally, corrugated piping is acceptable if used strictly as an extension at the end of the downspout to direct water away from foundation. This corrugated pipe is not allowed to be used as the actual downspout. PVC piping is now allowed. Exterior paint must be free from peeling and stains.
3. **Building systems.** The building's systems include components such as domestic water, water heater, electrical system, elevators, emergency power, fire protection, HVAC, and sanitary system. Each building's systems must be free of health and safety hazards, functionally adequate, operable, and in good repair. Water heater must be properly vented and joints properly taped. Fuse boxes with gaps more than ¼" must be properly repaired. Introduction of a foreign material into this type of device is not an acceptable repair.
4. **Dwelling units.** Each dwelling unit within a building must be structurally sound, habitable, and in good repair. All areas and aspects of the dwelling unit (for example, the unit's bathroom, call-for-aid, ceiling, doors, electrical systems, floors, hot water heater, HVAC (where individual units are provided), kitchen, lighting, outlets/switches, patio/porch/balcony, smoke detectors, stairs, walls, and windows) must be free of health and safety hazards, functionally adequate, operable, and in good repair.

The dwelling unit must have hot and cold running water, including an adequate source of potable water. A damaged fridge gasket must be replaced; tape is not allowed as a repair. Drywall damage repairs must be

made with drywall and have the same texture as original. Doors cannot be

patched with sheetrock mud, plywood, etc.; wood or wood veneer is acceptable, or the door must be replaced. Doors cannot be missing any hardware, even if operating correctly. Kitchen lighting must not be missing the bulb or globe. Kitchen cabinets must not be missing doors, drawers or shelves, and must be free of damage. Bathroom vanity or medicine cabinets must not have damage or missing components such as loose or damaged drawers, missing shelves, etc. Cabinet veneers must not be peeling. Range hood exhaust fan must have a filter. Flammable items must not be stored in the oven. Hasp locks cannot be used in a unit.

Utilities must be on.

The dwelling unit's sanitary facility must be in proper operating condition, usable in privacy, and adequate for personal hygiene and the disposal of human waste.

The dwelling unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each level of the unit.

5. Common areas. The common areas must be structurally sound, secure, and functionally adequate for the purposes intended. The common areas include components such as basement/garage/carport, restrooms, closets, utility, mechanical, community rooms, day care, halls/corridors, stairs, kitchens, laundry rooms, office, porch, patio, balcony, wheelchair ramps, mailboxes, and trash collection areas, if applicable. The common areas must be free of health and safety hazards, operable, and in good repair. All common area ceilings, doors, floors, HVAC, lighting, outlets/switches, smoke detectors, stairs, walls, and windows, to the extent applicable, must be free of health and safety hazards, operable, and in good repair.

18.2 Health and safety concerns

All areas and components of the housing must be free of health and safety hazards. These areas include, but are not limited to, air quality, including pet urine and feces, electrical hazards, elevators, emergency/fire exits, flammable materials, garbage and debris, handrail hazards, infestation including bedbugs, and lead-based paint. For example, the buildings must have fire exits that are not blocked and have handrails that are undamaged, and have no other observable deficiencies. The housing must have no evidence of infestation by rats, mice, or other vermin, or of garbage and debris. The housing must have no evidence of electrical hazards, natural hazards, or fire hazards. The dwelling units and common areas must have proper ventilation and be free of mold, odor (e.g., propane, natural gas, methane gas), or other observable deficiencies. The housing must comply with all regulations and requirements related to the ownership of pets, and the evaluation and reduction of lead-based paint hazards and have available proper certifications of such

18.3 Types of Inspections



The following lists the types of inspections conducted by GHA:

18.3.1 Pre-Occupancy Inspection - before tenant occupies the dwelling unit, the premises will be inspected jointly by the tenant and GHA staff. Both parties will agree upon the condition of the unit by signing an inspection sheet.

18.3.2 Regular and Periodic Inspection – on an annual basis GHA shall conduct an inspection of each unit. This inspection will serve as documentation in the determination of needed maintenance or repairs, to assess damage over and above normal wear and tear, and to determine that the family is maintaining the unit according to GHA standards. Failure to maintain the dwelling unit and premises in a safe, sanitary, and undamaged condition may result in lease termination.

18.3.3 Move-Out Inspections - when tenant vacates, GHA shall conduct an inspection of the dwelling unit to determine the condition of the unit, damages, and related charges. The tenant shall be notified of the move-out inspection and given the opportunity to attend. GHA shall furnish the tenant with a written statement of the charges, if any, for which the tenant is responsible. Such notice shall advise the tenant of their right to file a grievance if they disagree with the statement of charges.

18.3.4 If the tenant fails to attend the move-out inspection, it will not be rescheduled and the tenant will waive all rights to appeal damage charges. Arizona Residential Landlord Tenant Act requires GHA provide a detailed accounting of all charges deducted from the security deposit. Rescheduling a move-out inspection will cause noncompliance with the Act.

18.3.5 Recordkeeping - a copy of each inspection report shall be retained in the appropriate tenant or unit file.

18.4 Notice of Inspection

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections, GHA will give the tenant at least two (2) days written notice. If GHA determines there is an issue of health or safety, advance notice is not required.

18.5 Emergency Inspections

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

If the failed item is the responsibility of the resident, notice will be given stating 24 hours to correct or eviction may occur. GHA will reinspect the unit after the 24-hour period to verify abatement of the emergency item.

The following items are to be considered examples of emergency items:

1. No hot or cold water

3. No gas service
4. Inability to maintain adequate heat (68 degrees F)
5. Major plumbing leak
6. Mold
7. Natural gas, propane, or LP gas leak
8. Broken lock(s) on first floor doors or windows
9. Broken windows that unduly allow weather elements into the unit
10. Electrical outlet smoking or sparking
11. Exposed electrical wires that could result in shock or fire
12. Unusable toilet when only one toilet is present in the unit
13. Security risks such as broken doors or windows that would allow intrusion
14. Blocked egress
15. Excessive belongings stored in the unit that would be consistent with “hoarding” conditions.
16. Missing or non-working smoke or carbon monoxide detectors. A working smoke detector and carbon monoxide detector must be mounted properly on the wall or ceiling. The detector cannot be “chirping” during the inspection. A carbon monoxide detector must be mounted on the outside of each separate sleeping area in the vicinity of the bedrooms, on all one- and two-level dwelling units.
17. Other conditions which pose an immediate threat to health or safety

18.6 Mold

Mold will be considered a health and safety hazard in public housing units. The cause will be considered in whether to charge the tenant for repairs. GHA will take seriously the presence of mold in a unit in order to prevent health hazards. GHA may choose to move the family to a vacant unit to allow for time to abate the mold. This decision will not be taken lightly and will not be determined based on the tenant’s statement or a doctor’s statement based on tenant information only. If the mold is tenant-caused, GHA will consider putting the family on housekeeping inspections to ensure the problem is not repeated.

18.7 Other inspections

GHA will determine when or if other types of inspections are required. Other types of inspections can include but not limited to housekeeping, security, or safety. Issues needing attention may arise that are not on this list. These inspections will be GHA discretion based on a needs determination.

18.8 Work Orders

A request for maintenance by the Tenant constitutes permission to enter the unit at any time deemed necessary by the GHA staff to complete the work order.

19.0 PET POLICY (§960.701, §5.303)

19.1 Exclusions

Certain restrictions in this policy do not apply to service dogs/assistance animals. GHA abides by regulatory control as required in 24 C.F.R. § 5.300 and 24 C.F.R. § 960.701, §960.705, Federal Register, Vol. 73 No. 2008, Oct. 2008, and FHEO-2013-01, April 25, 2013. Service dogs/assistance animals are not “pets”; they are animals used to assist persons with disabilities. These animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors. The person requesting this exclusion must have a disability and the accommodation must be necessary to afford the person with a disability an equal opportunity to use and enjoy a dwelling.

19.2 Regulatory Authority.

The City continues to retain the authority to regulate animals that are exempt from the pet ownership requirements in accordance with federal, state, or local law (federal register Vol. 73, No. 208, October 27, 2008).

Service dogs/asassistance animals must be licensed and inoculated as required by local laws. The tenant must provide documentation of current license and inoculations on an annual basis at each recertification.

Service dogs/assistance animals must be spayed or neutered.

GHA is not required to provide any reasonable accommodation that would pose a direct threat to the health or safety of others. Thus, if the particular animal requested by the individual with a disability has a history of dangerous behavior, we will not accept the animal into our housing. Moreover, we are not required to make a reasonable accommodation if the presence of the assistance animal would (1) result in substantial physical damage to the property of others unless the threat can be eliminated or significantly reduced by a reasonable accommodation; (2) pose an undue financial and administrative burden; or (3) fundamentally alter the nature of the provider’s operations.”

19.3 Qualifying as an Assistance Animal

To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the person’s disability. GHA will verify the existence of the disability, and the need for the accommodation— if either is not readily apparent. In order to be considered an assistive animal, the following qualifications must be met:

1. Persons who are seeking a reasonable accommodation for an emotional support animal will be required to provide documentation from a physician, psychiatrist, social worker, or other mental health professional that the animal provides support that alleviates at least one of the identified symptoms or effects of the existing disability.

In accordance with PIH Notice 2006-13, Non-Discrimination and Accessibility for Persons with Disabilities, issued March 8, 2006, an animal does not necessarily need formal/professional training in order to be considered an assistance animal. However, the animal must perform the assistance or provide a benefit needed by the person with a disability.

All reasonable lease provisions relating to health and safety apply to assistance/service animals, such as maintaining the premises in a clean and sanitary condition and ensuring that neighbors enjoy their premises in a safe and peaceful manner.

19.4 Approval of a Pet

Residents must have the prior approval of GHA before moving a pet into their unit. Residents must request approval on the Authorization for Pet Ownership Form that must be fully completed before GHA will approve the request.

19.5 Types, Size, and Number of Pets

Residents are permitted to own and keep no more than two (2) common household pets in their apartment. GHA will allow only common household pets. This means only domesticated animals such as a dog, cat, bird, rodent (including a rabbit), fish in aquariums or a turtle will be allowed in units. Common household pets do not include reptiles (except turtles), exotics, insects, or arachnids (tarantulas).

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

The maximum adult weight cannot exceed 30 pounds full grown. Proof must be submitted before any animal will be allowed to be moved into a unit.

19.6 Inoculations

In order to be approved by GHA, pets must be appropriately inoculated against rabies and other conditions prescribed by local ordinances. Owners must comply with all other state and local public health, animal control, and anti-cruelty laws, including any/all licensing requirements. Proof of inoculations and licensing must be submitted to GHA annually.

19.7 Pet Deposit

The amount of pet deposit charged per apartment will be \$100.00 payable within six months. GHA will refund the pet deposit to the resident upon permanent removal of the pet(s) from the premises after an inspection by GHA showing that the premises are clean, odor free, and undamaged. Animals owned by elderly or disabled family members are exempt from the deposit requirement.

19.8 Damages - Financial Obligation of Residents

Resident agrees to report immediately any damage caused by the pet(s) and to pay reasonable charges for repair to the premises, buildings, facilities, and common areas caused by the pet(s), payable on the day on which the rent is due, one month following the effective date of the charges.

19.9 Nuisance or Threat to Health or Safety

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

Cats must use a sanitary, waterproof litter box in the apartment. Pet waste must be removed from the litter box daily, and the litter must be changed at least two times per week. Pet waste droppings must be removed immediately from the unit and disposed of in GHA dumpsters. A waste removal charge of \$5.00 will be charged for failure to remove waste.

Dog waste must be picked up immediately from the common grounds.

Pet(s) must not disturb other residents, including but not limited to loud and excessive barking.

Repeated, substantiated complaints by neighbors or GHA personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance, will result in the owner having to remove the pet or move him/herself. Failure to comply is grounds for termination.

Pets must be contained to allow GHA personnel to enter the unit safely for inspections and maintenance. GHA will provide a 48-hour notice to enter the unit for inspections. Failure to contain the pet twice in any time period will be cause for nonrenewal or eviction.

19.10 Designation of Pet Areas

Pet(s) must be kept inside the apartment or, if outside, on a leash controlled by a responsible adult. No outdoor cages may be constructed.

Pet(s) must be kept out of landscaping, storage/laundry rooms, and common areas not assigned to the resident.

Pet(s) must not be left unattended for more than 24 hours. In the event any pet is left unattended for more than 24 hours, GHA may authorize entrance to the unit, removal of the pet and transfer of the pet by proper authorities, subject to provision of Arizona law and local ordinances. GHA accepts no responsibility for the animal under no circumstances.

If the pet owner must be away from the premises, a responsible adult must be named to care for the animal. GHA must be able to contact the person regarding the pet.

19.11 Visiting Pets

Visiting pets are not allowed on the property, and "pet sitting" is prohibited.

19.12 Pet License/Registration

Residents must maintain up-to-date inoculation records, dog license, and valid rabies tags on their pet(s). This information will be required to receive GHA approval to register pet(s).



All pet(s) must have a tag bearing the owners name, address, and telephone number, and must be registered at GHA office before being brought onto the premises, and annually thereafter.

Proof of inoculations and licensing must be submitted to GHA annually.

Residents must provide the name, address, and phone number of one or more responsible parties who will care for the pet in case of an emergency. GHA may require additional information if necessary to ensure compliance.

Residents must provide a color photo of the pet.

19.13 Miscellaneous Rules

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

The pet shall be physically confined, controlled, or constrained during the times when a GHA employee, agent, or others must enter the unit to conduct business, provide services, enforce lease terms, etc. During pest control, pet owners are responsible for the safety and health of their pet.

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

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

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

19.14 Denied Registration

GHA may refuse to register a pet if:

1. The pet is not a common household pet;
2. The keeping of the pet would violate any applicable house-pet rule;
3. The resident fails to provide complete pet registration information or fails annually to update the pet registration and/or inoculations;
4. GHA determines that the pet owner will be unable to keep the pet in compliance with the pet rules and other lease obligations, based on the pet owner's habits, and practices;
5. The adding of a pet violates GHA density rule of not more than two (2) pets per apartment.

GHA will notify the pet owner if registration is denied. The notice shall state the reason for GHA decision to deny registration.

19.15 Notices

19.151 Notice of Violation – if GHA determines that a resident has violated a rule governing the owning or keeping of pet(s), GHA will serve a written notice of pet rule violation to the pet owner. The notice will:

1. Make a brief statement of the determination and the pet rule or violation;
2. State that the pet owner has 10 calendar days from the effective date of the notice to correct the violation (including removing the pet) or to make a written request for a meeting to discuss the violation;
3. State that the pet owner is entitled to be accompanied by another person at the meeting; and,
4. State that failure to correct the violation, request a meeting, or appear at a requested meeting may result in termination of the pet(s) owner tenancy.

19.152 Notice of Meeting - if the pet owner makes a timely request for a meeting to discuss an alleged pet rule violation, GHA will establish a meeting, no later than 15 calendar days from the effective date of the notice of pet violation. At the meeting, the pet owner and GHA representative shall discuss the violation and attempt to correct it. GHA may, as a result of the meeting, give the pet owner additional time to correct the violation.

19.153 Notice of Pet Removal - if the pet owner and GHA are unable to resolve the pet violation at the meeting, or if GHA determines that the pet owner has failed to correct the pet rule violation, within any additional time, GHA will serve a written notice to the pet owner requiring the pet owner to remove the pet. The notice must:

1. Contain a brief statement of the determination and the pet rule or rules that have been violated;
2. State that the pet owner must remove the pet within 10 calendar days of the effective date of the notice of pet removal; and,
3. State that failure to remove the pet may result in termination of the pet owner's tenancy.

20.0 REPAYMENT AGREEMENTS

When a participant owes GHA \$50 or more for any reason, the participant may enter into a formal payment agreement with GHA and sign a Promissory Note. Payments must be made in accordance with the Note. The monthly repayment amount is in addition to the family's regular rental payment to the Landlord and is payable to GHA. This amount will not exceed 40% of monthly adjusted income, less the family's portion of monthly rent.

GHA will charge a minimum payment of \$10.00. All Promissory Notes must be in writing and signed by both parties. The Promissory Note must include the following elements:

- A. Reference to the paragraphs in the Section 8 information packet, stating the participant is in non-compliance and may be subject to termination of assistance.
- B. The monthly retroactive repayment amount is in addition to the family's regular rent payment to the landlord and is payable to GHA.
- C. The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
- D. Late and or missed payments constitute default of the repayment agreement and will result in termination of assistance.
- E. A second instance of unreported income will be cause for immediate termination of assistance.
- F. Participant will not be allowed to move until the balance is paid in full. Special circumstances such as Landlord HQS failure and abatement may be reviewed by a supervisor to allow a move with a balance due, however the family must remain in the City of Glendale until the balance is paid in full.

21.0 COOPERATING WITH LAW ENFORCEMENT AGENCIES

GHA will comply with all lawful information requests from Federal, State, or local law enforcement officers regarding possible fugitive felons and/or a parole or probation violators. GHA will supply upon request from a law enforcement agency (1) the current address; (2) Social Security number; and (3) photograph (if available) of any recipient of assistance.

Requests for service of court orders, summons, warrant, etc. by law enforcement agencies shall be coordinated with the Glendale Police Department (GPD)

GHA understands that issues of law enforcement-are time-sensitive and may require an immediate response. For all requests from law enforcement other than Glendale Police Department, Glendale PD must be immediately contacted to ensure:

- 1) Validity of request;
- 2) GPD is aware of enforcement activities in its jurisdiction; and
- 3) Allow GPD the opportunity to accompany the outside agency.

GHA must await GPD contact before proceeding with the request from a law enforcement agency outside of Glendale.

GHA will also cooperate with federal, state, or county enforcement agencies such as law, code, child protective service, child support, animal abuse, etc. This list is not all inclusive.

GHA WILL NOT OFFER ANY PROTECTIONS TO ANY APPLICANT/PARTICIPANT REGARDING AN ENFORCEMENT AGENCY.

22.0 TERMINATION

22.1 Termination by Tenant

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

If no notice is given, and Tenant delivers keys without giving notice, Tenant will be required to pay rent and will be obligated to the terms of the dwelling lease for an additional thirty (30) calendar days.

The Arizona Landlord Tenant Act 33-1310 defines “Delivery of Possession as returning dwelling keys to the landlord and vacating the premises. If the keys are not returned by 12:00 p.m. on the notice date, Tenant is considered to be in possession of the dwelling unit, and the City will act in accordance with the Arizona Landlord Tenant Act to regain possession of the dwelling unit.

Tenant will be charged any applicable fees associated with regaining possession.

22.2 Termination by the Housing Authority (PIH Notice 2015-19)

GHA may terminate program assistance for a participant for the following reasons:.

1. Failure to report changes in family composition within 30 days.
2. The family fails to provide any documentation or information requested by GHA, including information on household income, in order to calculate the appropriate level of assistance, or to determine household composition.
3. The family violates any tenant obligations under the program.
4. If a family member fails to sign and submit consent forms.
5. The family fails to verify citizenship or eligible immigrant status or does not have at least one member with eligible immigration status.
6. A member of the family has been evicted from public housing within the last five years.
7. Within the past 24 months, a member of the household is convicted of a drug related or violent criminal activity during tenancy and no other member of the household would be eligible for benefits.

8. A household member currently engages in illegal use of a drug, including the use or medical or recreational marijuana use.
9. A household member is a fugitive felon, parole violator or person fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees.
10. A member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program or any other government assistance program.
11. The family currently owes rent or other amounts to GHA or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act and has not made, or is not in compliance with, arrangements made to repay such amounts.
12. An activity of a family member, guest or visitor, threatens the health, safety, or right to peaceful enjoyment of the premises and community or other residents, neighbors, or employees of GHA.
13. An unauthorized person is living in the household.
14. A family member, guest or visitor engages in or threatens abusive or violent behavior toward any GHA staff member, contractor, or others at any time while receiving assistance. This behavior may include verbal abuse/threats as well as physical abuse or gestures, written threats that communicate intent to abuse or commit violence. Use of racial slurs or other language, written or verbal, which is used to attempt to intimidate, is abusive behavior.
15. A household member becomes or is discovered to be subject to a lifetime registration requirement under a State sex offender registration program.
16. A household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, is determined by GHA to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
17. GHA discovers that tenant or a household member is convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premise of federally assisted housing.
18. If a family breaks-up, GHA will make a determination of which family member will remain in the unit and may terminate assistance to some or all of the remaining members, taking into consideration the following factors:
 1. To whom the housing choice voucher was issued.
 2. The interest of minor children or of ill, elderly, or disabled family members.
 3. Whether the assistance should remain with the family members remaining in the unit. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.
 4. Whether family members were forced to leave the unit as a result of actual or threatened physical violence by a spouse or other member(s) of the household.
 5. If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement of judicial

- decree, GHA will be bound by the court's determination of which family - members continue to receive assistance in the program.
19. Any family absent from the assisted unit for more than 45 consecutive calendar days must be terminated from the program. GHA will review each case on its own merit to determine if a reasonable accommodation would be granted for hospitalization, etc.
 20. The family is evicted for violation of their lease.
 21. The family is issued a nonrenewal notice for violation of the lease.
 22. A family member commits any material violation of the lease.
 23. The family fails to comply with inspection requirements, including failing to allow access to a unit.
 24. For purposes of this section, GHA may terminate assistance if a family member has been convicted of a prohibited offense as provided in this Section or the preponderance of evidence indicates that a family member has engaged in activity that interferes with the health, safety, or right to peaceful enjoyment of the premises. GHA is prohibited from denying admission based on arrest records. (PIH Notice 2015-19).
 25. GHA defines a reasonable period of time as three years from the resolution of the last offense unless HUD determines that a longer period of time is appropriate.
 26. For ongoing assistance, at any time, GHA may review past criminal history to determine if the conduct indicates that the participant is not suitable for continued occupancy.

22.3 Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Violence Against Women Act (VAWA)) 24 CFR subpart 5

Under the Violence Against Women Act (VAW), notwithstanding the title of the statute, protections are not limited to women, but cover victims regardless of sex, gender identity, or sexual orientation). Housing Choice Voucher participants have the following specific protections, which will be observed by GHA.

1. An applicant for assistance or an assisted tenant may not be denied admission to, or denied assistance under, terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, hereafter VAWA crimes, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy. (FR-5720-F-03 p. 80800).
2. A tenant may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to the domestic violence, dating violence, sexual assault, or stalking if the criminal activity is engaged in by a member of the household of the tenant or any guest or person under the control of the tenant, and the tenant or an affiliated individual of the tenant is the victim or threatened victim of a VAWA crime.

3. Once GHA is presented with a claim for continued or initial tenancy or assistance based on status as a victim of domestic violence, dating violence, sexual assault, stalking, or criminal activity related to domestic violence, dating violence, sexual assault, or stalking, GHA will request, that the individual making the claim document the abuse. GHA's request for documentation will be in writing.

4. GHA will accept the following documentation as validation of a claim of domestic violence, dating violence, sexual assault, or stalking. This documentation must be submitted within 14 business days after receipt of GHA's written request for verification. GHA will consider an extension of time for reasonable cause.
 1. A Federal, State, tribal, territorial, or local law enforcement or court record; or;
 2. Documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, in which the professional attests under penalty of perjury under 28 U.S.C. 1746 to the professional's belief that the incident or incidents of abuse, and the victim has signed or attested to the documentation. or
 3. HUD's Certification of Domestic Violence, Dating Violence Sexual Assault, or Stalking and Alternate Documentation form
 4. In the event GHA receives conflicting evidence, tenants and applicants will be required to submit third-party documentation to document the occurrence of a VAWA crime. This documentation must be submitted in the GHA office within 30 calendar days (§5.2007(b)(2))

Failure to timely provide the required documentation may remove the protections given under VAWA. GHA may honor court orders regarding the rights of access or control of the property, including EPO's (order of protection), DVO's (domestic violence order), and other orders issued to protect the victim and to address the distribution or possession or property among household members where the family "breaks up."

5. GHA may bifurcate the lease and terminate the assistance or evict a tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized tenants. GHA will trespass the perpetrator from the public housing rental communities. The VAWA victim must be the one who retains the assistance.

6. Once the lease is bifurcated and the perpetrator's assistance is terminated, and if the removed tenant is the only one family member whose

characteristics qualified the rest of the family to live in the unit or receive

assistance, the remaining tenants have 90 calendar days to establish eligibility and/or find new housing. However, the 90-day period will not apply if the lease expires prior to the termination of the 90-day period, and as a result of the lease expiration, assistance is terminated.

7. If in the case where the perpetrator is the only legal citizen in the household and is removed due to domestic violence, GHA must terminate assistance to the remaining non-citizen family. The remaining non-citizen family will be terminated 30 calendar days after the lease bifurcation, or when the lease expires, whichever is sooner (FR-5720-F-03, p. 80775)
8. GHA will review and take into consideration all circumstances to remove a person from the household. If warranted, GHA will issue a 24-hour notice of removal/trespassing, if allowed by court action or upon law enforcement advice/guidance.
9. Consideration will be given if the perpetrator attends counseling or rehabilitation services and provides proof of attendance. Review will be on a case-by-case basis to determine if counseling or rehabilitation is sufficient reason to continue to assist the person. Any repeated act of actual or threatened domestic violence, dating violence, sexual assault, or stalking after consideration of counseling or rehabilitation will be cause for immediate termination of the perpetrator with no further consideration.
10. If after submitting a claim for protection under VAWA, the victim allows the perpetrator to move back into the household/unit and GHA has not agreed to reinstate the person for assistance, assistance may be terminated for the family.
11. If the victim of the VAWA crime allows the perpetrator onto the property, and if the presence of the perpetrator on the property will endanger others, or if GHA can demonstrate an actual and imminent threat to other tenants, or those employed at or providing services to the property, GHA will evict or terminate assistance of a victim of a VAWA crime (80731).
12. There is no limitation on the ability of GHA to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence, sexual assault, or stalking, other than the victim may not be subject to a "more demanding standard" than other tenants in making the determination whether to evict, or to terminate assistance or occupancy rights.
13. There is no prohibition on GHA terminating assistance if it "can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the property if that tenant's (victim's) assistance is not terminated (FR-5720-F-03, p. 80731).
14. If an incident of domestic violence, dating violence, sexual assault, or stalking results in damage to the unit, GHA will not charge the tenant with

cost to repair/replace if the tenant takes the steps necessary to protect

against the perpetrator (police, court, counseling, etc.). If the victim takes the necessary steps and GHA waives any maintenance charges associated with damage due to domestic violence, dating violence, sexual assault, or stalking and the victim allows the perpetrator back into the unit, the GHA will charge the tenant with the full cost of the repair/replacement.

15. VAWA provides an exception to the prohibition against tenants moving in violation of the lease in the public housing program. If a safe unit is immediately available, GHA will consider allowing a tenant to transfer to another Glendale public housing unit if the tenants have established they are victims of domestic violence, dating violence, sexual assault or stalking, and provides a written request before a transfer occurs certifying that the criteria for an emergency transfer are met. (FR Vol 81, No. 221, November 16, 2016, pg. 80727, 80741).
16. GHA has a waiting list preference in place for victims of VAWA crimes, however, GHA must be open for applications in order to get on the waiting list.
17. Any protections provided by law which give greater protection to the victim are not superseded by these provisions.
18. GHA shall require verification or certification in all cases where a tenant claims VAWA protections. Tenant verification /certification must be submitted within 14 business days after receipt of the Housing Authority's written request for verification, unless provided an extension at the discretion of the GHA.
19. All information provided under VAWA including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in confidence and shall not be entered into any shared database or provided to any related entity except to the extent that the disclosure is:
 1. Requested or consented to by the individual in writing;
 2. Required for used in an eviction proceeding; or
 3. Otherwise required by applicable law.
20. GHA shall provide its tenants notice of their rights under VAWA including their right to confidentiality and the limits thereof.
21. GHA shall keep a record of all emergency transfer requests requested under the Emergency Transfer Plan and the outcome of these requests for three years.

22.4 IMMIGRATION STATUS / SELF-PETITIONER

1. A “Self Petitioner” is a category of battered noncitizens seeking legal permanent resident status without the cooperation or knowledge of their abusive relative. A “VAWA Self-Petitioner” is a category of battered noncitizens seeking VAWA-related relief and other VAWA-related petitions or applications for lawful permanent resident status.
2. Self –petitioners can indicate that they are in “satisfactory immigration status” when applying for assistance or continued assistance from Section 214 covered housing providers.
3. GHA will not deny, reduce, or terminate the assistance of a VAWA Self-Petitioner who claims “satisfactory immigration status”. GHA will verify that the applicant or participant is a self-petitioner by utilizing the SAVE system to verify immigration status.
4. All protections afforded under VAWA apply to the self-petitioner throughout the verification process.

22.5 VAWA Confidentiality

All information provided under VAWA including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in confidence and shall not be entered into any shared database or provided to any related entity except to the extent that the disclosure is:

1. Requested or consented to by the individual in writing.
2. Required for used in an eviction proceeding; or
3. Otherwise required by applicable law.

22.6 Abandonment

A unit is considered abandoned if the tenant has not resided in it for 10 days, the rent has not been paid for the current month, and there is no reasonable evidence other than the presence of the tenant’s personal property that the tenant is occupying the residence.

Unit will be considered abandoned after five (5) days if rent is unpaid and there is no personal property in the unit (ARS §33-1370 (H)).

GHA must post a written notice of intent to declare a unit abandoned. The notice must state from what date GHA determined the unit abandoned and that the tenant has five (5) calendar days from the date of posting to reclaim the unit in the manner stated in the posting. If tenant does not reclaim the unit, GHA will take possession.

If the tenant leaves personal belongings in the unit, GHA must inventory the items and store them for 10 calendar days. after the vacate date. If the tenants’ personal belongings

remain unclaimed after the 10 calendar days, GHA may dispose of the items as seen fit.

GHA must keep a list of the disposed items noting the methods of disposal. Costs for storage and disposal shall be assessed against the former tenant. GHA may not profit from the disposal of such items. (A.R.S. § 13-1370E)

If this policy conflicts with the Arizona Landlord Tenant Act, the Act will take precedence.

22.7 Return of Security Deposit

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

GHA will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within 14 days.

22.8 EIV Deceased Tenant Report

GHA shall generate the EIV's Deceased Tenants Report monthly shortly before either the end of the month or creating rent statements to see if the system flags deceased residents. GHA shall review the report and follow up with any listed families immediately and take any necessary corrective action as set forth in PIH Notice 2010-50 or successor publications.

If it is a single member household, immediately visit the unit and determine if it is vacant or occupied by an unauthorized person. If improperly occupied, take immediate eviction actions under state law. If the property is occupied by a live-in-aide to the deceased person, the aide must move out immediately and is not eligible for continued occupancy or rental assistance

22.9 Notice of Termination of Assistance

GHA will send a written notice of termination of assistance to the family, which will include form HUD-50066. The notice will state the date on which the termination will become effective. The notice will include information on the grievance process, if the reason for termination is required by federal regulations.

22.9.1 If Termination is Due to a Disabled Family Member

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, GHA may determine whether the behavior is related to the disability. If so, GHA may determine whether alternative measures are appropriate as a reasonable accommodation. GHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination. If lease noncompliance continues after the accommodation, assistance will be terminated.

23.0 SUPPORT FOR OUR ARMED FORCES

The City of Glendale and the GHA support the men and women serving in our Armed Forces. Whenever the Federal Government activates Reserve and/or National Guard personnel, GHA wants to support them in the following manner:

1. If a military family finds it necessary for another adult to temporarily move into a unit solely to serve as a temporary guardian for children residing in the unit, the income received by the temporary guardian will not be counted in determining family income. The presence of the temporary guardian will need to be approved by the Landlord.
2. Although typically a criminal background check is required before anyone can participate in the housing choice voucher program, this requirement will be waived for a temporary guardian of a military family's children. Instead, the background check will occur after the person moves into the assisted unit. If the results of the check indicate that the person is ineligible for the program, the family shall be given a reasonable time to find a replacement temporary guardian.
3. Recognizing that activation in the Reserves or National Guard can be very disruptive to a family's income, GHA will expeditiously re-evaluate a resident's portion of the rent if requested to do so.
4. If all members of a military family are temporarily absent from the unit because a member of the family has been called to active duty, the family can retain control of the unit for up to 180 days by paying the required rent and returning to the unit within 30 calendar days of the conclusion of the active duty service. If the service extends beyond 180 calendar days, GHA will seek a waiver of the 180-day limit from HUD.

24. ADDRESSING FRAUDULENT ACTIVITY

In accordance with the city's Anti-Fraud policies as defined in section 24.7, GHA's procedures are designed to prevent the inappropriate expenditure of public funds and violations of PH program requirements. If fraudulent activity is suspected, GHA will attempt to obtain additional documentation or information to make an informed determination.

24.1 Investigation

If a determination of fraudulent activity is made, a complete investigation will be conducted to include attempting to obtain written statements from persons involved. All documentation and corroborating evidence shall be documented in an investigation report and shall include a recommended action. The investigation report shall be reviewed by the Housing Program Administrator before any action is taken.

24.2 Fraud Remediation

GHA, in its sole discretion, shall take action it deems appropriate based on the results of the determination of the Housing Program Administrator. Actions may include any of the following:

1. Issuing a demand for immediate repayment of monies owed.
2. Entering into a repayment agreement for monies owed.
3. Issuing a program termination notice.
4. Filing a police report to request criminal prosecution.
5. Removing an applicant from the waiting list.
6. Other action deemed necessary by the Housing Program Administrator in accordance with rules, laws, regulations or administrative polices.

24.3 EMPLOYEE AND BUSINESS CONDUCT POLICIES

The City of Glendale has established and regularly reviews the following policies pertaining to ethical standards for employee and business practices. Current copies of all policies in their entirety may be obtained through the City Clerk.

24.3.1 Employee Conduct

It is the policy of the city of Glendale that employees shall at all times conduct themselves in a way that reflects favorably on the public they serve. The City upholds, promotes, and demands the highest standards of ethics from all of its employees.

1. Employees are expected to maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties.
2. Avoid any improprieties in their roles as public employees.
3. Never use their City position or power for improper personal gain.
4. Respect and comply with all federal, state, and local laws, including all municipal policies, rules, regulations, directives, and procedures.

An employee's attempt to ensure compliance is not intended, nor should it be construed, as an attempt to unreasonably intrude upon an individual's right to privacy or the right to participate freely in a democratic society and economy.

24.3.2 Information Security and Confidentiality

It is the policy of the City of Glendale that all employees are responsible for adhering to



the city's policies regarding information security and confidentiality. All employees are

responsible for safeguarding data and information including personally identifiable information (PII), protected health information (PHI) and payment card data (CHD), including the creation, processing, management, transmission, storage and disposal of information, and prevent any and all unauthorized disclosure or use of information.

24.4 Conflict of Interest

It is the policy of the City of Glendale that all employees, shall not engage in on-duty or off-duty conduct which constitutes a conflict of interest with their City duties and responsibilities and strict adherence to the City's Conflict of Interest Policy is required at all times.

In addition, in accordance with 24 CFR 982.161 the following individuals are prohibited from entering into any contract or arrangement in connection with the programs in which they have had direct or indirect interest during his or her tenure or for one year thereafter and all must disclose any potential conflict of their interest or prospective interest to GHA and HUD.

1. Any present or former member or officer of GHA (except a participant commissioner).
2. Any employee of GHA or any contractor, subcontractor or agent of GHA who formulates policy or who influences decisions with respect to the programs.
3. Any public official, member of a governing body, or State or local legislator who exercises, functions, or oversees responsibilities with respect to GHA's programs.
4. Any member of the Congress of the United States.

The Conflict of Interest prohibition under this Section (24.2) may be waived by the HUD Field Office upon the request of GHA.

24.5 Referrals

Employees in their working capacity shall not recommend any one specific commercial enterprise to non-City employees. Referrals to non-profit organizations are exempted.

24.6 Gratuities

No employee shall accept as an individual any fee, gift, discount, entertainment, or other valuable item in the course of performing the duties of his/her position.

1. No GHA employee shall solicit any gift or consideration of any kind.
2. No GHA employee may accept or receive a gift from any person who has an interest in any matter proposed or pending before GHA.

3. Items of nominal value such as candy, cake, cookies, lunches, or other items that are intended to be complimentary or appreciative in nature, and shared with the entire work group may be accepted upon approval by the Community Services Director in accordance with City policy.

24.7 Discipline

All GHA policies and procedures are subject to the City's disciplinary processes. The City establishes disciplinary processes to assure a fair and consistent procedure for the prevention, correction, and discipline of employee performance and behavioral deficiencies. This system emphasizes the prevention, identification, correction, and resolution of employee performance deficiencies.

24.8 Elected Officials and Boards and Commissions

Standards for conducting city business for elected officials and boards and commissions are established by the City Council and adopted via resolution. Compliance with Arizona Open Meeting Law also applies. For more information, visit the city's website at www.glendaleaz.com under Boards and Commissions.

24.9 Anti-Fraud

The city's policy on Anti-Fraud is established to provide increased protection to the assets and financial interests of the City of Glendale, to provide a coordinated approach to the identification, investigation and resolution of fraudulent activities, to develop controls to promote consistent organizational behavior, and to increase the overall awareness of the responsibility to report fraud and reasonably suspected fraudulent activity to the appropriate City of Glendale administrators.

Fraud is defined as any willful or deliberate act committed with the intention of obtaining an unauthorized benefit, such as money or property, by misrepresentation, deception, or other unethical means.

City of Glendale administrators at all levels of management are accountable for setting the appropriate tone of intolerance for fraudulent acts by displaying the proper attitude toward complying with laws, rules, regulations, and policies.

Department directors are responsible for identifying and assessing the level of the risks and exposures to fraudulent activity inherent in his or her area of responsibility.

Department directors shall establish and maintain proper internal controls which will provide for the security and accountability of the resources within his or her department.

All City employees are responsible for safeguarding City resources and ensuring that they are used only for authorized purposes, in accordance with City of Glendale rules, policies, and applicable law.

Fraud and financial impropriety may include, but are not limited to the following actions:

1. Failure to failure to fully report all sources of income

2. Failure to accurately report all individuals who live or will live in the residence
3. Embezzlement or other financial irregularities
4. Forgery, alteration, or falsification of documents or electronic files
5. Misappropriation, misuse, theft, removal, or destruction of City resources (including funds, securities, supplies, inventory, furniture, fixtures, equipment, intellectual property or any other asset)
6. Improprieties in the handling or reporting of money or financial transactions
7. Misuse of City facilities (including telephones, computers and e-mail system)
8. False claims by employees, vendors, service recipients, or others associated with the City of Glendale
9. Receiving or offering bribes, rebates, or kickbacks
10. Personal use of City property
11. Accepting or seeking anything of material value from individuals seeking services or contractors, vendors or persons providing or seeking to provide services or materials to the City (except that which is permitted under HR Policy #509 - GRATUITIES)
12. Conflict of interest
13. Misrepresentation of facts
14. Any similar or related irregularity

25.0 GLOSSARY

1937 Housing Act: The United States Housing Act of 1937 [42 U.S.C. 1437 et seq.)

6 Months Consecutive Employment: Working 20 hours per week at minimum wage for no less than six months consecutively, for the six-month period immediately preceding an eligibility appointment

50058 Form: The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and

re-certification process and, at the option of the housing authority, for interim re-examinations.

Actual and imminent threat: a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

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

Administrative Plan: The plan that describes GHA policies for the administration of the tenant-based programs.

Admission: is the point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family (first day of initial lease term) in the tenant-based program.

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

Affiliated Individual: VAWA 2013 defines an “affiliated individual” with respect to an individual, as a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in the place of a parent or guardian, or any individual, tenant, or lawful occupant living in the household of that individual.

Allowances: Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly families or disabled families, disability expenses, and childcare expenses for children under age 13. Other allowance can be given at the discretion of GHA. See Medical Expenses.

Amortization Payment: In a manufactured home space rental: The monthly debt service payment by the family to amortize the purchase price of the manufactured home.

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

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

1. Go to (or on behalf of) the family head, spouse or co-head (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 re-examination effective date; and
3. Are not specifically excluded from Annual Income.
4. Annual Income also includes amounts derived (during the 12-month period) from

assets to which any member of the family has access.

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

Assets: See net family assets.

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

Bifurcate: means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Certification: The examination of a household's income, expenses, and family composition to determine the household's eligibility for program participation and to calculate the household's rent for the following 12 months.

Child means a member of the family other than the family head or spouse who is under 18 years of age.

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

Reasonable full time childcare is defined to be no more than the amount published by the Arizona Department of Economic Security (DES) as the average median cost as determined by the DES market rate survey for Maricopa County (See <http://arizonachildcare.org/acccost.html> for recent costs).

Citizen: A citizen or national of the United States.

Co-Head: An individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

Common Space: In shared housing: Space available for use by the assisted family and other occupants of the unit.

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

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

Continuously Assisted: An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the Voucher Program. The family must be currently on a program in order to be considered for continuous assistance. If a family is not receiving assistance for any length of time, it is no longer considered continuously assisted. If a family is receiving public housing assistance and reaches the top of the Section 8 waiting list, eligibility (except for income) will apply, including a criminal background check. A family will not be admitted to a program to avoid eviction or termination from a different HUD-funded program.

Cooperative: Housing owned by a non-profit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing.

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

Currently Working: A family must be currently working when pulled for initial eligibility.

Dating Violence: [as defined in Section 40002 (a) (8) of VAWA 1994]: means violence committed by a person—

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - 1) The length of the relationship.
 - 2) The type of relationship.
 - 3) The frequency of interaction between the persons involved in the relationship.

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

Department: The Department of Housing and Urban Development.

Dependent: A member of the family (except foster children and foster adults) other than the family head, spouse or co-head, who is under 18 years of age, or is a person with a disability, or is a full-time student (full-time student can be an adult, but not the head or household or spouse).

Delay (In the Provision of Assistance to Non-Citizens): Assistance to an applicant may be delayed until after the conclusion of the INS appeal process, but not denied until after the conclusion of GHA informal hearing process.

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.

The deduction is equal to the amount by which the cost exceeds 3% of the family's annual income. The deduction may not exceed the earned income received by the family member who is enabled to work as a result of this expense.

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

Disabled Person: See "person with disabilities."

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

Domestic Violence: [as defined in VAWA 2013 and §5.2003,]: – includes felony or misdemeanor crimes of violence committed by a current or former spouse, or intimate partner 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, or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Domicile: The legal residence of the household head, spouse or co-head as determined in accordance with State and local law.

Drug Related Criminal Activity: Illegal use or personal use of a controlled substance, and the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use, of a controlled substance.

Drug Trafficking: The illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance.

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

Elderly Family: A family whose head, spouse, or sole member is a person who is at least 62 years of age; or 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.

Elderly Person: A person who is at least 62 years of age.

Enterprise Income Verification (EIV) system is a web-based computer system that contains employment and income information of individuals who participate in HUD rental assistance programs.

Evidence (Credible): Credible Evidence includes, but is not limited to, evidence obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes, but is not limited to, documentation of drug raids, police reports, witness statements, or arrest warrants. (PIH Notice 2015-19)

Evidence (Preponderance): Preponderance of Evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred, thus making the participant unsuitable for admission or continued occupancy/assistance.

Evidence of Citizenship or Eligible Status: The documents that must be submitted to evidence citizenship or eligible immigration status.

Exception Area means a designated part of an FMR area.

Exception Payment Standard means payment standard below 90 percent or above 110 percent of the 40th FMR, with HUD's approval if necessary.

Exception Rent: An amount that exceeds the published fair market rent.

Extremely low-income family refers to a very low-income family whose income does not exceed the higher of 30 percent of the area median income or the federal poverty level.

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

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

Fair Market Rent (FMR) is the rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the Federal Register in accordance with 24 C.F.R. Part 888.

Family as defined by HUD includes, but is not limited, individual persons and a group of persons residing together, regardless actual or perceived sexual orientation, gender identity, marital status, age, or disability. Such group includes, but is not limited to, a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family.

Family Members: include all household members except live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the HUD-50058.

Family Self-Sufficiency Program (FSS program): The program established by a GHA to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

Family Share is the portion of rent and utilities paid by the family.

Family Unit Size means the appropriate number of bedrooms for a family, as determined by the PHA under the PHA subsidy standards.

FMR/Exception Rent Limit: The Section 8 existing housing fair market rent published by HUD headquarters, or any exception rent. For a tenancy in the Voucher Program, GHA may adopt a payment standard up to the FMR/exception rent limit.

Gender identity means the gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person's perceived gender identity. Perceived gender identity means the gender with which a person is perceived to identify based on that person's appearance, behavior, expression, other gender related characteristics, or sex assigned to the individual at birth or identified in documents.

Gross Rent is the entire housing cost and is calculated by adding the rent to the owner and the utility allowance for the unit. Note: If all the utilities are included in the rent, the rent to the owner and the gross rent will be the same.

Guest: *guest* is a person temporarily staying in the unit with the consent of a member of the household who has expressed or implied authority to provide consent on behalf of the tenant. [24 CFR 5.100] A guest is a temporary visitor of the tenant's and should not be confused with an unauthorized occupant. Additionally, a guest is not a party to the lease agreement.

Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Homeless or At Risk for Homelessness includes all of the following:

- (1) An individual or family who lacks a fixed, regular, and adequate nighttime residence;
- (2) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
- (3) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);
- (4) An individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;
- (5) An individual or family who—
 - (A) Will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—
 - (i) A court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;
 - (ii) The individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or
 - (iii) Credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;
 - (B) Has no subsequent residence identified; and
 - (C) Lacks the resources or support networks needed to obtain other permanent housing; and The McKinney-Vento Homeless Assistance Act As amended by S. 896 The

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- (6) Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—
- (A) Have experienced a long-term period without living independently in permanent housing,
 - (B) Have experienced persistent instability as measured by frequent moves over such period, and
 - (C) Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.
- (7) DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.—Notwithstanding any other definition of this section, the GHA shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.
- (8) AT RISK OF HOMELESSNESS.—The term 'at risk of homelessness' means, with respect to an individual or family, that the individual or family—
- (A) Has income below 30 percent of median income for the geographic area;
 - (B) Has insufficient resources immediately available to attain housing stability; and
 - (C) Any of the following conditions are present:
 - (i) Has moved frequently because of economic reasons;
 - (ii) Is living in the home of another because of economic hardship;
 - (iii) Has been notified that their right to occupy their current housing or living situation will be terminated;
 - (iv) Lives in a hotel or motel;
 - (v) Lives in severely overcrowded housing;
 - (vi) Is exiting an institution; or (vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

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

Household Members: include all individuals who reside or will reside in the unit and who are listed on the lease, including live-in aides, foster children and foster adults.

Housing Assistance Payment is the monthly assistance payment by a PHA and is calculated as the lower of: 1) the payment standard for the family minus the total tenant payment (TTP); or 2) the gross rent minus the TTP.

Housing Quality Standards (HQS): The HUD minimum quality standards for housing assisted under the Section 8 program.

Immediate Family Member: a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in place of the parents; or any other person living in the household of that person and related to that person by blood or marriage.”

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

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

Income: Includes all monetary amounts, which are received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines what is to be calculated and what is to be excluded in the federal regulations. In accordance with this definition, all income which is not specifically excluded in the regulations is counted.

Income Category: Designates a family's income range. There are three categories: low income, very low income and extremely low-income.

Incremental Income: The increased portion of income between the total amount of welfare and earnings of a family member prior to enrollment in a training program and welfare and earnings of the family member after enrollment in the training program. All other amounts, increases and decreases, are treated in the usual manner in determining annual income.

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

INS: The U.S. Immigration and Naturalization Service, now known as CIS, the U.S. Citizenship and Immigration Service.

Interim (Examination): A re-examination of a household's income, expenses, and household status conducted between the annual recertifications when a change in a household's circumstances warrant such a re-examination.

Involuntary Displacement: An applicant is or will be involuntarily displaced if the applicant has vacated or will have to vacate the unit where the applicant lives because of one or more of the following:

1. **Displacement by disaster.** An applicant's unit is uninhabitable because of a disaster such as a fire or flood.
2. **Displacement by government action.** Activity carried on by an agency of the United States or by any State or local governmental body or agency in connection with code enforcement or a public improvement or development program. The action must not be associated with action or inaction by the resident, i.e., code compliance failure by the resident.
3. **Displacement because of Domestic Violence.** An applicant must relocate because of a domestic violence situation.

The application for assistance must be received no later than 30 days after the action that caused the person or family to be displaced.

Law enforcement agency means the National Crime Information Center (NCIC), police departments, and other law enforcement agencies that hold criminal conviction records. (Note that the NCIC is a division of the Federal Bureau of Investigation (FBI)).

Lease is a written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family.

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

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

Rotating aides, occasional, intermittent, or multiple aides do not meet the definition of a live-in aide and therefore do not qualify for an extra bedroom. A live-in aide must be identified and approved prior to moving into the unit with the assisted family.

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

Low income-limit is an income limit that HUD generally sets at 80 percent of the area median income.

Manufactured Home: A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence and meets the HQS.

Medical Expenses: Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums that are anticipated during the period for which annual income is computed, and that are not covered by insurance or reimbursed.

Medical expenses are permitted only for a family where the head of household spouse or

co-head is at least 62 years of age or disabled. If the family is eligible, medical expenses for all family members are deductions. Monthly payments made toward an accumulated medical bill are deductible expenses. The total deduction over time cannot exceed the amount of the bill.

Allowable medical expenses include the costs of diagnosis, cure, mitigation, treatment, or prevention of disease, and the costs for treatments affecting any part or function of the body. They include the costs of equipment, supplies, and diagnostic devices needed for these purposes and include, but are not limited to, prescription and non-prescription drugs, costs for doctors, therapists, medical facilities, and care for service animals. They also include dental expenses. (24 CFR §5.603(d)).

Medical care expenses must be primarily to alleviate or prevent a physical or mental defect or illness. They do not include expenses that are merely beneficial to general health, such as vitamins or a vacation; however, vitamins may qualify if deemed a necessary part of treatment.

Medical expenses include the premiums paid for insurance that covers the expenses of medical care, and the amounts paid for transportation to get medical care.

Medical expenses also include amounts paid for qualified long-term care services and limited amounts paid for any qualified long-term care insurance contract.

Minimum Rent is the PHA-determined minimum TTP amount. The minimum rent is the least a family will contribute toward rent and utilities. The PHA can set the minimum rent anywhere from \$0 to \$50.

Minor: A person less than eighteen years of age. (Head of household, spouse, co-head, or an unborn child may not be counted as a minor for purposes of allowing a deduction.)

Mixed-status family is a family that includes members who are citizens or have eligible immigration status and members who do not contend to have eligible immigration status for the program.

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

Monthly Adjusted Income means one twelfth of adjusted income.

Monthly Income means one twelfth of annual income.

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.

Near-elderly Family: A family whose head, spouse, or sole member is a person who is



at least 50 years of age but below the age of 62; 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.

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, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or re-examination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

Non-citizen: A person who is neither a citizen nor national of the United States.

Notice of Funding Availability (NOFA): For budget authority that HUD distributes by competitive process, the Federal Register document that invites applications for funding. This document explains how to apply for assistance, and the criteria for awarding the funding.

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

Participant (Participant Family) is a family that has been admitted to the PHA program and is currently assisted in the program. The family becomes a participant on the effective date of the first day of initial lease term.

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

Person with Disabilities: Disability (for purposes of HUD's program definition) is defined as:

(1) Having a disability as defined in 42 U.S.C. § 423(d)(1); 42 U.S.C. Section 423(d)(1) (A) defines disability as:

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

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

(2) Having a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes his or her ability to live independently, and is of such a nature that ability to live independently could be improved by more suitable housing conditions; or

(3) Having a developmental disability as defined in 42 U.S.C. § 15002(8) (formerly codified in 42 U.S.C. § 6001 The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. § 6001 (8)) defines developmental disability in functional terms as: A severe, chronic disability of a person 5 years of age or older which:

(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(B) is manifested before the person attains age twenty-two;

(C) is likely to continue indefinitely;

(D) results in substantial functional limitations in three or more of the following areas of major life activity:

(i) self-care,

(ii) receptive and responsive language,

(iii) learning,

(iv) mobility,

(v) self-direction,

(vi) capacity for independent living, and

(vii) economic self-sufficiency; and

(E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of

lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided. See also 24 CFR § 5.403 (Definitions).

(4) A person with a disability to include:

- (A) individuals with a physical or mental impairment that substantially limits one or more major life activities;
- (B) individuals who are regarded as having such an impairment; and
- (C) individuals with a record of such an impairment.

(5) The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, deaf or hard of and hearing, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, developmental disabilities, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

(6) The term "substantially limits" suggests that the limitation is "significant" or "to a large degree." The term "major life activity" means those activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, working, and speaking.

Personally Identifiable Information (PII): Information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc.

Premises: The building or complex in which the dwelling unit is located, including common areas and grounds.

Previously Unemployed: For purposes of calculating earned income exclusion, this includes a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage (24 CFR §5.609).

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

Prorated Assistance means, for families that include both members who are citizens or have eligible immigration status and members who do not have eligible immigration status (or elect not to state that they have eligibility), the amount of assistance is prorated based

on the percentage of household members who are citizens or have established eligible immigration status.

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

Public Housing Agency: A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

Reasonable Period of Time – for admission to program after criminal offense, five years, unless federal regulations require prohibition for a longer time.

Re-certification: A re-examination of a household's income, expenses, and family composition to determine the household's rent for the following 12 months.

Refugee: A person who has been determined to qualify as defined by the INS.

Remaining Member of a Tenant Family: A member of the family listed on the lease who continues to live in an assisted household after all other family members have left. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

Responsible Entity:

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

Resident of Area: A family living in GHA's jurisdiction, working in GHA's jurisdiction, or notified that they are hired to work in GHA's jurisdiction. The length of time the family has lived or worked in the jurisdiction may not be considered.

Self-declaration: A type of verification statement by the tenant as to his/her citizenship or eligible immigration status, the amount and source of income, expenses, or family composition.

Sensitive Personally Identifiable Information: PII that when lost, compromised or disclosed without authorization could substantially harm an individual. Examples of sensitive PII include social security or driver's license numbers, medical records, and financial account numbers such as credit or debit card numbers.

Sexual assault: any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

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

Single Person: Someone living alone or intending to live alone who does not qualify as an elderly person, a person with disabilities, a displaced person, or the remaining member of a tenant family.

Specified Welfare Benefit Reduction:

1. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.
2. "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:
 - 1) at the expiration of a lifetime or other time limit on the payment of welfare benefits;
 - 2) because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or
 - 3) because a family member has not complied with other welfare agency requirements.

Sporadic Income: Income that is neither reliable nor periodic.

Spouse: The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for the person's individual safety or the safety of others; or (2) Suffer substantial emotional distress.

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

Statement of Family Responsibility: An agreement in the form prescribed by HUD, between GHA and a Family to be assisted under the Moderate Rehabilitation Program, stating the obligations and responsibilities of the family.

Subsidy Standards: are standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Temporary Protective Status (TPS): provides families with temporary immigration status to the United States. Families that are granted TPS under the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106- 386) are provided with a “T” visa and are considered to have eligible immigration status under Section 207 of the Immigration and Nationality Act (INA). Families with a “T” visa are eligible for full housing assistance

Tenant: is the person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit

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

Third-Party (verification): Written or oral confirmation of a family's income, expenses

Third-party (verification): Oral or written confirmation of a household's income, expenses, or household composition provided by a source outside the household, such as an employer, doctor, school official, etc.

Total Tenant Payment (TTP): is the minimum family contribution to the gross rent and is calculated as the greater of: 1) 30 percent of monthly adjusted income; 2) 10 percent of monthly income; 3) the welfare rent (in as-paid states only); or 4) the PHA minimum rent.

Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.

Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR §913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

Tuition: The amount of tuition and required fees covering a full academic year most frequently charged to students. These values represent what a typical student would be charged and may not be the same for all students at an institution. If tuition is charged on a per-credit-hour basis, the average full-time credit hour load for an entire academic year is used to estimate average tuition. Required fees include all fixed sum charges that are required of a large proportion of all students. The student who does not pay the charges is an exception. Verification of tuition and fees can be obtained from the student’s bill or annual statement, by contacting the bursar’s office, or from the school’s website (PIH 2015-21).

Examples of required fees include, but are not limited to, writing and science lab fees and fees specific to the student’s major or program (i.e., nursing program).

Expenses related to attending an institution of higher education must **not** be included as tuition. Examples of these expenses include, but are not limited to, room and board, books, supplies, meal plans, transportation and parking, student health insurance plans, and other non-fixed sum charges.

For section 8 programs only, PHAs must include amounts of financial assistance an individual receives in excess of tuition and other required fees and charges when determining annual income.

For the Public Housing program, the full amount of financial assistance a student receives while participating in the program continues to be excluded from the program participant's annual income.

Upfront Income Verification is the verification of income before or during a family re-examination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals.

Unauthorized Occupant: Is a person who, with the consent of a tenant, is staying in the unit, but is not listed on the lease documents or approved by the owner to dwell in the unit.

Utility Allowance: means, if the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD 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.

Utility Hook-up Charge: In a manufactured home space rental, costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

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

VAWA: The Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq).

Verification: The process of confirming the information contained in an applicant or resident's submission to the GHA. Verification may include obtaining original documents from government agencies (such as birth certificate, original SSN card or INS "green card") or statements from individuals who can attest to the accuracy of the amounts of income, expenses, or household member status (e.g., employers, public assistance agency staff, doctors).

Verification Hierarchy: is the order of preference for methods of verifying information supplied by an applicant or tenant family.

Very low-income limit: is an income limit that HUD generally sets at 50 percent of the area median income.

Violent Criminal Activity: Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Waiting List Admission: is an admission from the PHA waiting list

Welfare Assistance: means 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 (including assistance provided under the Temporary Assistance for Needy Families (TANF) program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 C.F.R. §260.31).

45 CFR 260.31 defines the term “assistance” to include cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

It includes such benefits even when they are:

1. Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and
2. Conditioned on participation in work experience or community service (or any other work activity under 45 CFR 261.30).

Except where excluded later in this definition, it also includes supportive services such as transportation and childcare provided to families who are not employed.

The term “assistance” excludes:

1. Non-recurrent, short-term benefits that:
 1. Are designed to deal with a specific crisis situation or episode of need;
 2. Are not intended to meet recurrent or ongoing needs; and
 3. Will not extend beyond four months.
2. Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
3. Supportive services such as childcare and transportation provided to families who are employed;
4. Refundable earned income tax credits;

5. Contributions to, and distributions from, Individual Development Accounts;

6. Services such as counseling, case management, peer support, childcare information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and
7. Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Act, to an individual who is not otherwise receiving assistance.

Welfare Rent: means the portion of welfare assistance specifically designated to meet the family's actual housing costs.

27.0 ACRONYMS

ACC	Annual Contributions Contract
ACOP	Admissions and Continued Occupancy Policy
CHD	Community Housing Division
CFR	Code of Federal Regulations
DVP	Disaster Voucher Program
EIR	Established Income Range
EIV	Enterprise Income Verification (formerly known as UIV)
FSS	Family Self Sufficiency (program)
GHA	Glendale Housing Authority
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
LEP	Limited English Proficiency
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
QHWRA	Quality Housing and Work Responsibility Act of 1998
SSA	Social Security Administration
SSD	Social Security Disability
SSI	Supplemental Security Income
TTP	Total Tenant Payment
VAWA	Violence Against Women Act

28.0 GRIEVANCE PROCEDURE

28.1 Applicability

1. GHA's Grievance Procedure shall apply to all individual grievances including grievances pertaining to individuals with disabilities (Section 504 grievances) between the tenant and GHA. GHA may exclude from its procedure any grievance concerning an eviction based upon a tenant's threat to the health or safety of other tenants or GHA employees, vendors, or contractors.
2. GHA Grievance Procedure shall not be applicable to disputes between tenants not involving GHA. The Grievance Procedure is not intended as a forum for initiating or negotiating policy changes between groups of tenants and GHA.
3. The Department of Housing and Urban Development (HUD) has determined that Arizona State Landlord/Tenant Law provides the necessary pre-eviction hearing and other elements of due process. Therefore, criminal activity evictions are excluded from this grievance process.

28.2 Definition of Terms §966.53

1. "Grievance" shall mean any dispute that a tenant may have with respect to GHA action or failure to act in accordance with the individual tenant's lease, GHA regulations, which adversely affect the individual tenant's rights, duties, welfare, or status. "Grievance" does not include any dispute a resident may have with GHA concerning a termination of tenancy or eviction that involves any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, employees of the City, contractors or vendors; or any criminal activity on or off such premises. This process applies to disputes between residents not involving GHA or to class grievances.
2. "Complainant" shall mean any tenant whose grievance is presented to GHA in accordance with the requirements for filing a grievance.
3. "Elements of Due Process" shall mean any eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:
 1. Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;
 2. Opportunity for the tenant to examine all relevant documents, records and regulations of GHA prior to the trial for the purpose of preparing a defense;

3. Right of the tenant to be represented by counsel;
 4. Opportunity for the tenant to refute the evidence presented by GHA, including the right to cross-examine witnesses and to present any affirmative legal or equitable defense, which the tenant may have;
 5. A decision on the merits.
4. “Hearing Officer” means an impartial person or persons selected by the GHA, other than the person who made or approved the decision under review, or a subordinate of that person. Such individual or individuals do not need legal training.
 5. “Tenant” shall mean any lessee, or the remaining head of the household, of any tenant family residing in housing accommodation covered by these regulations.

28.3 Informal Settlement of Grievance (24CFR §966.54)

Any grievance shall be submitted in writing within five (5) business days from the date of the termination notice, to GHA office, so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within ten (10) business days and one copy shall be given to the tenant and one retained in GHA tenant file. The summary shall specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore and shall specify the procedures by which a hearing may be obtained if the complainant is not satisfied. The informal settlement meeting will be held with representatives of GHA.

28.4 Procedure to Obtain a Hearing (24CFR §966.50-57)

Request for Hearing

1. The complainant shall submit a written request for a hearing to GHA within five (5) business days after receipt of the summary of discussion, as explained in Section III above. The written request shall specify:
 1. The reasons for the grievance
 2. The action or relief sought

Persons Claiming Protections under VAWA

GHA will review the documentation submitted by the victim that supports the claim of domestic violence, dating violence, sexual assault, or stalking prior to scheduling a hearing.

Selection of Hearing Officer

Grievances shall be presented before a hearing officer. A grievance hearing shall be conducted by an impartial person appointed by GHA, in the method determined by GHA,

other than a person who made or approved the action under review or a subordinate of such person. The hearing officer may be an employee or official of the City of Glendale who is not directly involved in the day-to-day administration of the Conventional Public Housing program.

Failure to Request a Hearing

If the complainant does not request a hearing in accordance with this policy, then GHA's disposition of the grievance shall become final. Failure to request a hearing shall not constitute a waiver by the complainant of his right thereafter to contest GHA's action in disposing of the complaint in an appropriate judicial proceeding.

Hearing Prerequisite

All grievances shall be presented in writing to request a hearing, and in person at the informal meeting, pursuant to the informal procedure prescribed in 24 CFR §966.54 as a condition precedent to a hearing under this section. If the complainant shows good cause why he failed to proceed in accordance with 24 CFR §966.54 to the hearing officer, the hearing officer may waive the provisions of this subsection.

Escrow Deposit

Before a hearing is scheduled in any grievance involving the amount of rent which GHA claims is due, the complainant shall pay to GHA an amount equal to the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The complainant shall thereafter deposit the same amount of the monthly rent in an escrow account monthly until the complaint is resolved by decision of the hearing officer. These requirements may be waived by GHA in extenuating circumstances. Unless so waived, the failure to make such payments shall result in a termination of the grievance procedure. Failure to make payment shall not constitute a waiver of any right the complainant may have to contest GHA's disposition of his grievance in any appropriate judicial proceeding.

If the grievance concerns the denial of a financial hardship exemption from the minimum rent requirement or the effect of welfare benefit reductions in the calculation of family income, the requirement for the escrow deposit is waived.

Scheduling of Hearings

Upon complainant's compliance with the provisions of this section, a hearing shall be scheduled by the hearing officer within ten (10) business days, or in accordance with the availability of a hearing officer, after receipt of the complainant's request for a time and place reasonably convenient to both the complainant and GHA. A written notification specifying the time, place and the procedures governing the hearing shall be delivered to the complainant.

When the Participant Does Not Appear

When an informal or formal hearing is scheduled and the participant has been notified of the date and time and does not attend the hearing or call to notify GHA of a problem, the



decision will default on behalf of GHA.

If the participant provides proof of an emergency that precluded attendance at the hearing, at the discretion of GHA, the hearing may be rescheduled.

GHA will reschedule an informal hearing one time with reasonable cause. If the second scheduled hearing is not attended, the denial or termination will stand and the appeal period will expire.

28.5 Procedures Governing the Hearing

GHA and participants will adhere to the following procedures:

1.1.1. Discovery

Before the hearing, the family will be provided with any documents that GHA intends to utilize at the hearing. Additionally, the family may request the opportunity to view their entire GHA file and request a copy of any additional file materials the family intends to utilize at the hearing. GHA will provide copies for the family at GTHA's expense.

The family must also present GHA with any documents it intends to utilize at the hearing and provide an opportunity for GHA to make copies of those materials at GHA's expense.

Neither GHA nor the family will be allowed to present documents at the hearing that were not made available to the other party for examination prior to the hearing.

1.1.2 Representation of the Family:

The family may be represented, at its own cost and expense, by a lawyer, or other authorized representative. GHA will provide, if necessary, a translator or other aid to ensure the family's opportunity to participate in the hearing is meaningful.

1.1.3 Hearing Officer

1. The hearing will be conducted by any impartial person or persons designated by GHA, who is not a member of GHA staff.
2. The hearing officer may be an employee or official of the City of Glendale.
3. Such individual or individuals do not need legal training.
4. The person who conducts the hearing will regulate the conduct of the hearing in accordance with these hearing procedures.

1.1.4 Evidence

GHA and the family will be given the opportunity to make opening and closing statements, present evidence and question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

1.1.5 Issuance of Decision

The person who conducts the hearing must issue a written decision within 14 calendar days from the date of the hearing, briefly stating the reasons for the decision. Factual determinations shall be based on a preponderance of the evidence presented at the hearing and/or the documents exchanged by the parties.

1.1.6 Effect of the Decision

GHA is not bound by a hearing decision.

28.7 Informal Hearing Procedures for Denial of Assistance on the Basis of Ineligible Immigration Status

The participant family may request that GHA provide for an informal hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within 30 calendar days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 calendar days of receipt of the INS appeal decision.

28.8 Eviction Actions

If a tenant has requested a hearing in accordance with the regulations on a complaint involving a GHA notice of termination of the tenancy and the hearing officer or hearing panel upholds GHA's action to terminate the tenancy, GHA shall not commence an eviction action in a State or local court until it has served a notice to vacate on the tenant, and in no event shall the notice to vacate be issued prior to the decision of the hearing officer or the hearing panel having been mailed or delivered to the complainant. Such notice to vacate must be in writing and specify that if the tenant fails to quit the premises within the applicable statutory period, or on the termination date stated in the Notice of Termination, whichever is later, appropriate action will be brought against him and he may be required to pay court costs and attorney fees.

28.9 Reasonable Accommodation

GHA shall provide reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations, or attendants.

If the resident is visually impaired, any notice to the resident that is required by these procedures must be in an accessible format.

If the resident is a person with limited English proficiency, GHA will comply with HUD's "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficiency Persons."

28.10 Discrimination Complaints

Nothing contained in this grievance procedure shall preclude a complainant from exercising their rights if the complainant believes he/she is being discriminated against on the basis race, color, sex, actual or perceived sexual orientation, gender identity, religion, national or ethnic origin, marital or familial status, or disability.

APPENDIX B

29.0 CALCULATION FORMULAS

Annual Income

Income: Annual income is the gross income received by the family based on the past actual income prior to the annual re-examination (not older than 60 days, such as past six consecutive paystubs, award letters, bank statements, government assistance documents, etc.), monetary or not, during the 12 months following the effective date of admission or re-examination. (See §5.609.)

1. Computation of Annual Income

1. Use past actual income based on required documentation submitted by the family.
2. Annualize all income, including income that may not last the full 12 months (such as unemployment benefits). When circumstances change, an interim re-examination may be processed.

2. Calculation Examples

1. Regular Employment:

Hourly: Average hourly rate x average hours worked per week x 52 = annual income.

If the hours worked are full time (40 hours per week) for 52 weeks per year, 2080 hours = full time 52-week pay.

Salaried: Monthly salary x 12 = annual income.

Tips: Average tips per week x 52 = average annual tips.

Overtime: Average overtime hours per week x overtime rate x 52 = annual overtime.

*** When calculating income for a wage earner who works less than 12 months per year (example is a school employment where the person is off during the summer), calculate the TTP both ways, then give the head of household the choice. The head of household MUST initial agreeing to the rent calculation method chosen.

2. Non-Regular Employment: Includes employment where wages, hours, and employers worked for are flexible and no business-related deductions are claimed. In general, this category applies to those types of employment that do not readily fit in the regular employment category. For example, a person who does yard work for the same employers, same wage, and same number of hours per period could and should be verified under the procedures for regular employment.

If the client's wages, employers, and hours change frequently, their employment would be considered non-regular.

1 Verification: The client must Self-Declare the following information:

1. Type of work or services performed
2. Average amount of income earned per month
3. Signature of client and date prepared

2. Calculation: Average monthly income times 12 = annual income from non-regular employment.

3. Public Assistance: (Includes but not limited to AFDC, General Assistance, Supplemental Security Benefits, and Unemployment Compensation.) See calculation below:

1 Monthly Benefit x 12 = annual benefit

2. Overpayments: In the case of benefits where a previous overpayment is currently being deducted, the gross amount of the benefit minus the deduction for repayment shall be used.

4. Child Support:

Changes to child support will be effective the second month after the date the change is in effect, to allow for processing by the providing agency

5. Pensions/Social Security/Retirement/Annuity Payments Includes Social Security benefits, Veterans benefits, Pension, retirement, and annuity benefits. See calculation below:

Monthly benefit x 12 = annual benefit

Overpayments: In the case of benefits where a previous overpayment is currently being deducted, the gross amount of the benefit minus the deduction for repayment shall be used.

If the overpayment is for a period less than 12 months, use the adjusted amount x number of months for the adjusted amount. For the balance of the 12-month period, use the actual benefit amount.

Annuity – 24 CFR 5.609(b)(3), 24 CFR 5.609(b)(4)

For income from an annuity, only the amount over and above what the family invested in it will be counted in annual income.

Example – Client purchased an annuity many years ago. Now retired and receiving monthly payments of \$650. Third-party written verification from the insurance company documents the purchase of the annuity for \$75,000. Current payments to the client from the annuity should not be counted as income until client has received payments for the full \$75,000 invested. To date, client has received \$6,500 from the annuity, and will not receive the full \$75,000 for another 8.8 years. GHA will maintain the insurance company information in the file and will review the payments and status of the annuity at each annual recertification, but the annuity payments should not be counted as income until the full \$75,000 is received.

6. Child Support, Alimony, and Support payments made by other individuals: Includes regular payments made by a parent for the support of a minor child residing in the household, regular payments made by a former spouse, and any regular payments made by relatives, friends, or other persons to the family, or on behalf of the family for basic rent and utilities. Child support owed and unpaid, but not taken forward for a judgment must be considered as income. See calculation below:

Amount of payment x frequency = annual support income

Frequency:

Monthly (12)

Weekly (52)

Bi-monthly (24)

Bi-weekly (26)

7. Lump-Sum Payments: Generally, lump-sum amounts received by a family are considered assets, not income, i.e. inheritances, insurance, settlements, proceeds from the sale of property, etc. Deferred payments made because of a delay in processing a periodic payment such as unemployment, social security, welfare benefits, etc. must be counted as income. If an interim re-examination was not conducted to reduce the total tenant payment,

any lump sum amounts received by the family will be treated as an

asset. The following example will apply only if an interim re-examination to reduce the total tenant payment is conducted. Example:

Family member loses her job on October 10, 2004. Unemployment benefits are delayed. On December 10, 2004, family received a lump-sum payment of \$600 for October 21, 2004 through December 7, 2004. Beginning December 8, 2004, the family receives \$100 per week in unemployment benefits.

1. Family requests and GHA processes an interim re-examination. The interim re-examination reduces the family's total tenant payment and is effective November 1, 2004. After family receives lump-sum payment in December, GHA processes another interim re-examination. Interim is effective February 1, 2005 and Annual Income is computed as shown below. GHA annualizes income even though unemployment income is not expected to last the full twelve months and reminds family to come in for an interim when circumstances change.
2. Any amounts deducted from lump sum payments for attorney's fees shall be deducted from the lump sum amount that is counted as income.
3. Any lump sum amounts, counted as income, shall be included as income for the entire year (until the next annual re-examination), or for 12 months, whichever is greater. An example of this calculation is:

\$600 (Lump-sum payment) plus \$5200 (\$100/week unemployment) = Annual Income from unemployment.

8. Regular contributions and gifts. These amounts must be considered as household income if they are from organizations or from persons not residing in the residence and are regular. This may include payments for rent and utilities, and other regular cash and non-cash contributions. (24 CFR §5.609(7))
9. Assets: Family Assets include interest, dividends, and any other net income of any kind from real or personal property, to include any assets disposed of at less than fair market value within the last two years.

Asset income of minor children is counted as income.

Total Value of Assets Calculation:

1. Savings and Checking Accounts, Certificates of Deposit, IRA and KEOGH Accounts: Account balance or certificate of deposit value = total asset value of savings and checking accounts/certificates of deposit, IRA, and KEOGH accounts.
 2. Stocks: Number of shares x current per share value = total asset value of stocks.
 3. Bonds: Cash value of bond x number of bonds = total asset value of bonds.
 4. Notes and Mortgages Held: Principal amount remaining = total asset value of notes and mortgages held.
 5. Trusts:
 - (1) If trust is non-revocable, it is not counted as an asset.
 - (2) If trust is revocable, current amount of trust = total asset value of trust.
10. Real Property Owned: Current market value minus amount owed (if any) = total asset value of real property owned.
3. Income from Assets Calculation:
1. Savings and Checking Accounts, certificates of Deposit, IRA and KEOGH Accounts: Account balance x interest rate = annual income from savings/certificates of deposit, IRA and KEOGH accounts.
 - b. Stocks: Amount of dividends paid x frequency of payment = annual dividend income.
 3. Notes and Mortgages Held: Interest portion of the payment x frequency of payment = annual note or mortgage income. (Repayment of principal is not considered income.)
 4. Trusts: Use amount of annual proceeds as determined through verification.
 5. Real Property Owned (if property is income producing):
 1. If income tax return for property is available, use the amount of net annual income from tax return.
 2. If no income tax return is available, only the following deductions will be allowed:

1. amount of payments received x frequency of payment = gross annual income, then
 2. if balance owed on property, amount of interest portion of payments made x frequency of payment = annual interest deduction.
4. Assets Disposed of: Client must sign a Certification of Divestiture of Assets at each certification or recertification. Assets disposed of for less than fair market value during the two years preceding effective date of certification or recertification are included as assets. Cash value of the asset, the amount the family would receive if the asset were converted to cash, must be used. Cash value is market value minus reasonable costs that were or would be incurred in selling or converting the asset to cash. Expenses which may be deducted include the following:
1. Penalties for withdrawing funds before maturity
 2. Brokers/legal fees assessed to sell or convert the asset
 3. to cash
 4. Settlement cost for real estate transactions.

If the fair market value exceeds the gross amount the family received by more than \$1,000, count the whole difference between the cash value and the amounts received. If the difference is less than \$1,000, ignore it.

Assets disposed of for less than fair market value, as a result of a foreclosure, bankruptcy, divorce or separation, are not counted.

Assets put into trusts or business assets disposed of for less than fair market value are counted. See calculation below:

Include the difference between cash value and the amount received for any asset disposed of at less than fair market value within the last two years. (Cash value = the fair market value less reasonable costs.)

4. Overall Asset Calculation: To determine what amount to use for assets in the overall calculation of total annual income for both rent and eligibility, use the following calculations:
1. Add total value of all assets = total asset value
 2. Add total income from all assets = total asset income

3. If total asset value (#1 above) is less than \$5,000, use total asset income (#2 above) in determining total annual income
4. If total asset value (#1 above) is \$5,000, or more, use the larger of the following:
 1. total asset value x 5.5 percent
 2. total asset income
5. Asset Verification Guide
 1. Savings and Checking Accounts, Certificates of Deposit, IRA and KEOGH Accounts: Statement from the financial institution containing the following information:
 - 1) date prepared
 - 2) account number
 - 3) account balance
 - 4) interest rate (if the rate is variable, statement must give the current
 - 5) applicable rate)
 - 6) name of the account holder(s)
 - 7) signature of authorized person
 2. Stocks: A statement from a broker or a statement from the issuing corporation containing the following information:
 - 1) date prepared
 - 2) account number
 - 3) number of shares
 - 4) current per share value or current total value of shares
 - 5) amount of dividends earned
 - 6) frequency of payment of dividends
 - 7) name(s) of shareholders
 - 8) if a statement from broker, authorized signature
 3. Bonds: A copy of the face of the bond showing the following information:
 - 1) face value
 - 2) maturity date

- 3) interest rate (if any)
- 4) type of bond
4. Trusts: Client must provide a copy of the trust documents or a statement from the trust officer containing the following information:
 1. amount of trust
 2. type of trust (revocable or non-revocable)
 3. annual proceeds of trust
 4. beneficiary of trust
 5. if statement from trust officer:
 1. date prepared
 2. authorized signature

NOTE: Due to type of verification required, the following forms of verification shall be provided by the client:

5. Notes and Mortgages Held: (This is where the client receives payments rather than makes payments.) The client must provide a copy of the note or mortgage documents containing the following information:
 - 1) date of transaction
 - 2) amount of transaction
 - 3) balance owing
 - 4) amount of payments reflecting the distribution between principal and interest (repayment of principal amount is not considered income)
 - 5) frequency of payments
 - 6) interest rate
 - 7) name of person(s) holding the note or mortgage

Client must provide a current appraisal or current market analysis prepared by a licensed real estate agent, broker, or mobile home dealer containing the following information:

6. Real Property Owned: (Includes Mobile Homes)
 - 1) date prepared
 - 2) current market value of the property
 - 3) Authorized signature

- 4) copy of the deed or other title instrument showing the name(s) of the owner(s)
- 5) if property is mortgaged, a statement from mortgagor(s) showing:
 1. balance owed on property
 2. amount of payments reflecting distribution between interest and principal
 3. frequency of payments
- 6) for income-producing property:
 1. Copy of lease or rental agreements containing the following information:
 - (1) Term
 - (2) Amount of payments
 - (3) Frequency of payments
 2. Copy of rental income schedule from income tax return or copy of property tax statement. This information will be used to determine allowable expenses.

Calculating Unreported Income/Retro Payments

1. See Section 10.8
2. Upon receipt of information or at termination of assistance, if applicable, GHA will determine any funds due GHA as a result of overpaid Section subsidy as far back as the existence of complete file documentation (form HUD-50058 and supporting documentation) to support such retroactive rent determinations, in accordance with HUD regulatory requirements. The notice of termination will include any amount to be repaid due to unreported income or program fraud. The tenant will have the right to contest during the informal hearing, if tenant timely requests one.
3. The tenant will be provided an opportunity to contest GHA's determination of tenant rent underpayment. Tenants will be promptly notified in writing of any adverse findings made on the basis of verification of information. The tenant may contest the findings in accordance with established informal hearing procedures. GHA will not terminate, deny, suspend, or reduce the family's assistance until the expiration of any notice or appeal period.

Results will be reported to HUD via the HUD EIV Debts Owed and Negative Actions process.

GHA is strongly committed to protecting the privacy of people dealing with the City. There are numerous federal privacy laws, regulations, notices, and other requirements that GHA follows to the greatest degree practical. Details about these requirements are set forth in PIH Notice 2015-06 and any ensuing publications. GHA will educate all of its employees who have access to personally identifiable information (PII) and/or Sensitive Personally Identifiable Information about these requirements and expect them to appropriately manage and safeguard the information. Employees will also be trained on the proper disposition of this information.

APPENDIX C

31.0 REVISIONS TO ADMISSIONS AND CONTINUED OCCUPANCY POLICY

The provisions of this plan are based upon local, state, and Federal law and regulations. Should any applicable law or regulation change, this policy will be automatically revised. To the extent that the change is mandatory (allowing no GHA discretion), the policy will be revised without requirement for administrative processing, unless otherwise directed by HUD. By approving this provision, the Mayor and Council, and Committee understand that they are approving future automatic revisions responding to mandatory regulatory changes. The Committee will be made aware of such changes. All such changes will also be submitted to the Department of Housing and Urban Development at submittal of the Annual or Five Year Plan.

32.0 TENANT OBLIGATIONS/RESPONSIBILITIES

All public housing tenant responsibilities and obligations are contained in the City of Glendale Dwelling Lease that must be signed annually by the assisted family.