LOUISVILLE METRO HOUSING AUTHORITY

ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)

Adopted: April 2013
Draft Posted for Public Comment: January 15 – February 15, 2014
1.0 FAIR HOUSING

2.0 REASONABLE ACCOMMODATION

2.1 COMMUNICATION

2.2 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION

3.0 SERVICES FOR LIMITED-ENGLISH PROFICIENCY APPLICANTS AND RESIDENTS

4.0 FAMILY OUTREACH

5.0 RIGHT TO PRIVACY

6.0 REQUIRED POSTINGS

7.0 TAKING APPLICATIONS

8.0 ELIGIBILITY FOR ADMISSION

8.1 INTRODUCTION

8.2 ELIGIBILITY CRITERIA

8.3 SUITABILITY

8.4 GROUNDS FOR DENIAL

8.5 INFORMAL REVIEW

9.0 MANAGING THE WAITING LISTS

9.1 OPENING AND CLOSING THE WAITING LISTS

9.2 ORGANIZATION OF WAITING LISTS

9.3 FAMILIES NEARING THE TOP OF A WAITING LIST

9.4 PURGING THE CENTRAL WAITING LIST

9.5 REMOVAL OF APPLICANTS FROM WAITING LISTS

9.6 MISSED APPOINTMENTS

9.7 NOTIFICATION OF NEGATIVE ACTIONS

10.0 TENANT SELECTION AND ASSIGNMENT PLAN

10.1 PREFERENCES

10.1.1 HOUSING FOR FEDERALLY DECLARED DISASTER VICTIMS

10.2 BEDROOM SIZE STANDARDS

10.3 SELECTION FROM THE WAITING LISTS

10.4 DECONCENTRATION POLICY

10.5 DECONCENTRATION INCENTIVES

10.6 OFFER OF A UNIT

10.7 REJECTION OF UNIT

10.8 ACCEPTANCE OF UNIT

11.0 INCOME, EXCLUSIONS, AND DEDUCTIONS FROM INCOME
This Admissions and Continued Occupancy Policy (ACOP) defines the Louisville Metro Housing Authority's (LMHA) policies for the operation of its Public Housing Program, including public housing/low-income housing tax credit (PH/LIHTC) properties, incorporating Federal, State, and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

This ACOP is aligned with the Moving to Work (MTW) Agreement by and between HUD and the Housing Authority, as amended and restated on April 15, 2008, and including any subsequent amendments thereto. The MTW Agreement governs and supersedes, as appropriate, applicable Federal laws, rules, regulations, contracts, and agreements that have been or will be waived and/or modified by the MTW Agreement and subsequent amendments to the Agreement. This ACOP, in conjunction with the approved MTW Annual Plan, together comprise the operational policies and procedures of the Public Housing Program.

This document governs all LHMA public housing residents except those residing at the Liberty Green and Park DuValle developments. Residents of these sites are governed by separate ACOP documents.

1.0 FAIR HOUSING

It is the policy of the LMHA to fully comply with all Federal, State, and local nondiscrimination laws; the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development (HUD) regulations governing Fair Housing and Equal Opportunity. The Housing Authority shall affirmatively further fair housing in the administration of its Public Housing Program.

No person shall, on the grounds of race, color, sex, perceived or actual sexual orientation or gender identity, marital status, national or ethnic origin, familial status, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the LMHA’s programs.

To further its commitment to full compliance with applicable Civil Rights laws, the LMHA will provide Federal/State/local information to applicants/tenants of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at Housing Authority offices. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.
The LMHA will assist any family that believes they have suffered illegal discrimination by providing the family with copies of the appropriate housing discrimination forms. The Housing Authority will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity (601 W. Broadway, Suite 110, Louisville, KY 40202). If as a reasonable accommodation, the family needs assistance to complete this process, LMHA staff will assist as appropriate.

2.0 REASONABLE ACCOMMODATION

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

2.1 COMMUNICATION

Any applicant or tenant may pick up a Request for Reasonable Accommodation form from any LMHA office during normal, posted operating hours. At the time they begin the full application process, all applicants will receive a Request for Reasonable Accommodation form.

Notifications of reexamination, inspection, an appointment, or eviction will include information about requesting a reasonable accommodation. Any notification requesting action by the tenant will include information about requesting a reasonable accommodation. All decisions granting or denying requests for reasonable accommodations will be in writing.

2.2 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION

A.  Is the requestor a person with disabilities? For this purpose the definition of person with disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. (The disability may not be apparent to others, i.e., a heart condition.)

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is
not apparent or documented, the LMHA will obtain verification that the person requesting the accommodation is a person with a disability.

B. **Is the requested accommodation related to the disability?** If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the LMHA will obtain documentation that the requested accommodation is needed due to the disability. The Housing Authority will not inquire as to the nature of the disability.

C. **Is the requested accommodation reasonable?** In order to be determined reasonable, the accommodation must meet two criteria:

1. **Would the accommodation constitute a fundamental alteration?** The LMHA’s business is housing. If the request would alter the fundamental business that the Housing Authority conducts, that would not be reasonable. For instance, the LMHA would deny a request to have the Housing Authority do grocery shopping for a person with disabilities.

2. **Would the requested accommodation create an undue hardship?** Frequently the requested accommodation costs little or nothing. The LMHA has made a determination that approved accommodations costing less than $5,000 per family do not create undue hardship for the Housing Authority. If the accommodation would cost more than this amount, the LMHA may request a meeting with the individual to investigate and consider equally effective alternatives.

Generally the individual knows best what it is he or she needs; however, the LMHA retains the right to be shown how the requested accommodation enables the individual to access or use the Housing Authority's programs or services.

If more than one accommodation is equally effective in providing access to the LMHA’s programs and services, the Housing Authority retains the right to select the most efficient or economic choice.

The cost necessary to carry out approved requests, including requests for physical modifications, will be borne by the LMHA if there is no one else willing to pay for the modifications. If another party pays for the modification, the Housing Authority will seek to have the same entity pay for any restoration costs.

If the tenant requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, the LMHA will generally approve such request if it does not violate codes or affect the structural integrity of the unit.

Any request for an accommodation that would enable a tenant to materially violate essential lease terms will not be approved, i.e., allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.
3.0 SERVICES FOR LIMITED-ENGLISH PROFICIENCY APPLICANTS AND RESIDENTS

The LMHA shall do its best, within reason, to assist people with Limited English Proficiency (LEP). The Housing Authority has assessed the need of LEP persons using the four factors described in the 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. This analysis considered the following factors:

A. The number or proportion of LEP persons served or encountered in the eligible service area;
B. The Frequency with which LEP individuals come in contact with the program;
C. The nature and importance of the program, activity, or service provided by the program; and
D. The resources available to the LMHA and costs.

Using the results of this analysis, the LMHA has prepared a Language Access Plan (LAP) in accordance with the guidance provided in the Notice referenced above. The Housing Authority’s LAP can be found in Appendix B.

In addition, the LMHA will endeavor to have bilingual staff or access to people who speak languages other than English. To meet the needs of the large Somali refugee population residing at Housing Authority developments, the LMHA has a full-time Multicultural Program Specialist on staff who speaks Maay Maay and Somali.

Finally, the Housing Authority shall utilize multilingual “I speak” cards to the maximum degree possible.

4.0 FAMILY OUTREACH

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

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

The LMHA 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.
The objective of this effort is to develop a waiting list that is representative of our low-income community. A particular emphasis will be placed on attracting eligible individuals and families least likely to apply for public housing.

5.0 RIGHT TO PRIVACY

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

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

6.0 REQUIRED POSTINGS

In each of its offices, the LMHA will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

A. Statement of Policies and Procedures governing Admission and Continued Occupancy (ACOP)

B. Notice of the status of the waiting list (opened or closed)

C. A listing of all developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD/TRS numbers, and Resident Facilities and operation hours

D. Income Limits for Admission

E. Excess Utility Charges

F. Utility Allowance Schedule

G. Current Schedule of Routine Maintenance Charges

H. Dwelling Lease

I. Grievance Procedure

J. Fair Housing Poster

K. Equal Opportunity in Employment Poster

L. Any current LMHA Notices

M. Any additional schedules of charges, including the agency’s Pet Fee Schedule
7.0 TAKING APPLICATIONS

To make application to the LMHA’s Public Housing Program, including PH/LIHTC properties, an individual must be at least eighteen years of age or an emancipated minor. The application process involves two phases:

1. **Pre-Application**: The family is required to provide limited basic information including information establishing any preferences to which they may be entitled. The family is then placed on the appropriate waiting list(s).

2. **Full Application**: When the family nears the top of a waiting list, the LMHA will ensure that verification of all preferences, eligibility, and suitability selection factors is current in order to determine the family’s final eligibility for admission.

**Central Waiting List**

Families wishing to reside in any of the following developments should make application through the LMHA’s central waiting list:

1. Family Developments: Beecher Terrace (excluding substance-free units, which have a separate site-based waiting list) and Parkway

2. Elderly-Only Developments (62+): St. Catherine Court (Head of household, co-head, or spouse must be at least 62 years of age. No household member may be under the age of 55.)

3. Developments Designed for the Elderly and Disabled: Avenue Plaza, Will E. Seay Plaza, Dosker Manor, and Lourdes Hall (Head of household, co-head, or spouse must be disabled or 55 years of age or older; no member of the household may be under the age of 18.)

Pre-applications for the central waiting list may be downloaded from the Housing Authority’s website ([www.lmha1.org](http://www.lmha1.org)) or obtained at the LMHA’s Central Office during regular business hours (Monday – Friday, 8 AM – 5 PM):

LMHA Central Office
420 South Eighth Street
Louisville, KY 40203
Phone: (502) 569-3400

Completed pre-applications for the central waiting list should be hand-delivered during regular business hours or mailed to the LMHA’s Central Office. Completed pre-applications will be dated and time-stamped upon their return to the LMHA. Due to the demand for housing in the LMHA jurisdiction, the Housing Authority may take pre-applications on an open enrollment basis, depending on the length of the waiting list.

**Site-Based Waiting Lists**
Families wishing to reside in public housing at any of the following privately-managed developments must make application through the property’s site-based waiting list.

Please be aware that admissions procedures may vary by development. For example, some developments may use a one-step application process instead of requiring applicants to complete separate pre-application and full application phases. Complete application information for any site-based waiting list may be obtained by contacting the site’s Management Office.

Management Office Addresses for Developments with a Site-Based Waiting List:

Liberty Green  
(Excluding the Liberty Green Community Center)  
301 South Hancock Street  
Louisville, KY 40202  
Phone: (502) 582-8500

Sheppard Square  
526 East Lampton Street  
Louisville, KY 40203  
Phone: (502) 561-0078  
Fax: (502) 561-0079

The Villages of Park DuValle  
(Including the elderly-only Weathers Building, where the head of household, co-head, or spouse must be at least 62 years of age)  
1804 Russell Lee Drive  
Louisville, KY 40211  
Phone: (502) 778-7277  
Website: www.thevillageatparkduvalle.com

The Oaks  
3621 Chauncey Avenue  
Louisville, KY 40211  
Phone: (502) 778-8333

Family Scholar House  
(Residency limited to parents with a high-school diploma or GED who wish to pursue a college degree)  
403 Reg Smith Circle  
Louisville, KY 40208  
Phone: (502) 584-8090  
Website: www.familyscholarhouse.org
Families wishing to reside in designated sober living housing at Beecher Terrace (Buildings 32-36) must also make application through a separate site-based waiting list. All family members must be willing to live alcohol- and drug-free. Applicants should contact:

Jefferson Alcohol and Drug Abuse Center
600 S. Preston St.
Louisville, KY 40202
Phone: (502) 583-3951
Website: www.jadac.org

Application Procedures
Potential applicants who live out of town or who need a reasonable accommodation may request that the central waiting list pre-application be mailed to them by calling the Central Office. Likewise, potential applicants for properties with site-based waiting lists may request that application documents be mailed to them by contacting the appropriate on-site Management Office. Phone numbers for these offices are listed above.

Potential applicants who have a hearing or speech impediment can receive assistance contacting the LMHA by dialing 7-1-1 to reach the Kentucky Telephone Relay Service.

For any potential applicant who is visually impaired, all notice can be made available in appropriate alternate formats.

The applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. Notification should be made in writing to either the Central Office or site-based Management Office as appropriate. The LMHA or Management Office will annotate the applicant’s file and will update their place on the waiting list(s) if appropriate. Reasonable accommodations may be made upon request.

When the family nears the top of the central waiting list, the LMHA will contact the family to complete the second phase of the application process, referred to as the full application. During the full application, staff will ensure that verification of all preferences, eligibility, and suitability selection factors are current (less than ninety calendar days old) in order to determine the family’s final eligibility for admission into the Public Housing Program.

Applicants will be provided the opportunity to complete the information on form HUD-92006, Supplement to Application for Federally Assisted Housing. The form gives applicants the option to identify an individual or organization that the Housing Authority may contact and the reason(s) the individual or organization may be contacted. Applicants must sign and date the form whether or not they choose to provide additional contact information. Those applicants who choose not to provide the contact information should check the box indicating that they “choose not to provide the contact information.”

If the applicant chooses to have more than one contact person or organization, the applicant must make clear to the LMHA the reason each person or organization may be contacted. The Housing Authority will allow the applicant to complete a form HUD-92006 for each contact and indicate
the reason the LMHA may contact each individual or organization. For example, an applicant may choose to have a relative as a contact for emergency purposes and an advocacy organization for assistance for tenancy purposes.

8.0 ELIGIBILITY FOR ADMISSION

8.1 INTRODUCTION

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

8.2 ELIGIBILITY CRITERIA

A. Family Status - All families must have a Head of Household or Co-Heads of Household. Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

1. A family with or without children. Such a family is defined as a group of people related by blood, adoption, or affinity (regardless of actual or perceived sexual orientation, gender identity, or marital status) that live together in a stable relationship.

   a. Children temporarily absent from the home due to placement in foster care are considered family members for the purpose of determining bedroom size only;

   b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit except in the case of PH/LIHTC properties where such children are considered family members when determining the household size for maximum income purposes only.

2. An elderly family, which is:

   a. A family whose head, co-head, spouse, or sole member is a person who is at least 62 years of age;

   b. Two or more persons who are at least 62 years of age living together; or

   c. One or more persons who are at least 62 years of age living with one or more live-in aides.
Using the regulatory flexibility provided through its MTW Agreement and approved through its MTW Annual Plan, in certain cases the LMHA has lowered the threshold age used to define an elderly family from at least age 62 to at least age 55. The notations 55+ and 62+ will be used throughout this ACOP to denote the age threshold applicable in each case.

3. A **near-elderly family**, which is:
   a. A family whose head, co-head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
   b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
   c. One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

4. A **disabled family**, which is:
   a. A family whose head, co-head, spouse, or sole member is a person with disabilities;
   b. Two or more persons with disabilities living together; or
   c. One or more persons with disabilities living with one or more live-in aides.
   d. For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

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

6. A **remaining member of a tenant family**. If the remaining member of a tenant family is a minor or minors, it will be necessary for an adult to temporarily move into a unit to serve as a guardian for children residing in the unit. The income received by the temporary guardian will be counted in determining family income. Although typically a criminal background check is required before anyone can move into a public housing unit, 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 public housing, the family shall be given a reasonable time to find a replacement guardian or vacate the property.

7. A **single person** who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.
B. Income Eligibility

1. To be eligible for admission to developments or scattered-site units, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80% of the median income for the area (AMI). If the property has Low Income Housing Tax Credits (LIHTC), a lower income cap will apply. To be eligible for a unit purchased or rehabilitated through the Neighborhood Stabilization Program, family income cannot exceed 50% of AMI.

2. A family may not be admitted to the Public Housing Program from another assisted housing program (e.g., tenant-based Section 8) or from a Public Housing Program operated by another housing authority without meeting the income requirements of the LMHA.

3. If the LMHA acquires a property for federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing residents.

4. The LMHA may allow police officers who would not otherwise be eligible for occupancy in public housing to reside in a public housing dwelling unit. Such occupancy must be needed to increase security for public housing residents. Their rent shall at least equal the cost of operating the public housing unit.

C. Citizenship/Eligibility Status

1. To be eligible for public housing each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)) or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However, people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam.

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

Prior to admission, every family member regardless of age must provide the LMHA with a complete and accurate Social Security Number (SSN) unless they do not contend eligible immigration status. New family members must provide this verification prior to being added to the lease. If the new family member is under the age of six and has not been assigned a SSN, the family shall have ninety calendar days after starting to receive the assistance to provide a complete and accurate SSN. The Housing Authority may grant one ninety-day extension for newly added family members under the age of six if in its sole discretion it determines that the person’s failure to comply was due to circumstances that could not have reasonably been foreseen and was outside the control of the person.

If a person is already a program participant and has not disclosed his or her SSN, it must be disclosed at the next re-examination or re-certification.

Participants aged 62 or older as of January 31, 2010 whose initial eligibility determination was begun before January 31, 2010 are exempt from the required disclosure of their SSN. This exemption continues even if the individual moves to a new assisted unit.

The best verification of the SSN is the original Social Security card. If the card is not available, the LMHA will accept an original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual or such other evidence of the SSN as HUD may prescribe in administrative instructions.

If a member of an applicant family indicates they have a SSN, but cannot readily verify it, the family cannot be assisted until verification is provided. If the SSN of each household member cannot be provided to the LMHA within thirty calendar days of it being requested, the family shall be removed from the waiting list(s).

During these thirty calendar days, if all household members have not disclosed their SSN at the time a unit becomes available, the Housing Authority must offer the available unit to the next eligible applicant family on the waiting list.

If an individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated. The LMHA may grant one ninety calendar day extension from termination if in its sole discretion it determines that the person’s failure to comply was due to circumstances that could not have reasonably been foreseen and there is a reasonable likelihood that the person will be able to disclose a SSN by the deadline.

E. Signing Consent Forms

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

2. The consent form must contain, at a minimum, the following:
   a. A provision authorizing HUD or the LMHA to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
   b. A provision authorizing HUD or the LMHA to verify with previous or current employers or other sources of income information pertinent to the family's eligibility for or level of assistance;
   c. A provision authorizing HUD to request income information from the Internal Revenue Service (IRS) and the Social Security Administration (SSA) for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits;
   d. A statement allowing the LMHA permission to access the applicant’s criminal record with any and all police and/or law enforcement agencies, and
   e. A statement that the authorization to release the information requested by the consent form expires 24 months after the date the consent form is signed.

F. Special College Student Eligibility Rules

In order to be eligible for public housing, college students living outside their parents’ or guardians’ homes must have established a separate household for at least one year prior to applying to the Public Housing Program. This will be verified by presenting to the LMHA evidence of the establishment of the separate household.

The college student must not be claimed as a dependent by parents or guardians on their IRS returns. This will be verified by examining the student’s IRS return for the previous year. The LMHA will examine the box that asks if someone else claimed them on their tax return.

If the student is receiving an athletic scholarship that includes over $5,000 a year for housing costs, the student shall not be eligible for public housing.

Full-time students in one-person households are generally excluded from PH/LIHTC properties.

Full-time students in households of two or more persons may be eligible for PH/LIHTC properties if they meet one of the following five exceptions to the full-time student prohibition:
1. At least one member of the household is currently enrolled in a job-training program that receives assistance under the Job Training Partnership Act or is funded by a state or local agency;

2. The head of household is a single parent with children and neither the parent nor the children are the dependent of another individual;

3. The members of the household are married and file a joint federal tax return;

4. At least one member of the household receives assistance under Title IV of the Social Security Act (e.g. payments under K-TAP); or

5. At least one member of the household was previously under the care of a state foster program.

G. Eligibility for Beecher Terrace Sober Living Units

To be eligible for residency in Buildings 32 – 36 of the Beecher Terrace development, residents must sign a lease addendum agreeing that no member of their household or guest will use, possess, manufacture, distribute, or sell any illegal drug or controlled substance, and that they will not bring, cause, or allow others to bring any alcoholic beverage into their unit or onto the premises.

Families interested in applying for or transferring to a sober living unit should contact the Jefferson Alcohol and Drug Abuse Center directly for additional eligibility and screening requirements (See Section 7.0 for contact information.).

H. Eligibility for Family Scholar House Public Housing Units

The LMHA maintains a unique partnership with the Family Scholar House to provide public housing to parents while they work to obtain a college degree. To be eligible for residency at either the Downtown Scholar House or the Stoddard Johnston House, the head of household must have a high school diploma or GED and be willing to enroll in a degree-granting program at an accredited post-secondary institution as a full-time student. Eligibility is limited to households including no more than one adult family member.

Families interested in applying for or transferring to a Family Scholar House unit should contact the Family Scholar House directly for additional eligibility and screening requirements (See Section 7.0 for contact information.).

Family Scholar House public housing units provide temporary housing to families actively participating in the Scholar House’s programming. Families must relinquish their unit when they graduate from or otherwise terminate their participation in the Scholar House’s programming. Participants who successfully graduate from the
program will receive a preference for admission to the LMHA’s Section 8 (Housing Choice Voucher) Program as long as the participant was living in LMHA public housing (including PH/LIHTC housing) at the time of program completion.

I. Eligibility for Scattered Site Units

The LMHA’s internal Scattered Site Unit Referral List includes a variety of single- and multi-family units across a number of developments, including (but not limited to) the Liberty Green Community Center, Neighborhood Stabilization Program (NSP) units, Newburg, St. Francis, Stephen Foster, and Village Manor.

1. General Scattered Site Unit Eligibility Requirements

To be eligible for the LMHA’s internal Scattered Site Unit Referral List, a family must have been living in an LMHA public housing unit for at least one year, have had no more than three late rent payments within the past twelve months, have an excellent or above average housekeeping record, and be lease compliant.

2. Additional Eligibility Requirements for Detached Single-Family Houses

In addition to meeting the general scattered site unit eligibility requirements stated above, all adult family members living in scattered-site, detached single-family houses must be full-time students or employed (working at least twenty hours per week) unless elderly (62+) or disabled.

All adult residents must participate in an approved case management program and meet annual self-sufficiency goals as defined in their case management plan. Participation in the LMHA’s Public Housing Family Self-Sufficiency (FSS) Program fulfills the case management requirement.

Any family containing an adult who falls out of compliance with the requirements above for a period of more than 90 calendar days will be transferred to another Public Housing unit within the LMHA’s public housing stock that does not have a work / education requirement, when a unit of the appropriate size becomes available.

In addition, the LMHA has established a five-year time limit on residency at all scattered-site, single-family houses.

At the end of the five-year residency time limit, families will be required either to relinquish their assistance, or if they are otherwise lease-compliant, will be permitted to transfer to a non-scattered-site public housing unit.

Families who have made significant progress toward their self-sufficiency goals, but are not quite ready to enter the private housing market, may request a temporary extension to the residency time limit. The LMHA will work with each approved family to update all outstanding goal dates in their case management
plan, and to determine when the temporary residency extension will expire. The LMHA may revoke the family’s residency extension at any point if the family fails to complete remaining self-sufficiency goals in a manner consistent with the updated case management plan. The Housing Authority expects that all families receiving a temporary residency extension will be prepared to move to non-subsidized housing by the time their extension expires.

The elderly (62+) and persons with disabilities will be exempt from the employment / school requirement but will be subject to both the case management requirement and the five-year time limit on residency.

Working families on the LMHA’s central waiting list are eligible for a preference for 3-bedroom, scattered site, single-family detached houses only. All adult household members must be working at least 20 hours per week or full-time students unless elderly (62+) or disabled. In households containing elderly or disabled adult family members, at least one adult family member must be working or a full-time student. Families must comply with the case management requirements detailed above and are subject to the five-year residency time limit imposed on families admitted to these sites through the Housing Authority’s internal Scattered Site Unit Referral List. Families will only be selected from the central waiting list when there are no eligible families on the internal Scattered Site Unit Referral List.

8.3 SUITABILITY

A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in compliance with the public housing lease. The LMHA will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family’s admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, Housing Authority employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.

B. The LMHA will consider objective and reasonable aspects of the family's background, including the following:
   1. History of meeting financial obligations, especially rent and any utility payments;
   2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
   3. History of criminal activity by any household member involving crimes of
physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;

4. History of disturbing neighbors or destruction of property;

5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and

6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

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

1. A credit check of the head, spouse, co-head, and any other adult family members;

2. A rental history check of all adult family members;

3. A criminal background check on all adult household members, including live-in aides at no cost to the applicant. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, the LMHA may contact law enforcement agencies where the individual has lived or request a check through the Federal Bureau of Investigation’s (FBI’s) National Crime Information Center (NCIC). This criminal background check will proceed after each adult household member has signed a consent form designed by the Housing Authority.

The information received as a result of the criminal background check shall be used solely for screening, lease enforcement, and eviction purposes. The information derived from the criminal background check shall be shared only with employees of the LMHA who have a job-related need to have access to the information. The information shall be maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose(s) for which it was requested has been accomplished and the period for filing a challenge to the Housing Authority’s action has expired without a challenge or final disposition of any litigation has occurred;

4. A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal
activity; and

5. A check of state sex offender registration programs for each adult household member, including live-in aides. No individual registered under any State sex offender registration program will be admitted to public housing as long as they remain on the sex offender registration list. Any household member who is a lifetime registered sex offender will be banned for life. The Housing Authority will utilize the US Department of Justice’s Dru Sjodin National Sex Offender website to check for sex offender registration in any US state or territory. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries. Any sex offender registration entries found in the Dru Sjodin Database will be verified with the jurisdiction that posted the entry data.

If an applicant has been denied housing based on either the criminal check or the sex offender registration program, the applicant will be informed of this fact and given an opportunity to dispute the accuracy of the information.

8.4 GROUNDS FOR DENIAL

The LMHA is not required or obligated to assist families where applicants or members of the applicant’s household:

A. Do not meet any one or more of the eligibility criteria;

B. Do not supply information or documentation required by the application process;

C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;

D. Have a history of not meeting financial obligations, especially rent;

E. Do not have the ability to maintain (with assistance) their housing in a decent and safe
condition where such habits could adversely affect the health, safety, or welfare of other tenants;

F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;

For the purpose of this Policy, if any member of the applicant family has been arrested at least two times within the prior five year period for this purpose, they will be determined to have engaged in criminal activity, drug-related criminal activity, or violent criminal activity.
Being a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission. The LMHA will require verification in all cases where an applicant claims protection against an action proposed to be taken by the Housing Authority involving such individual. Types of acceptable verification are outlined in Section 20.2.B of this ACOP, and must be submitted within fourteen business days after receipt of the LMHA’s written request for verification.

G. Have a history of disturbing neighbors or destruction of property;

H. Currently owe rent or other amounts to any housing authority in connection with their public housing or Section 8 / Housing Choice Voucher programs;

I. Have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;

J. Were evicted from federally-assisted housing within the past five years because of drug-related criminal activity or within the past six months for any other reason. The five-year limit is based on the date of such eviction, not the date the crime was committed.

1. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the LMHA; or

2. The circumstances leading to the eviction no longer exist (for example, the criminal household member is imprisoned or has died).

K. Are currently engaging in the illegal use of a controlled substance. For purposes of this section, a member is “currently engaged in” the criminal activity if the person has engaged in this behavior recently enough to justify a reasonable belief that the behavior is current;

L. The LMHA determines that it has reasonable cause to believe that a household member’s illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;

M. The LMHA determines that it has reasonable cause to believe that a household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;

With respect to criminal activity described in paragraphs J, K, L, and M of this Section, the LMHA may require an applicant to exclude a household member in order to be admitted to public housing where that household member has participated in or been culpable for actions described in paragraphs J, K, L, and M that warrant denial.
N. Have engaged in or threatened abusive or violent behavior towards any LMHA staff member or resident;

O. Fugitive felons, parole violators, persons on home incarceration, persons under supervised probation, persons awaiting trial for felonies or other serious charges, and persons 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;

P. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development, in a Section 8 assisted property, or on the premises of other federally assisted housing;

Q. Has a registration of any duration under a State sex offender registration program as long as they remain on the sex offender registration list. Any family member who has a lifetime registration will be denied for life.

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

1. Is participating in a supervised drug or alcohol rehabilitation program approved by the LMHA;

2. Has successfully completed a supervised drug or alcohol rehabilitation program approved by the LMHA; or

3. Has otherwise been successfully rehabilitated.

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

Before the LMHA denies admission to the Housing Authority’s Public Housing Program on the basis of a criminal record, the LMHA must notify the household of the proposed action and provide the person with the criminal record (i.e., a child) and the applicant (head of household) with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record. The applicant will have thirty calendar days to dispute the accuracy and relevance of the record in writing. If the Housing Authority does not receive the dispute within the allotted time, the applicant will be denied.

### 8.5 INFORMAL REVIEW

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

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

B. The applicant may request that the LMHA provide for an Informal Hearing after the family has notification of an Immigration and Naturalization Service (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 thirty calendar days of receipt of the Notice of Denial or Termination of Assistance, or within thirty calendar days of receipt of the INS appeal decision.

9.0 MANAGING THE WAITING LISTS

9.1 OPENING AND CLOSING THE WAITING LISTS

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

The notice will state that applicants already on waiting lists for other housing programs or on any other central or site-based public housing waiting list must apply separately for this newly-opened waiting list and such applicants will not lose their place on other waiting lists when they apply for public housing covered by the newly-opened waiting list. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

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

9.2 ORGANIZATION OF WAITING LISTS

All public housing waiting lists will be maintained in accordance with the following guidelines:

A. The pre-application and full application will form a permanent file;
B. All pre-applications will be maintained by bedroom size and in order of date and time of pre-application with those who have a preference listed before those who do not have a preference; and

C. Any significant contact between the LMHA and the applicant will be documented in the applicant file.

9.3 **FAMILIES NEARING THE TOP OF A WAITING LIST**

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

Once the preference(s) has been verified, the family will complete a full application, present SSN and citizenship/eligible immigrant information, be given the option to complete Form HUD-92006 *Supplemental and Optional Contact Information for HUD Assisted Housing Applicants*, and sign the Consent for Release of Information forms.

Once a family has been housed, it will be removed from the applicable waiting list. Thereafter, any family wishing to move from their initial unit to another public housing unit operated by the same property manager must do so under the LMHA’s transfer policy. Families will not be permitted to apply for transfer until they have resided in the initial unit for at least twelve months.

Any family wishing to move from their initial unit to a public housing unit operated by a different property manager must make application directly through the appropriate waiting list.

9.4 **PURGING THE CENTRAL WAITING LIST**

The LMHA will monitor the length of the central waiting list, and conduct a purge of waiting list applicants whenever the length of the list exceeds the number of households that can reasonably be expected to be housed within three years. Conducting a waiting list purge at this point ensures that the pool of applicants reasonably represents the interested families for whom the Housing Authority has current information, i.e., applicant's address, family composition, income category, and preferences.

9.5 **REMOVAL OF APPLICANTS FROM WAITING LISTS**

The LMHA will not remove an applicant’s name from any waiting list unless:

A. The applicant requests in writing that the name be removed;
B. The applicant fails to respond to a written request made during an LMHA waiting list purge for information or to declare their continued interest in the program (this includes returned, undeliverable mail);

C. The applicant does not meet either the eligibility or suitability criteria for the program; or

D. The applicant is housed.

Applicants will be offered the right to an informal review before their removal from the waiting list is finalized.

9.6 MISSED APPOINTMENTS

Families missing three scheduled appointments with the LMHA will be sent a notice of termination of the process for eligibility and removed from the waiting list.

9.7 NOTIFICATION OF NEGATIVE ACTIONS

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

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

10.1 PREFERENCES

The LMHA will select families based on the following preferences within each bedroom size category based on our local housing needs and priorities:

A. **Former Clarksdale residents who were relocated by the LMHA as a result of the Housing Authority’s HOPE VI Revitalization of the site receive a preference for the Liberty Green development only.** These families should apply through the Liberty Green site-based waiting list;

B. **Former Sheppard Square residents who were relocated by the LMHA as a result of the Housing Authority’s HOPE VI Revitalization of the site receive a preference for the revitalized Sheppard Square development only.** These families should apply through the Sheppard Square site-based waiting list;

C. **Participants successfully graduating from the YouthBuild Louisville program.** This preference only applies to participants living in subleased LMHA public housing at the time of program completion. Such individuals receive a preference for either the Housing Choice Voucher or Public Housing Program, but not both;

D. **Working families receive a preference for 3-bedroom, scattered-site, single-family detached houses only.** All adult family members must be full-time students or employed (working at least 20 hours per week) unless elderly (62+) or disabled. In households containing elderly or disabled adults, at least one adult family member must be working or a full-time student. See Glossary for definition of Work or Working.

In addition, all adult family members must agree to participate in an approved case management program and meet annual self-sufficiency goals as defined in their case management plan. Participation in the LMHA’s Public Housing Family Self-Sufficiency (FSS) program fulfills the case management requirement.

Finally, applicants should be aware that these sites have a five-year residency time limit. At the end of five years, families will be required either to relinquish their assistance, or if they are otherwise lease-compliant, will be permitted to transfer to a non-scattered-site public housing unit.

Families who have made significant progress toward their self-sufficiency goals, but are not quite ready to enter the private housing market, may request a temporary extension to the residency time limit. The LMHA will work with each approved family to update all outstanding goal dates in their case management plan and to determine when the temporary residency extension will expire. The LMHA may revoke the family’s residency extension at any point if the family fails to complete
remaining self-sufficiency goals in a manner consistent with the updated case management plan. The Housing Authority expects that all families receiving a temporary residency extension will be prepared to move to non-subsidized housing by the time their extension expires.

Working families will only be selected from the central waiting list when there are no eligible families on the LMHA’s internal Scattered Site Unit Referral List.

E. An involuntarily displaced individual or family. Meaning:

1. An individual or family displaced by government action;
2. An individual or family that includes a member who is unable to use critical elements of their current rental unit due to a mobility impairment and where the owner is neither legally obligated nor willing to make adaptive modifications;
3. An individual or family that is facing an eviction action due to reasons beyond their control or cause;
4. An individual or family that has been forced to vacate their home due to a fire that was beyond their control or cause; or
5. An individual or family whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized by a unit of local, state, or federal government;

F. An individual or family residing in substandard housing. Meaning a housing unit that exhibits one or more of the following characteristics:

1. Should, but does not have:
   a. A useable toilet;
   b. A useable tub or shower; or
   c. A useable kitchen.

   This category excludes housing units that would not be expected to have these features, for example single room occupancy units or congregate housing dwellings, unless said features are not available elsewhere on the premises for the use of the family;
2. Where there is no electricity or the electricity is unsafe;
3. Has no safe or adequate source of heat; or
4. Is declared unfit for habitation by a government agency;
G. **An individual or family paying more than 50% of their household’s gross income for rent and/or utilities for at least the past three months;**

H. **An individual or family displaced as a result of physical violence.** This includes:

1. Victims of domestic violence where the most recent incident of abuse occurred no more than thirty calendar days before the submission of the pre-application;

2. Victims of recent hate crimes, where a hate crime is defined as actual or threatened physical violence or intimidation that is directed against a person or their property and is based on the person’s race, color, religion, sex, perceived or actual sexual orientation or gender identity, national origin, handicap, or familial status. It must have occurred recently or be of a continuing nature; or

3. Police informants for whom the law enforcement agency has recommended re-housing in order to avoid or minimize the risk of violence against family members.

I. **A homeless applicant.** See Glossary for definition of “Homeless.”

The above preferences shall all be treated equally. Any applicant qualifying for more than one preference shall be treated no differently from an applicant qualifying for only one preference. All applicants qualifying for a preference(s) shall be housing before applicants who do not qualify for any preference.

The date and time of pre-application will be used to determine the sequence in which applicants who qualify for a preference are housed.

Not withstanding the above, individuals who are elderly, disabled, or displaced will be offered housing before other single persons.

**Buildings Designed for the Elderly (55+) and Disabled (Mixed Population Developments):** Avenue Plaza, William E. Seay Plaza, Dosker Manor, and Lourdes Hall have been designed to meet the needs of the elderly (55+) and disabled. Preference will be given to elderly and disabled families. If there are no elderly or disabled families on the list, preference will then be given to near-elderly families. All such families will be selected from the waiting list using the preferences as outlined above. No person under the age of 18 is eligible to reside in these developments.

**Elderly-Only (62+) Housing:** St. Catherine Court and the Weathers Building (Park Duvalle) are open only to families whose head of household, co-head, or spouse is at least 62 years of age. No person under the age of 55 is eligible to reside at St. Catherine Court. In filling vacancies in these developments, first priority will be given to elderly families. If there are no elderly families on the list, next priority will be given to those age 55 or over. Using these priorities, families will be selected from the waiting list using the preferences as outlined above.
Accessible Units: Accessible units will first be offered to families who may benefit from the accessible features and who reside in the development that has the vacancy. If there are no families residing in that development needing the accessible unit, it shall then be offered to families residing in other developments that may benefit from the accessible unit. If there are no families residing in the other developments needing the accessible unit, it shall then be offered to applicants on the waiting list who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above.

If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, will be required to sign a release form stating they will accept a transfer (at the Housing Authority’s expense) if, at a future time, a family requiring an accessible feature applies or a family requires a transfer from a non-accessible unit. Any family required to transfer will be given a 30-day notice.

10.1.1 HOUSING FOR FEDERALLY DECLARED DISASTER VICTIMS

In the case of a federally declared disaster, the LMHA reserves the right for its Executive Director to suspend its preference system for whatever duration the Executive Director feels is appropriate and to admit victims of the disaster to the program instead of those who would be normally admitted. Any other provisions of this policy can also be suspended during the emergency at the discretion of the Executive Director so long as the provision suspended does not violate a law. If regulatory waivers are necessary, they shall be promptly requested of the HUD Assistant Secretary for Public and Indian Housing.

10.2 BEDROOM SIZE STANDARDS

At the time of pre-application, families applying through the central waiting list will designate, within the parameters listed below, their bedroom size choice (For families applying through a site-based waiting list, this choice may be made at an alternate point of the application process.). The applicant family will be placed on the waiting list for their selected bedroom size until placed in housing.

Once housed, applicant families must wait at least one year before transferring to another public housing unit whose admission is governed by the admitting waiting list unless the family experiences a family size change that results in overcrowding or an emergency or immediate administrative transfer is needed. Families wishing to move to a public housing unit whose admission is governed by any other waiting list may make application to do so at any time by following the standard application procedures for the appropriate waiting list (See Section 16.2 for the LMHA’s Transfer Policy).

The following guidelines will determine each family’s unit size without overcrowding or over-housing:
Minimum and Maximum Bedroom Sizes
by Number of Persons in Family

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Number of Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
</tr>
<tr>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

These standards are based on the assumption that each bedroom and/or sleeping area will accommodate no more than two persons.

For the purpose of determining bedroom size, 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; and children who are temporarily in foster care are included in the family’s size and composition.

Families must stay within the following parameters when selecting bedroom size;

A. No more than one person may live in a zero-bedroom unit;

B. Two unrelated adults are eligible for no more than one bedroom;

C. Two children of the opposite sex who are both under the age of 4 are eligible for no more than one bedroom;

D. Two children of the same sex regardless of age are eligible for no more than one bedroom;

E. Foster adults and/or foster children are eligible for a bedroom separate from the family. If there is more than one foster adult and/or child in the household, unrelated individuals of the opposite sex are eligible for separate bedrooms;

F. Each live-in aide is eligible for one separate bedroom. The LMHA does not provide additional bedrooms for members of the live-in aide’s family, including but not limited to the aide’s children;

G. Once an applicant family has selected their preferred bedroom size, they will not be permitted to alter their selection unless the family composition or size changes.
Additional guidelines applicable to families when determining bedroom size:

A. Families will not be permitted to select a bedroom size smaller than the minimum indicated in the Minimum and Maximum Bedroom Sizes by Number of Persons in Family table above for their family size;

B. Families are permitted to request a bedroom size larger than would typically be permitted under the guidelines above as a reasonable accommodation. The LMHA will allow the larger size unit if the family provides a verified medical or disability-related need for the larger unit.

C. If there are no families on the waiting list for a larger bedroom size, smaller families who would not normally be eligible for the larger bedroom size may request the larger unit size if they sign a release form stating they will transfer (at the family’s own expense) to a smaller unit size (that fits within the guidelines established above) when an eligible family needing the larger unit applies. The family transferring will be given a thirty-calendar day notice before being required to move.

D. Families may be permitted to request a larger bedroom size than they would typically be eligible for if the LMHA determines that such allowance would improve the marketing of a development suffering a high vacancy rate.

E. In no event will a single person who is not an elderly person, a displaced person, or a person with disabilities be eligible for a unit that is larger than one-bedroom.

10.3 SELECTION FROM THE WAITING LISTS

The LMHA shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income is at or below 30% of the area median income. To ensure this requirement is met we shall regularly monitor the incomes of newly admitted families and the incomes of the families on the waiting lists. If it appears that the requirement to house extremely low-income families will not be met, we will skip higher income families on the waiting lists to reach extremely low-income families.

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

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

A. Ten percent of public housing waiting list admissions during the LMHA fiscal year;

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

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

10.4 DECONCENTRATION POLICY

It is the LMHA's policy to provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments. Toward this end, we will skip families on the waiting list to reach other families with a lower or higher income. We will accomplish this in a uniform and non-discriminating manner.

The LMHA will affirmatively market our housing to all eligible income groups. Lower income residents will not be steered toward lower income developments and higher income people will not be steered toward higher income developments.

Prior to the beginning of each fiscal year, we will analyze the income levels of families residing in each of our covered developments and the income levels of the families on the waiting lists. Based on this analysis, we will determine the level of marketing strategies and deconcentration incentives to implement.

10.5 DECONCENTRATION INCENTIVES

The LMHA may offer one or more incentives to encourage applicant families whose income classification would help to meet the deconcentration 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.

10.6 OFFER OF A UNIT

When the applicant nears the top of a waiting list, the LMHA will contact them by first class mail to begin the full application process. Up to three notices will be sent to the family in an attempt to schedule an appointment. Any family missing three scheduled appointments will be sent a notice of termination of the process for eligibility and removed from the waiting list.

Once a family has completed the full application process and been determined eligible for admission, they will be placed on a smaller waiting list consisting only of families whose eligibility has also been verified. Consistent with the larger waiting list of all pre-applicants, this smaller waiting list of eligible families will be maintained by bedroom size and in order
of date and time of pre-application with those who have a preference listed before those who
do not have a preference.

When a unit becomes available, the LMHA will contact – via first class mail - the family with the highest priority for this type of unit. The family will be given ten business days from the date the letter was mailed to contact the Housing Authority regarding the offer. If the family fails to respond to the unit offer by the stated deadline, the LMHA will update their placement on the eligible families waiting list to reflect the date and time of the stated deadline instead of the date and time of pre-application.

Once the family has contacted the LMHA regarding the offer, they will have five business days to view and either accept or reject the unit. Both the unit offer and the family’s decision will be documented in the tenant file. If the family rejects the offer of the unit, the LMHA will send the family a letter documenting the offer and the rejection.

Should the family reject the unit offer, the LMHA will update their placement on the eligible families waiting list to reflect the date and time the unit was rejected.

Any family either rejecting two unit offers or failing to respond to two unit offers, will be removed from the waiting list.

10.7 REJECTION OF UNIT

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

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

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

10.8 ACCEPTANCE OF UNIT

The family will be required to sign a lease that will become effective no later than three calendar days after the date of acceptance or the business day after the day the unit becomes available, whichever is later.

Applicants who provide prior notice of an inability to attend the scheduled lease signing will be rescheduled. Lease signing appointments will only be rescheduled once. Any family
missing more than one scheduled appointment will be notified that the occupancy process has been terminated.

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. The LMHA and the applicant will sign the Lead Disclosure Form, and the applicant will receive a written notice asking them to report deteriorated paint and giving them the name, address, and phone number for reporting. The resident will also be provided a copy of their rights and responsibilities under the Violence Against Women Act (VAWA).

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

The family will pay a security deposit at the time of lease signing. The security deposit will be $50 for elderly (62+) and disabled families and $100 for all others. Families moving into the Dosker Manor development do not pay a security deposit.

In exceptional situations, the LMHA reserves the right to allow a new resident to pay their security deposit in up to three payments. One third shall be paid in advance, one third with their second rent payment, and one third with their third rent payment. This shall be at the sole discretion of the Housing Authority.

In the case of a move between two public housing units operated by the same property manager, the security deposit for the first unit will be transferred to the second unit.

Families moving to a public housing unit operated by a different property manager will have their initial security deposit refunded to them, and pay any new security deposit owed directly to the new property manager.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges according to the LMHA’s posted maintenance charge schedule.

11.0 INCOME, EXCLUSIONS, AND DEDUCTIONS FROM INCOME

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

**11.1 INCOME**

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

A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or

B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

C. Are not specifically excluded from annual income.

If it is not feasible to anticipate a level of income over a 12-month period (e.g. seasonal or cyclic income), or the LMHA believes that past income is the best available indicator of expected future income, the Housing Authority may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

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

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

B. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in IRS regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.

C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in IRS regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of $5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets, which is equal to 0.81% (In accordance with HUD’s safe harbor guidelines published in PIH Notice 2012-29, this rate was calculated by adding 0.75% to the Savings National Rate as of January 6, 2014, which was 0.06%). Income that could have been derived from assets worth

---

1 The Savings National Rate can be found at www.fdic.gov/regulations/resources/rates/.
more than $1,000 that were disposed of for less than fair market value within the past two years will be counted as income.

D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)

E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)

F. Welfare assistance

1. Welfare assistance payments
   a. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
      i. Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
      ii. Are not otherwise excluded under paragraph Section 11.2 of this Policy.
   b. 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:
      i. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
      ii. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.

2. Imputed welfare income
   a. A family's annual income includes the amount of imputed welfare income (because of specified welfare benefits reductions resulting from either welfare fraud or the failure to comply with economic self-sufficiency
requirements, as specified in notice to the LMHA by the welfare agency) plus the total amount of other annual income.

b. At the request of the LMHA, the welfare agency will inform the Housing Authority in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the LMHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The Housing Authority will use this information to determine the amount of imputed welfare income for a family.

c. A family's annual income includes imputed welfare income in family annual income, as determined at an interim or regular reexamination of family income and composition during the term of the welfare benefits reduction (as specified in information provided to the LMHA by the welfare agency).

d. The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

e. The LMHA will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.

f. If a resident is not satisfied that the LMHA has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the Housing Authority denies the family's request to modify such amount, then the LMHA shall give the resident written notice of such denial, with a brief explanation of the basis for the Housing Authority's determination of the amount of imputed welfare income. The LMHA's notice shall also state that if the resident does not agree with the determination, the resident may grieve the decision in accordance with our grievance policy. The resident is not required to pay an escrow deposit for the portion of the resident's rent attributable to the imputed welfare income in order to obtain a grievance hearing.

3. Relations with welfare agencies

a. The LMHA will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the Housing Authority written
notice of such reduction, the family's annual incomes shall include the
imputed welfare income because of the specified welfare benefits
reduction.

b. The LMHA is responsible for determining the amount of imputed welfare
income that is included in the family's annual income as a result of a
specified welfare benefits reduction as determined by the welfare agency
and specified in the notice by the welfare agency to the housing authority.
However, the Housing Authority is not responsible for determining
whether a reduction of welfare benefits by the welfare agency was correctly
determined by the welfare agency in accordance with welfare program
requirements and procedures, nor for providing the opportunity for review
or hearing on such welfare agency determinations.

c. Such welfare agency determinations are the responsibility of the welfare
agency, and the family may seek appeal of such determinations through the
welfare agency's normal due process procedures. The LMHA shall rely on
the welfare agency notice to the Housing Authority of the welfare agency's
determination of a specified welfare benefits reduction.

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

H. All regular pay, special pay, and allowances of a member of the Armed Forces.
(Special pay to a member exposed to hostile fire is excluded.)

11.2 ANNUAL INCOME

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

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

B. Payments received for the care of foster children or foster adults (usually persons with
disabilities, unrelated to the tenant family, who are unable to live alone) or payments
made under Kin-GAP or similar guardianship care programs for children leaving the
juvenile court system;

C. Lump-sum additions to family assets, such as inheritances, insurance payments
(including payments under health and accident insurance and worker's compensation),
capital gains, and settlement for personal or property losses;

D. Amounts received by the family that are specifically for, or in reimbursement of, the
cost of medical expenses for any family member;
E. Income of a live-in aide;

F. The full amount of student financial assistance paid directly to the student or to the educational institution unless it is an athletic scholarship that includes assistance available for housing costs and that portion is included in income;

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

H. The amounts received from the following programs:
   1. Amounts received under training programs funded by HUD;
   2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
   3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, 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 initiatives coordination, and serving as a member of the LMHA 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);
   7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household and spouse);

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

10. For families initially hired before May 1, 2013, the incremental earnings due to employment during a cumulative 12-month period following date of the initial hire shall be excluded. This exclusion (paragraph 10) will not apply for any family who concurrently is eligible for exclusion #11. Additionally, this exclusion is only available to the following families:
   a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
   b. Families whose income increases during the participation of a family member in any economic self-sufficiency or other job training program.
   c. Families who are or were, within 6 months, assisted under a State TANF or Welfare-to-Work program.

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 48-month period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

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

Residents initially hired on or after May 1, 2013 will not be eligible for this income exclusion.

11. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;

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

13. 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

14. Amounts specifically excluded by any other Federal statute from consideration
as income for purposes of determining eligibility or benefits. These exclusions include:

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

b. Payments to Volunteers under the domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);

c. Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));

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

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

f. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94–540, 90 Stat. 2503–04);

g. The first $2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including 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);

h. Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under Federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);

i. Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));

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

k. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);

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

n. 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);

o. Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));

p. 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);

q. Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931);

r. Any amount received under the School Lunch Act and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);

s. Payments, funds or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b));

t. Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts as provided by an amendment to the definition of annual income in the U.S. Housing Act of 1937 (42 U.S.C. 1437) by Section 2608 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289, 42 U.S.C. 4501);

u. Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111–269) to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self-DeterminationAct of 1996 (25 U.S.C. 4101) and administered by the Office of Native American Programs; and

v. 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., United States District Court, District of Columbia, as provided in the Claims Resolution Act of 2010 (Pub. L. 111–291).
The LMHA will not provide exclusions from income in addition to those already provided for by HUD.

11.3 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

A. $480 for each dependent;
B. $400 for any elderly (62+) or disabled family;
C. Either $1,600 for any elderly (62+) or disabled family or the sum of the following, to the extent the sum exceeds three percent of annual income:
   1. Unreimbursed medical expenses of any elderly (62+) family or disabled family including any fee paid by the participant for the Medicare Prescription Drug Program; and
   2. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.
D. Reasonable childcare expenses for children 12 and younger necessary to enable a member of the family to be employed or to further his or her education. This deduction shall not exceed the amount of employment income that is included in annual income.

11.4 COOPERATING WITH WELFARE AGENCIES

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

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

11.6 COOPERATING WITH LAW ENFORCEMENT AGENCIES

The LMHA will comply, on a case-by-case basis, with information requests from Federal, State, or local law enforcement officers regarding possible fugitive felons and/or parole or probation violators. The Housing Authority will supply upon legitimate request: (1) the current address, (2) SSN, and (3) photograph (if available) of any recipient of assistance.
The Federal, State or local enforcement officer must submit a request that is: (1) written, (2) on law enforcement agency letterhead, and (3) is signed by the requesting officer and his or her immediate supervisor. The request for information must provide the name of the fugitive felon and/or parole or probation violator being sought, and may include other personal information used for identification. The request should also comply with the following requirements:

A. The law enforcement agency shall notify the LMHA that the fugitive felon and/or parole or probation violator: (i) is fleeing to avoid prosecution, custody, or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor; or (ii) is violating a condition of probation or parole imposed under Federal or State law; or (iii) has information that is necessary for the officer to conduct his/her official duties;

B. The location or apprehension of the recipient is within the LMHA’s official duties;

C. The request is made in the proper exercise of the law enforcement agency’s official duties.

12.0 VERIFICATION

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

12.1 ACCEPTABLE METHODS OF VERIFICATION

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

Other information will be verified by the following verification methods acceptable to HUD, in the order of preference indicated:

1. Up-front Income Verifications (UIV)
UIV is the verification of income through an independent source that systematically maintains income information in computerized form for a large number of individuals.

Current UIV resources include the following:

**Enterprise Income Verification (EIV)** – 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). 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 SSN) reported on the form HUD-50058 MTW. Use of the EIV system in its entirety is mandatory for all annual and interim re-examinations. The LMHA will monitor the following EIV reports on a monthly basis – (1) Deceased Tenants Report, (2) Identity Verification Report, and the (3) Immigration Report. In addition, it will monitor on a quarterly basis the following EIV reports – (1) Income Discrepancy Report, Multiple Subsidy Report, and the New Hires Report. Whether or not an admission is homeless will be noted in the 50058 MTW.

b. **State Wage Information Collection Agencies (SWICAs)**

c. **State systems for the Temporary Assistance for Needy Families (TANF) program**

d. **Credit Bureau Information credit reports**

e. **Internal Revenue Service (IRS) Letter 1722**

f. **Private sector databases (e.g. The Work Number)**

The LMHA 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.

It is important to note that UIV data will only be used to verify a participant’s eligibility for participation in a rental assistance program and to determine the level of assistance the participant is entitled to receive and 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 the LMHA 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 the Housing Authority requiring the immediate payment of any over-subsidy, the entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy.

Furthermore, the information the LMHA derives from the UIV system will be protected to ensure that it is utilized solely for official purposes and not disclosed in any way that would violate the privacy of the affected individuals.

The EIV Income Report must remain in the tenant file for the duration of tenancy and no longer than three years from the end of participation (EOP) date. The LMHA is required to maintain at a minimum, the last three years of the form HUD-50058 MTW, and supporting documentation for all annual and interim reexaminations of family income. All records are to be maintained for a period of at least three years from the effective date of the action. Once the data has served its purpose, it shall be destroyed by either burning or shredding the data.

2. **Third–Party Written Verifications**

An original or authentic document generated by a third-party source dated either within the 60-day period preceding the reexamination or the LMHA request date. 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. The Housing Authority may, at its discretion, reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information.

Examples of acceptable tenant-provided documentation (generated by a third-party source) 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. Current acceptable tenant-provided documents will be used for income and rent determinations.

The LMHA will obtain four current and consecutive pay stubs for determining annual income from wages. For new income sources or when four pay stubs are not available, the Housing Authority will project income based on the information from a traditional written third-party verification form or the best available information.

**Note:** Documents older than 60 calendar days (from the LMHA interview / determination or request date) are acceptable for confirming effective dates of income.

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

3. Written Third-Party Verification Form

Also known as traditional third-party verification. A standardized form to collect information from a third-party source is distributed by the LMHA. The form is then completed by the third-party by hand (in writing or typeset).

HUD recognizes that third-party verification request forms sent to third-party sources often are not returned. In other instances, the person who completes the verification form may provide incomplete information; or some tenants may collude with the third-party source to provide false information; or the tenant intercepts the form and provides false information.

HUD requires the LMHA 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 acceptable tenant-provided documents, 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.

The LMHA will allow fourteen calendar days for the return of third-party written verifications prior to continuing on to the next type of verification.

4. Third-Party Oral 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.

The LMHA will allow three business days for the return of third-party oral verifications prior to continuing on to the next type of verification.

5. Review of Documents

When UIV, written, and oral third-party verifications are not available within the fourteen calendar day period allowed in paragraph 3 and three business day period allowed in paragraph 4 above, the LMHA will use the information received by the family, provided that the documents provide complete information. Photocopies of the documents, excluding government checks, provided by the family will be maintained in the file. In cases in which documents are viewed and cannot be photocopied, staff reviewing the documents will complete a written statement as to the contents of the document(s).
6. **Self-Certification and Self-Declaration**

When UIV, written, and oral third-party verifications are not available within the fourteen calendar day period allowed in paragraph 3 and three business day period allowed in paragraph 4 above, and hand-carried verification cannot be obtained, the LMHA will 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. 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.

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

<table>
<thead>
<tr>
<th>Level</th>
<th>Verification Technique</th>
<th>Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Up-front Income Verification (UIV) using HUD’s Enterprise Income Verification (EIV) system (not available for income verifications of applicants)</td>
<td>Highest (Mandatory)</td>
</tr>
<tr>
<td>5</td>
<td>Up-front Income Verification (UIV) using non-HUD system</td>
<td>Highest (Optional)</td>
</tr>
<tr>
<td>4</td>
<td>Written Third-Party Verification</td>
<td>High (Mandatory to supplement EIV-reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when participant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute)</td>
</tr>
<tr>
<td>3</td>
<td>Written Third-Party Verification Form</td>
<td>Medium-Low (Mandatory if written third-party verification documents are not available or rejected by the PHA; and when the applicant or participant is unable to provide acceptable documentation)</td>
</tr>
<tr>
<td>2</td>
<td>Oral Third-Party Verification</td>
<td>Low (Mandatory if written third-party verification is not available)</td>
</tr>
<tr>
<td>1</td>
<td>Tenant Declaration</td>
<td>Low (Use as a last resort when unable to obtain any type of third-party verification)</td>
</tr>
</tbody>
</table>
### 12.2 TYPES OF VERIFICATION

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

<table>
<thead>
<tr>
<th>Item to Be Verified</th>
<th>3rd party verification</th>
<th>Hand-carried verification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Eligibility Items</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Security Number</td>
<td>Not Allowed</td>
<td>Original Social Security Card, an appropriate government letter showing the number, or other HUD-allowed method</td>
</tr>
<tr>
<td>Adult Status of the Head of Household</td>
<td></td>
<td>Valid drivers license, identification card issued by a government agency, birth certificate.</td>
</tr>
<tr>
<td>Citizenship</td>
<td>N/A</td>
<td>Signed certification, voter's registration card, birth certificate, etc.</td>
</tr>
<tr>
<td>Eligible immigration status</td>
<td>INS SAVE confirmation #</td>
<td>INS card</td>
</tr>
<tr>
<td>Disability</td>
<td>Letter from medical professional, SSI, etc</td>
<td>Proof of SSI or Social Security disability payments</td>
</tr>
<tr>
<td>Full time student status (if &gt;18)</td>
<td>Letter from school</td>
<td>For high school and/or college students, any document evidencing enrollment</td>
</tr>
<tr>
<td>Need for a live-in aide</td>
<td>Letter from doctor or other professional knowledgeable of condition</td>
<td>N/A</td>
</tr>
<tr>
<td>Childcare costs</td>
<td>Letter from care provider</td>
<td>Bills and receipts</td>
</tr>
<tr>
<td>Disability assistance expenses</td>
<td>Letters from suppliers, care givers, etc.</td>
<td>Bills and records of payment</td>
</tr>
<tr>
<td>Medical expenses (For elderly (62+) and/or disabled residents, only applicable if resident is claiming expenses above $1,600 standard medical)</td>
<td>Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed</td>
<td>Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls</td>
</tr>
</tbody>
</table>
### Verification Requirements for Individual Items

<table>
<thead>
<tr>
<th>Item to Be Verified</th>
<th>3&lt;sup&gt;rd&lt;/sup&gt; party verification</th>
<th>Hand-carried verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>deduction)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Value of and Income from Assets

<table>
<thead>
<tr>
<th>Savings, checking accounts</th>
<th>Letter from institution</th>
<th>Passbook, most current statements</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD’S, bonds, etc</td>
<td>Letter from institution</td>
<td>Tax return, information brochure from institution, the CD, the bond</td>
</tr>
<tr>
<td>Stocks</td>
<td>Letter from broker or holding company</td>
<td>Stock or most current statement, price in newspaper or through Internet</td>
</tr>
<tr>
<td>Real property</td>
<td>Letter from tax office, assessment, etc.</td>
<td>Property tax statement (for current value), assessment records or income and expenses, tax return</td>
</tr>
<tr>
<td>Personal property held as an investment</td>
<td>Assessment, bluebook, etc</td>
<td>Receipt for purchase, other evidence of worth</td>
</tr>
<tr>
<td>Cash value of whole life insurance policies</td>
<td>Letter from insurance company</td>
<td>Current statement</td>
</tr>
<tr>
<td>Assets disposed of for less than fair market value</td>
<td>N/A</td>
<td>Original receipt and receipt at disposition, other evidence of worth</td>
</tr>
</tbody>
</table>

#### Income

<table>
<thead>
<tr>
<th>Earned income</th>
<th>Letter from employer</th>
<th>Multiple pay stubs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self-employed</td>
<td>N/A</td>
<td>Tax return from prior year, books of accounts (also requires resident self-certification)</td>
</tr>
<tr>
<td>Regular gifts and contributions</td>
<td>Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)</td>
<td>Bank deposits, other similar evidence</td>
</tr>
<tr>
<td>Alimony/child support</td>
<td>Court order, letter from source, letter from Human Services</td>
<td>Record of deposits, divorce decree</td>
</tr>
<tr>
<td>Social Security Administration</td>
<td></td>
<td>Letter from Social Security as verified by HUD computer systems.</td>
</tr>
</tbody>
</table>
Verification Requirements for Individual Items

<table>
<thead>
<tr>
<th>Item to Be Verified</th>
<th>3\textsuperscript{rd} party verification</th>
<th>Hand-carried verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Periodic payments (i.e., welfare, pensions, workers compensation, unemployment)</td>
<td>Letter or electronic reports from the source</td>
<td>Award letter, letter announcing change in amount of future payments</td>
</tr>
<tr>
<td>Training program participation</td>
<td>Letter from program provider indicating:</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>- whether enrolled or completed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- whether training is HUD-funded</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- whether Federal, State, local govt., or local program</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- whether it is employment training</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- whether it has clearly defined goals and objectives</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- whether program has supportive services</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- whether payments are for out-of-pocket expenses incurred in order to participate in a program</td>
<td>Evidence of job start</td>
</tr>
<tr>
<td></td>
<td>- date of first job after program completion</td>
<td></td>
</tr>
</tbody>
</table>

12.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

The citizenship/eligible non-citizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a birth certificate, military ID, or military DD 214 Form.

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

Prior to being admitted or at the first reexamination, all eligible non-citizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The LMHA will make a copy of the individual's INS documentation and place the copy in the file. The Housing Authority will also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the LMHA will mail
information to the INS in order that a manual check can be made of INS records.

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

Non-citizen students on student visas, though in the country legally, are not eligible to be admitted to public housing. If they are members of families that include citizens, the rent must be pro-rated.

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

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

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

If the LMHA determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

12.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to admission, every family member regardless of age must provide the LMHA with a complete and accurate Social Security Number (SSN) unless they do not contend eligible immigration status. New family members must provide this verification prior to being added to the lease unless the new family member is under the age of six and has not been assigned a SSN. In this case the family shall have ninety calendar days after starting to receive the assistance to provide a complete and accurate SSN. The Housing Authority may grant one ninety day extension for newly-added family members under the age of six if in its sole discretion it determines that the person’s failure to comply was due to circumstances that could not have reasonably been foreseen and was outside the control of the person.

If a person is already a program participant and has not disclosed his or her SSN, it must be disclosed at the next re-examination or re-certification. Participants aged 62 or older as of January 31, 2010 whose initial eligibility determination was begun before January 31, 2010 are exempt from the required disclosure of their SSN. This exemption continues even if the individual moves to a new assisted unit.

The best verification of the SSN is the original Social Security card. If the card is not available, the LMHA will accept an original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the
individual, along with other identifying information of the individual or such other evidence of the SSN as HUD may prescribe in administrative instructions.

If a member of an applicant family indicates they have a SSN, but cannot readily verify it, the family cannot be assisted until verification is provided.

If an individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated. The LMHA may grant one ninety-day extension from termination if in its sole discretion it determines that the person’s failure to comply was due to circumstances that could not have reasonably been foreseen and there is a reasonable likelihood that the person will be able to disclose a SSN by the deadline.

12.5 TIMING OF VERIFICATION

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

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

12.6 FREQUENCY OF OBTAINING VERIFICATION

Household composition and income will be verified annually except in the case of families whose head of household, co-head, or spouse is elderly (age 55+) or disabled; the family composition and income of these households will be verified once every two years (although a streamlined recertification process may be used with families residing in PH/LIHTC units in years where the full recertification process is not required).

For each family member, citizenship/eligible non-citizen status will be verified only once unless the family member is an eligible immigrant in a transitional stage of admission. In this situation, their status must be updated until they are admitted for permanent residency. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible non-citizen status will be verified.

For each family member, verification of SSN will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a SSN at admission receives a SSN, that number will be verified at the next regular reexamination.

12.7 SPECIAL VERIFICATION FOR ADULT STUDENTS

In addition to other verification procedures, student heads of household must provide a written signed certification that the student does or does not receive any financial support from his or her parents or guardians and whether or not the student is receiving an athletic scholarship. If support is received, the certification must state the amount of the
anticipated support. The LMHA shall verify using normal third party verification procedures that amount by communicating directly with the supporting person(s). If an athletic scholarship is involved, the Housing Authority shall determine if any of the scholarship is available for housing costs.

Full-time students in one-person households are generally excluded from PH/LIHTC properties.

Full-time students in households of two or more persons may be eligible for PH/LIHTC properties if they meet one of the following five exceptions to the full-time student prohibition:

1. At least one member of the household is currently enrolled in a job-training program that receives assistance under the Job Training Partnership Act or is funded by a state or local agency;
2. The head of household is a single parent with children and neither the parent nor the children are the dependent of another individual;
3. The members of the household are married and file a joint federal tax return;
4. At least one member of the household receives assistance under Title IV of the Social Security Act (e.g. payments under K-TAP); or
5. At least one member of the household was previously under the care of a state foster program.

12.8 DISCREPANCIES IN VERIFIED INFORMATION

An EIV Income Report shall be pulled from the system before annual, biennial, or interim reexamination and within 90 days following leasing is 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 $2,400 or more annually) in the reported income information, the LMHA will:

A. Discuss the income discrepancy with the tenant; and
B. Request the tenant to provide documentation to confirm or dispute the unreported or underreported income and/or income sources; and
C. In the event the tenant is unable to provide acceptable documentation to resolve the income discrepancy, the LMHA will request from the third-party source, any information necessary to resolve the income discrepancy; and
D. If applicable, determine the tenant’s underpayment of rent as a result of unreported or underreported income, retroactively*; and
E. Take any other appropriate action.
* The LMHA will determine the retroactive rent as far back as the existence of complete file documentation (form HUD-50058 MTW and supporting documentation) to support such retroactive rent determinations.

The tenant will be provided an opportunity to contest the LMHA’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. The Housing Authority will not terminate, deny, suspend, or reduce the family’s assistance until the expiration of any notice or grievance period.

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

1. The document is not an original; or
2. The original document has been altered, mutilated, or is not legible; or
3. The document appears to be a forged document (i.e. does not appear to be authentic).

The LMHA 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 the Housing Authority deems necessary to complete the income determination process, the LMHA will submit a traditional third-party verification form to the third-party source for completion and submission to the Housing Authority.

If the third-party source does not respond to the LMHA’s request for information, the Housing Authority is required to document in the tenant file its attempt to obtain third-party verification and that no response to the third-party verification request was received.

The LMHA will then pursue lower level verifications in accordance with the verification hierarchy.

12.9 TEMPORARY COMPLIANCE ASSISTANCE

In PIH Notice 2013-03, HUD granted the LMHA some temporary, needed administrative burden relief. The Housing Authority is hereby adopting the following allowable relief activity:

A. If a resident has assets valued at $5,000 or less, the resident can self-certify to the amount of their assets and the income these assets are anticipated to generate. The
LMHA will not verify this data, but merely include it in the income calculation. The application and reexamination documentation can serve as this declaration as long as it is signed by all adult family members. If the assets total more than $5,000, verifications will be made as usual.

13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

13.1 FAMILY CHOICE

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

A. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual or biennial review they would otherwise undergo. The family composition of households selecting the flat rent must still be reviewed annually if the family is neither disabled nor elderly (55+).

B. Families who opt for the flat rent may request to have a reexamination and return to the income based method at any time for any of the following reasons:

1. The family's income has decreased.

2. The family's circumstances have changed increasing their expenses for 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.

C. Families have only one choice per year (or once every two years for families re-examined on a biennial schedule) except for financial hardship cases. In order for families to make informed choices about their rent options, the LMHA will provide them with the following information whenever they have to make rent decisions:

1. The Housing Authority's policies on switching types of rent in case of a financial hardship; and

2. The dollar amount of tenant rent for the family under each option. If the family chose a flat rent for the previous year, the LMHA will provide the amount of income-based rent for the subsequent year only the year the
Housing Authority conducts an income reexamination or if the family specifically requests it and submits updated income information.

### 13.2 THE INCOME METHOD

The total tenant payment is equal to the highest of:

A. 10% of the family's monthly income;

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

C. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this provision is the amount resulting from one application of the percentage; or

D. The minimum rent of $0.

As a leasing incentive, families newly admitted to Dosker Manor pay no rent until their second month of residency.

### 13.3 MINIMUM RENT

The LMHA has set the minimum rent at $0; thus, the Housing Authority has no hardship policy to exempt residents from paying the minimum rent.

### 13.4 THE FLAT RENT

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

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

### 13.5 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE

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

The family's assistance is prorated in the following manner:
A. Determine the 95th percentile of gross rents (tenant rent plus utility allowance) for the LMHA. The 95th percentile is called the maximum rent.
B. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
C. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.
D. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

13.6 UTILITY ALLOWANCE

The LMHA has established a utility allowance for all check-metered utilities and for all tenant-paid utilities. The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. In setting the allowance, the Housing Authority will review the actual consumption of tenant families as well as changes made or anticipated due to modernization (weatherization efforts, installation of energy-efficient appliances, etc.). Allowances will be evaluated at least annually as well as any time utility rates change by 10% or more since the last revision to the allowances. A copy of the Utility Allowance Schedule will be posted in each property’s Management Office.

Families (regardless of whether they pay an income-based or flat rent) will be charged for any excess utility charges above the utility allowance. Such charges are billed to residents quarterly, and any excess utility charge of more than $10 is automatically split into three equal monthly payments.

Utility allowance revisions based on rate changes shall be effective retroactively to the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual reexamination.
Families with high utility costs are encouraged to contact the LMHA for an energy analysis. The analysis may identify problems with the dwelling unit that once corrected will reduce energy costs. The analysis can also assist the family in identifying ways they can reduce their costs.

Requests for relief from surcharges for excess consumption of LMHA purchased utilities or from payment of utility supplier billings in excess of the utility allowance for tenant-paid utility costs may be granted by the Housing Authority on reasonable grounds. Requests shall be granted to families that include an elderly member or a member with disabilities. Requests by the family shall be submitted under the Reasonable Accommodation Policy. Families shall be advised of their right to individual relief at admission to public housing and at time of utility allowance changes.

13.7 PAYING RENT

Rent and other charges are due and payable on the first day of the month. All rents should be paid at or mailed to the site manager’s office. Reasonable accommodations for this requirement will be made for persons with disabilities. As a safety measure, no cash shall be accepted as a rent payment.

If the rent is not paid by the eighth of the month, a Notice to Vacate will be issued to the tenant. In addition, a $15 late charge will be assessed to the tenant. If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus an additional charge of $34 for bank charges and/or processing costs.

14.0 COMMUNITY SERVICE

14.1 GENERAL

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities), or (2) participate in an economic self-sufficiency program, or (3) perform eight hours per month of combined activities as previously described unless they are exempt from this requirement. The eight hours of activity must be performed each month. An individual may not skip a month and then double up the following month unless special circumstances warrant it.

14.2 EXEMPTIONS

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

A. Family members who are 62 or older.

B. Family members who are blind or disabled as defined under 216(I)(1) or 1614 of the Social Security Act (42 U.S.C. 416(I)(1) and who certify that because of this disability she or he is unable to comply with the community service requirements.
C. Family members who are the primary care giver for someone who is blind or disabled as set forth in Paragraph B above.

D. Family members engaged in work activity at least eight hours per month as defined in section 407(d) of the Social Security Act as 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
   12. The provision of childcare services to an individual who is participating in a community service program.

E. Family members who are or would be exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program.

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

14.3 NOTIFICATION OF THE REQUIREMENT

The LMHA shall identify all adult family members who are apparently not exempt from the community service requirement.
The LMHA shall notify all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. It will 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.

The notification will also provide the opportunity for family members to claim and explain an exempt status in writing. The Housing Authority shall verify such claims. If a resident does not agree with the LMHA’s determination, he or she can appeal by following the Grievance Policy.

Changes in exempt or non-exempt status of a resident shall be reported by the resident to the LMHA within ten calendar days of the change.

14.4 VOLUNTEER OPPORTUNITIES

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

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

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

Together with the resident advisory councils, the LMHA may create volunteer positions such as hall monitoring, litter patrols, and supervising and record keeping for volunteers.

14.5 THE PROCESS

Upon admission and each annual reexamination thereafter, the LMHA will do the following:

A. Provide a list of volunteer opportunities to the family members.
B. Provide information about obtaining suitable volunteer positions.
C. Provide a volunteer time sheet to the family member. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work.
D. At least thirty calendar days before the family's lease anniversary date, the LMHA will determine whether each applicable adult family member is in compliance with the community service requirement.

14.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

The LMHA will notify any family found to be in noncompliance of the following:

A. The names of the family member(s) determined to be in noncompliance;

B. That the determination is subject to the grievance procedure, a right to be represented by counsel, and the opportunity to any available judicial remedy; and

C. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated;

14.7 OPPORTUNITY FOR CURE

The LMHA 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 as needed to comply with the requirement over the past 12-month period. It will state the number of hours that the family member is deficient. 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 that year's community service requirement. The first hours a resident earns go toward the current commitment until the current year's commitment is made.

If any applicable family member does not accept the terms of the agreement, 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, the LMHA shall take action to terminate the lease unless the noncompliant family member no longer lives in the unit.

14.8 PROHIBITION AGAINST REPLACEMENT OF AGENCY EMPLOYEES

In implementing the service requirement, the LMHA 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.

15.0 RECERTIFICATIONS

Except in the case of elderly (55+) and disabled families, at least annually, the LMHA will conduct a reexamination of family income and circumstances. The results of the
reexamination determine (1) the rent the family will pay; and (2) whether the family is housed in the correct unit size.

Using authorizations provided to the agency under its MTW Agreement and approved through its MTW Annual Plan, the LMHA will conduct reexaminations for elderly (55+) and disabled families once every two years instead of annually.

15.1 GENERAL

A. Annual Reexaminations

The LMHA will send a notification letter to the family letting them know that it is time for their annual reexamination, and scheduling an appointment. The letter also includes forms for the family to complete in preparation for the interview. The letter includes instructions permitting the family to reschedule the interview if necessary.

During the appointment, the LMHA will determine whether any change in family size or composition requires a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

Each household will also be asked whether any member is subject to a registration requirement of any duration under a state registration program. The Housing Authority will verify this information using the Dru Sjodin National Sex Offender Database and document this information in the same method used at admission. For any admissions after June 25, 2001 (the effective date of the Screening and Eviction for Drug Abuse and Other Criminal Activity final rule), if the recertification screening reveals that the tenant or a member of the tenant’s household is subject to a sex offender registration requirement of any duration, or that the tenant has falsified information or otherwise failed to disclose his or her criminal history on their application and/or recertification forms, the Housing Authority will pursue eviction of the household.

If a family is about to be evicted from housing based on either the criminal check or the sex offender registration program, the applicant will be informed of this fact and given an opportunity to dispute the accuracy of the information before the eviction occurs.

B. Biennial Reexaminations for Elderly (55+) and Disabled Families

The LMHA will send a notification letter to the elderly (55+) or disabled family letting them know that it is time for their biennial reexamination and scheduling an appointment. The letter includes forms for the family to complete in preparation for the interview, as well as instructions permitting the family to reschedule the interview if necessary. The letter tells families that they may contact staff to request a reasonable accommodation, if needed to complete the reexamination process.

During the appointment, the LMHA will determine whether any change in family size
or composition requires a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

Also during the recertification, each household will be asked whether any member is subject to a registration requirement of any duration under a state registration program. The Housing Authority will verify this information using the Dru Sjodin National Sex Offender Database and document this information in the same method used at admission. For any admissions after June 25, 2001 (the effective date of the Screening and Eviction for Drug Abuse and Other Criminal Activity final rule), if the recertification screening reveals that the tenant or a member of the tenant’s household is subject to a sex offender registration requirement of any duration, or that the tenant has falsified information or otherwise failed to disclose his or her criminal history on their application and/or recertification forms, the Housing Authority will pursue eviction of the household.

If a family is about to be evicted from housing based on either the criminal check or the sex offender registration program, the applicant will be informed of this fact and given an opportunity to dispute the accuracy of the information before the eviction occurs.

**15.2 MISSED APPOINTMENTS**

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

**15.3 FLAT RENTS**

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

A. Each year (or once every two years for elderly (55+) and disabled families, who are reexamined on a biennial schedule) at the time of the reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the income amount.

B. The amount of the flat rent.

C. A fact sheet about income rents that explains the types of income counted, the most common types of income excluded, and the categories of allowances that can be deducted from income.
Louisville Metro Housing Authority (LMHA)
Admissions and Continuing Occupancy Policy (ACOP)
Draft Posted for Public Comment: January 15 – February 15, 2014

D. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual or biennial review they otherwise would undergo.

E. 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.

Once a family returns to the income based method during their “lease year” they cannot go back to a flat rent until their next regular annual or biennial reexamination.

F. The dates upon which the LMHA expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.

G. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.

H. A certification for the family to sign accepting or declining the flat rent.

Prior to each scheduled reexamination, the LMHA will send a reexamination letter to the family offering the choice between a flat rent or an income rent. The opportunity to select the flat rent is available only at this time. At the appointment, the Housing Authority may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with the LMHA representative, they may make the selection on the form and return the form to the Housing Authority. In such case, the LMHA will cancel the appointment and solely verify the family size and whether it is in an appropriate size unit.

15.4 THE INCOME METHOD

During the interview, the family will provide all information regarding income, assets, deductions (eligible expenses), and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.
Upon receipt of verification, the LMHA will determine the family's annual income, and will calculate their rent as follows.

The total tenant payment is equal to the highest of:

A. 10% of the family’s monthly income;
B. 30% of the family’s adjusted monthly income; or
C. The welfare rent.

The LMHA has no minimum rent.

15.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL AND BIENNIAL REEXAMINATIONS

The new rent will generally be effective upon the anniversary date with thirty calendar days notice of any rent increase to the family.

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

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

15.6 INTERIM REEXAMINATIONS

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

Families will not be required to report any increase in income or decrease in allowable expenses between annual reexaminations. However, elderly (55+) and disabled families on a biennial reexamination schedule, who experience an increase in income of more than $2,400 per year, must report this increase within ten calendar days of its occurrence. This change will trigger an interim recertification.

Families are required to report the following changes to the LMHA between regular reexaminations within ten calendar days of their occurrence. These changes will trigger an interim reexamination.

A. A member has been added to the family through birth or adoption or court-awarded custody.
B. A household member is leaving or has left the family unit.
In order to add an adult household member, the family must request that the new member be added to the lease. Before adding the new adult member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their SSN and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. The LMHA will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with Section 15.7.

A resident requesting a live-in-aide will be required to provide verification of the need for a live-in-aide. In addition, before approval of the live-in-aide, the individual (live-in-aide) must complete an application form for purposes of determining citizenship/eligible immigrant status and the live-in-aide will go through the screening process similar to the process for applicants. The LMHA will determine the eligibility of the live-in-aide before approval can be granted. If the individual is found to be ineligible or does not pass the screening criteria, the resident will be advised in writing and given the opportunity for an informal review. Under no circumstances will the live-in-aide be added to the lease or be considered the last remaining member of a tenant family.

A family adding a child between the ages of six and seventeen to the household must provide a complete and accurate SSN before the child can be added to the lease. If the family is adding a child under the age of six to the household and does not yet have a SSN for that child, the family will be given ninety days after beginning to receive assistance to provide verification of a complete and accurate SSN. The LMHA may grant one ninety-day extension for newly added family members under the age of six if in its sole discretion it determines that the person’s failure to comply was due to circumstances that could not have reasonably been foreseen and was outside the control of the person.

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

15.7 SPECIAL REEXAMINATIONS

If a family's income is too unstable to project for twelve months, including families that temporarily have no income ($0 renters) or have a temporary decrease in income, the LMHA may schedule special reexaminations every ninety calendar days until the income stabilizes and an annual income can be determined.
15.8 **EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS**

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

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

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

15.9 **HOUSING AUTHORITY MISTAKES IN CALCULATING RENT**

If the LMHA makes a mistake in calculating a resident’s rent contribution and overcharges the resident, the resident shall receive a refund for the amount of the mistake going back a maximum of twelve months. The refund shall be credited to the resident’s account unless the resident owes the Housing Authority money in which case the debt shall be offset to the degree possible before the resident receives a refund.

16.0 **UNIT TRANSFERS**

16.1 **OBJECTIVES OF THE TRANSFER POLICY**

The objectives of the Transfer Policy include the following:

A. To address emergency situations.

B. To fully utilize available housing resources while avoiding overcrowding by ensuring that each family occupies the appropriate size unit.

C. To facilitate a relocation when required for modernization or other management purposes.

D. To facilitate relocation of families with inadequate housing accommodations.

E. To provide an incentive for families to assist in meeting the LMHA’s deconcentration goal, if appropriate.

F. To eliminate vacancy loss and other expenses due to unnecessary transfers.

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

Category B: Immediate Administrative Transfers. These transfers are necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable modernization, revitalization, disposition, or demolition work to proceed. When an accessible unit becomes available, it shall first be offered to families needing it who reside on the site that has the vacancy, then to other public housing residents needing the special accessibility features, and finally to appropriate people on the waiting list.

Category C: Regular Administrative Transfers. These transfers are made to offer incentives to families willing to help meet certain LMHA occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers approved by the Housing Authority when a transfer is the only or best way of solving a serious problem.

Category D: Voluntary Transfers. The LMHA does not typically permit voluntary transfers between public housing units operated by the same property manager unless such transfers allow the Housing Authority to fill vacancies at under-leased properties. Currently, only families who live in an LMHA-managed unit and wish to move to Avenue Plaza, Bishop Lane, Dosker Manor, Lourdes Hall, or St. Catherine Court are permitted to make a voluntary transfer. To be eligible, a family must have lived in the same unit for a full year.

Residents transferring to Dosker Manor will not receive the lease-up incentives offered to new admissions.

Moves between public housing units operated by different property managers are not covered by this transfer policy. Rather, the family must apply for residency at the desired development following the same application procedures used by non-resident applicants.

16.3 DOCUMENTATION

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

16.4 PROCESSING TRANSFERS

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

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

Transfers in categories C and D will be housed along with applicants for admission at a ratio of one transfer for every forty admissions.

Upon offer and acceptance of a unit, the family will execute all lease up documents and pay any rent within two business days of being informed the unit is ready to rent. The family will be allowed five calendar days to complete a transfer. The family will be responsible for paying the rent at the old unit as well as the new unit for any period of time that they retain possession of the keys to the old unit after the five calendar days allowed to complete the transfer have expired. The prorated rent and key deposit must be paid at the time of lease execution.

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

A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list. Good cause is here defined as a reasonable concern that the health condition of a family member will be negatively and significantly impacted.

B. In the case of an emergency transfer, the family must accept the first available unit that is appropriate for their family composition and size unless they can demonstrate good cause (as defined above).

C. If a non-emergency transfer is being made at the request of the LMHA and the family rejects two offers without good cause, the Housing Authority will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet the LMHA’s optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.

D. If the transfer is being made at the family’s request and the rejected offer provides deconcentration incentives, the family will maintain their place on the transfer list and will not otherwise be penalized.

E. If the transfer is being made at the family’s request, the family may, without good cause and without penalty, turn down one offer that does not include deconcentration incentives. After turning down a second such offer without good cause, the family’s name will be removed from the transfer list.

16.5 COST OF THE FAMILY’S MOVE

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

A. When the transfer is made at the request of the family or by others on behalf of the family (i.e., by the police);

B. When the transfer is needed to move the family to an appropriately sized unit, either
larger or smaller; or

C. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

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

A. When the transfer is needed in order to carry out modernization, disposition, or demolition activities;

B. When action or inaction by the LMHA has caused the unit to be unsafe or inhabitable; or

C. When the transfer is needed because a family with disabilities needs the accessible unit.

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

16.6 TENANTS IN GOOD STANDING

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with the LMHA. 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. In the case of a transfer to a scattered site unit or the Housing Choice Voucher Program, the family must also have an on-time rental payment history for the previous twelve months.

16.7 TRANSFER REQUESTS

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

The LMHA will grant or deny the transfer request in writing within fourteen calendar days of receiving the request or holding the meeting, whichever is later.

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

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

16.8 RIGHT OF THE LMHA IN TRANSFER POLICY

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

17.1 MOVE-IN INSPECTIONS

An authorized representative of the LMHA and an adult family member will inspect the premises prior to commencement of occupancy. A written statement of the condition of the premises will be made, all equipment will be provided, and the statement will be signed by both parties with a copy retained in the Housing Authority file and a copy given to the family member.

17.2 ANNUAL INSPECTIONS

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

17.3 PREVENTATIVE MAINTENANCE INSPECTIONS

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

17.4 SPECIAL INSPECTIONS

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

17.5 HOUSEKEEPING INSPECTIONS

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

17.6 NOTICE OF INSPECTION

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections, the LMHA will give the tenant at least two calendar days written notice.

17.7 EMERGENCY INSPECTIONS

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

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

17.9 MOVE-OUT INSPECTIONS

The LMHA conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the tenant is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

18.0 PET POLICY

18.1 EXCLUSIONS

This policy does not apply to service animals, support animals, assistance animals, or therapy animals that are 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 to the Pet Policy of this housing authority 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.

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. The LMHA will verify the existence of the disability, and the need for the accommodation—if either is not readily apparent. Accordingly, 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 addition, the LMHA 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.

18.2 PETS IN PUBLIC HOUSING

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

18.3 APPROVAL

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

18.4 TYPES AND NUMBER OF PETS

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

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

Only one pet per unit, or a single aquarium of fish no larger than 15 gallons, will be allowed.

Any animal deemed to be potentially harmful to the health or safety of others, including attack or fight trained dogs, will not be allowed. Among those banned from LMHA property are the following: Pit Bull, Rottweiler, Chow, Boxer, Doberman, Dalmation, and German Shepherd.

No animal may exceed twenty-five pounds in weight projected to full adult size.

18.5 INOCULATIONS

In order to be registered, pets must be appropriately inoculated against rabies, distemper, and other conditions prescribed by state and/or local ordinances. They must comply with all other state and local public health, animal control, and anti-cruelty laws including any
licensing requirements. A certification signed by a licensed veterinarian or state or local official shall be annually filed with the LMHA to attest to the inoculations.

18.6 PET FEES AND DEPOSITS

Residents of Avenue Plaza, Bishop Lane, Dosker Manor, Lourdes Hall, and St. Catherine Court must pay a pet deposit of $300 at the time they register their pet. The deposit is refundable when the pet or the family vacates the unit, less any amounts owed due to damage beyond normal wear and tear.

Residents of all other LMHA-managed public housing developments must pay a non-refundable fee at the time they register their pet as follows:

<table>
<thead>
<tr>
<th>Bedroom Size</th>
<th>Pet Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>$300</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>$350</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>$400</td>
</tr>
<tr>
<td>4 Bedroom</td>
<td>$450</td>
</tr>
</tbody>
</table>

18.7 FINANCIAL OBLIGATION OF RESIDENTS

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

18.8 NUISANCE OR THREAT TO HEALTH OR SAFETY

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

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

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

18.9 DESIGNATION OF PET AREAS

Pets must be kept in the owner's apartment or on a leash at all times when outside the unit (no outdoor cages may be constructed). Pets will be allowed only in designated areas on the grounds of the property if the LMHA designates a pet area for the particular site. Pet owners must clean up after their pets and are responsible for disposing of pet waste.
With the exception of assistive animals no pets shall be allowed in the community room, community room kitchen, laundry rooms, public bathrooms, lobby, beauty shop, hallways, or office in any of our sites.

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

18.10 MISCELLANEOUS RULES

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

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

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

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

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

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

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

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

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

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

18.11 VISITING PETS

Only pets owned by a tenant and registered with the LMHA are permitted on Housing Authority property without prior, written LMHA authorization. Visitors or guests of Housing Authority tenants must receive such pre-authorization before they bring any pet
onto LMHA property.

The requirement for written pre-authorization does not include service animals, support animals, assistance animals, or therapy animals that are used to assist persons with disabilities. Such animals are welcome in all public housing facilities whether they belong to a tenant, visitor, or guest.

18.12 REMOVAL OF PETS

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

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

19.0 REPAYMENT AGREEMENTS

When a resident owes the LMHA retroactive rent or back charges and is unable to pay the balance by the due date, the resident may request that the Housing Authority allow them to enter into a Repayment Agreement. The LMHA has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twenty-four months. All Repayment Agreements must be in writing and signed by both parties. They must include the following elements:

A. Reference to the paragraphs in the Public Housing lease whereby the tenant is in non-compliance and may be subject to termination of tenancy or assistance, or both.

B. The monthly retroactive rent repayment amount is in addition to the family’s regular rent contribution and is payable to the Housing Authority.

C. The terms of the agreement may be renegotiated if there is a decrease or increase in the family’s income.

D. Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.

Refusal to enter into a Repayment Agreement for monies owed will subject the family to eviction procedures.

20.0 TERMINATION
20.1 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 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.

20.2 TERMINATION BY THE HOUSING AUTHORITY

The LMHA will not renew the lease of any non-exempt family that is not in compliance with the Community Service Requirement or approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

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

A. Nonpayment of rent or other charges;
B. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
C. Failure to allow inspection of the unit;
D. Failure to maintain the unit in a safe and sanitary manner;
E. Assignment or subletting of the premises;
F. Use of the premises for purposes other than as a dwelling unit (other than for Housing Authority approved resident businesses);
G. Destruction of property;
H. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
I. Any violent or drug-related criminal activity on or off the premises, not just on or near the premises. This includes any tenant, member of the tenant’s household or guest, and any such activity engaged in on the premises by any other person under the tenant’s control. This includes but is not limited to the manufacture of methamphetamine;
J. Non-compliance with Non-Citizen Rule requirements;
K. Permitting persons not on the lease to reside in the unit more than fourteen calendar days in any twelve-month period without the prior written approval of the Housing Authority;
L. Any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the LMHA by the resident, household members, or guests of the resident or threatens the health, safety, or right to peaceful
enjoyment of their residences by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy;

M. Alcohol abuse that the LMHA determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;

N. Failure to perform required community service or be exempted therefrom;

O. The LMHA will take immediate action to evict any household that includes an individual who is subject to a registration requirement of any duration under a State sex offender registration program;

P. Determination that a household member is illegally using a drug or when the LMHA determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;

Q. Criminal activity as shown by a criminal record. In such cases the LMHA will notify the household of the proposed action to be based on the information and will provide the subject of the record and the tenant with a copy of the criminal record before the Housing Authority grievance hearing or court trial concerning the termination of tenancy or eviction. The tenant will be given an opportunity to dispute the accuracy and relevance of that record in the grievance hearing or court trial;

R. Disconnecting a smoke detector in any manner, removing any batteries from a smoke detector, or failing to notify the Housing Authority if the smoke detector is inoperable for any reason; and

S. Other good cause.

If an individual or family’s lease is terminated for criminal activity, the LMHA will notify the local post office serving the development that the individual or family no longer lives there.

In deciding to terminate a tenancy for criminal activity or alcohol abuse, the LMHA will require a leaseholder to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for an action or failure to act that warrants the termination.

20.2.A VIOLENCE AGAINST WOMEN ACT PROTECTIONS

Under the Violence Against Women Act (VAWA), public housing residents have the following specific protections, which will be observed by the LMHA:

An incident or incidents or actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not in itself be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.
The LMHA may terminate the assistance to remove a lawful occupant or 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 lawful occupants. This is also true even if the household member is not a signatory to the lease. Under VAWA, the Housing Authority is granted the authority to bifurcate the lease.

The LMHA will honor court orders regarding the rights of access or control of the property.

There is no limitation on the ability of the LMHA to evict for other good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking, other than the victim may not be subject to a “more demanding standard” than non-victims.

There is no prohibition on the LMHA evicting if it “can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s (victim’s) tenancy is not terminated.” An actual and imminent threat consists of a physical danger that is real, would occur within an immediate timeframe, 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.

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

The LMHA shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the Housing Authority. Types of acceptable verifications are outlined below, and must be submitted within fourteen business days after receipt of the LMHA’s written request for verification.

20.2.B VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING

The LMHA shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the Housing Authority.

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

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence, or stalking may be accomplished in one of the following three ways:
1. **HUD-approved form (HUD-50066)** - By providing to the LMHA a written certification, on the form approved by HUD, that the individual is a victim of domestic violence, dating violence, or stalking that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definition(s) set forth in this policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator.

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

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

**B. Time allowed to provide verification/failure to provide.** An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, or stalking, and who is requested by the LMHA to provide verification, must provide such verification within fourteen business days after receipt of the written request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action. The submission of false information may be the basis for the termination of assistance or for eviction.

**C. Managing conflicting documentation.** In cases where the LMHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the Housing Authority may determine which is the true victim by requiring third-party documentation as described in 24 CFR 5.2007 and in accordance with any HUD guidance as to how such determinations will be made. The LMHA shall honor any court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household.

20.2.C **CONFIDENTIALITY**

All information provided under VAWA including the fact that an individual is a victim of domestic violence, dating violence, 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:

A. Requested or consented to by the individual in writing;
B. Required for use in an eviction proceeding; or
C. Otherwise required by applicable law.

The LMHA shall provide its tenants notice of their rights under VAWA including their right
to confidentiality and the limits thereof.

20.3 TERMINATIONS FOR CRIMINAL ACTIVITY

A. The term “due process determination” means a determination by HUD that law covering
the LMHA’s jurisdiction requires that residents must be given the opportunity for a
hearing in court which provides the basic elements of due process before eviction from
the dwelling unit.

B. HUD has issued a due process determination that the law of this State requires that
residents be given the opportunity for a hearing in a court that provides the basic
elements of due process before eviction from a dwelling unit. The LMHA has therefore
determined that this Grievance Procedure shall not be applicable to any termination of
tenancy or eviction for:

1. Any criminal activity that threatens the health, safety, or right to peaceful
   enjoyment of the LMHA’s public housing premises by other residents or
   employees of the Housing Authority;
2. Any violent or drug-related criminal activity on or off such premises; or
3. Any activity resulting in a felony conviction.

20.4 ABANDONMENT

The LMHA will consider a unit to be abandoned when a resident has both fallen behind in
rent AND has clearly indicated by words or actions an intention not to continue living in the
unit.

When a unit has been abandoned, an LMHA representative may enter the unit and remove
any abandoned property in compliance with a Court order.

20.5 RETURN OF SECURITY DEPOSIT

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

The LMHA 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 thirty calendar days.

20.6 THE EIV DECEASED TENANTS REPORT

The LMHA shall generate the EIV Deceased Tenants Report monthly shortly before either the end of the month or creating rent statements to see if the system flags deceased residents. The Housing Authority 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, the LMHA shall immediately visit the unit and determine if it is vacant or occupied by an unauthorized person. If improperly occupied, the Housing Authority shall 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.

21.0 SUPPORT FOR OUR ARMED FORCES

A major and important component of our armed forces are the part-time military personnel that serve in various Reserve and National Guard units. The LMHA is very supportive of these men and women. An unfortunate fact of service in both the Reserves and National Guard is that from time to time their personnel are activated to full-time status and asked to serve our country in a variety of ways and circumstances. Whenever the Federal Government activates Reserve and/or National Guard personnel, the Housing Authority wants to support these brave warriors in the following manners:

A. If a 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.

B. Although typically a criminal background check is required before anyone can move into a public housing unit, this requirement will be waived for a temporary guardian. Instead, the background check will occur after the person moves in. If the results of the check dictate that the person is ineligible for public housing, the family shall be given a reasonable time to find a replacement temporary guardian.

C. Recognizing that activation in the Reserves or National Guard can be very disruptive to a family’s income, the LMHA will expeditiously re-evaluate a resident’s rent if requested to do so and will exercise reasonable restraint if the activated resident has trouble paying their rent.
D. Typically a unit cannot be held by a family that is not residing in it as their primary residence. 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 by paying the required rent and returning to the unit within thirty calendar days of the conclusion of the active duty service.

22.0 ANTI-FRAUD POLICY

The LMHA is fully committed to combating fraud in its Public Housing Program. It defines fraud as a single act or pattern of actions that include false statements, the omission of information, or the concealment of a substantive fact made with the intention of deceiving or misleading the Housing Authority. It results in the inappropriate expenditure of public housing funds and/or a violation of public housing requirements.

Although there are numerous different types of fraud that may be committed, the two most common are the failure to fully report all sources of income and the failure to accurately report who is residing in the residence. The LMHA shall aggressively attempt to prevent all cases of fraud.

When a fraudulent action is discovered, the LMHA shall take action. It shall do one or more of the following things depending on circumstances and what it determines appropriate:

A. Require the resident to immediately repay the amount in question;
B. Require the resident to enter into a satisfactory repayment agreement as set forth in a previous section of this Policy;
C. Terminate the resident’s tenancy;
D. Refer the case for criminal prosecution; or
E. Take such other action as the LMHA deems appropriate.
GLOSSARY

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

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

Adult: A household member who is 18 years or older or who is the head of the household, or spouse, or co-head. An emancipated minor is also considered an adult. In the anti-drug portions of this policy, it also refers to a minor who has been convicted of a crime as an adult under any Federal, State or tribal law.

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 and disabled families, disability expenses, and childcare expenses for children ages twelve or younger. Other allowances can be given at the discretion of the housing authority.

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

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

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

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

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

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

Assets: The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see "Net Family Assets.")
Asset Income: Income received from assets held by family members. If assets total more than $5,000, income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income. (Also see "Imputed Asset Income.")

Assistance Applicant: A family or individual that seeks admission to the Public Housing Program.

Bifurcate: With respect to a public housing or Housing Choice Voucher lease, it means to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

Business Days: Days the housing authority is open for business.

Ceiling Rent: Maximum rent allowed for some units in public housing developments under the income method of calculating rent.

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

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

Childcare Expenses: Amounts anticipated to be paid by the family for the care of children ages twelve and younger during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

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

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

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

Contributions: See “In-Kind Payments.”
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.

Covered Housing: For the purposes of determining compliance with HUD’s deconcentration of poverty regulations, any general occupancy, family public housing development, except for the following:

(A) Public housing developments operated by a PHA with fewer than 100 public housing units;
(B) Public housing developments operated by a PHA which house only elderly persons or persons with disabilities, or both;
(C) Public housing developments operated by a PHA which consist of only one general occupancy, family public housing development;
(D) Public housing developments approved for demolition or for conversion to tenant-based assistance; and
(E) Public housing developments, which include public housing units operated in accordance with a HUD-approved mixed-finance plan using HOPE VI or public housing funds awarded before the effective date of this rule, provided that the PHA certifies (and includes reasons for the certification) as part of its PHA Plan (which may be accomplished either in the annual Plan submission or as a significant amendment to its PHA Plan) that exemption from the regulation is necessary to honor an existing contractual agreement or be consistent with a mixed finance plan, including provisions regarding the incomes of public housing residents to be admitted to that development, which has been developed in consultation with residents with rights to live at the affected development and other interested persons. (24 CFR 903.2)

Covered Person: For purposes of the anti-drug provisions of this policy, a covered person is a tenant, any member of the tenant’s household, a guest, or another person under the tenant’s control.

Currently Engaging In: With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity, currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual’s behavior is current.

Dating Violence: Violence committed by a person:

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

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
   (i) The length of the relationship;
(ii) The type of relationship; and
(iii) The frequency of interaction between the persons involved in the relationship.

**Decent, Safe, and Sanitary:** Housing that satisfies the applicable housing quality standards.

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

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

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

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

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

**Disabled Family:** A family whose head (including co-head), spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "Person With Disabilities.")

**Disabled Person:** See "Person With Disabilities."

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

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

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabitated with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
Dru Sjodin National Sex Offender Database: Located at http://www.nsopw.gov and coordinated by the U.S. Department of Justice, this database is a cooperative effort between jurisdictions hosting public sex offender registries and the federal government and is available free of charge to the public. These jurisdictions include the 50 states, U.S. Territories, the District of Columbia, and participating tribes. Once a user has accessed the website, they may submit a single query to obtain information about a sex offender’s registration nationwide across all participating jurisdictions.


Drug-Related Criminal Activity: The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.

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 (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides. (24 CFR 5.403)

Using the regulatory flexibility provided through its MTW Agreement and approved through its MTW Annual Plan, in certain cases the LMHA has lowered the threshold age used to define an elderly family from at least age 62 to at least age 55. The notations 55+ and 62+ are used throughout this ACOP to denote the age threshold applicable in each case.

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

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

Using the regulatory flexibility provided through its MTW Agreement and approved through its MTW Annual Plan, in certain cases the LMHA has lowered the threshold age used to define an elderly person from at least age 62 to at least age 55. The notations 55+ and 62+ are used throughout this ACOP to denote the age threshold applicable in each case.

Enterprise Income Verification (EIV) System: A web-based application that provides PHAs with employment, wage, unemployment compensation, and social security benefit information for tenants who participate in the Public Housing Program. Use of the system is mandated by HUD to verify tenant employment and income information during mandatory reexaminations of family composition and income. Use of the system is intended to reduce administrative and subsidy payment errors.
Emancipated Minor: A minor (person under the age of 18) who has been released from the custody and control of his or her parents and vested with contractual capacity as determined by state or local law.

Extremely Low-Income Families: Those families whose incomes do not exceed 30% 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 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.


Family: Regardless of actual or perceived sexual orientation, gender identity, or marital status, the term family includes, but is not limited to, the following:

- A. 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);
- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member of a tenant family; and
- G. A single person, who may be an elderly person, a disabled person, a displaced person, a near-elderly person, or any other single person. (24 CFR 5.403)

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

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

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

Gender Identity: Actual or perceived gender-related characteristics. (24 CFR 5.100)

Guest: A person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Guests of the resident must limit their stays to 14 calendar days per year whether or not such days are consecutive. Visits longer than 14 days are permitted only with the prior written approval of Management.
Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

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

a. 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; or

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

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

OR

Any individual or family who:

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

b. Has no other residence; and

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

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

HUD 50058 MTW: The HUD form that MTW housing authorities are required to complete and electronically submit to HUD for each assisted household in public housing to record information used in the certification and re-certification process and, at the option of the housing authority, for interim reexaminations. Housing Authorities must retain at a minimum the last three years of the form 50058 MTW and supporting documentation, during the term of each assisted lease, and for a period of at least three years from the end of participation date. Electronic retention of form HUD 50058 MTW and HUD 50058-FSS and supporting documentation fulfills the record retention requirement.

Immediate Family Member: A spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); 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 as income from assets in determining annual income.

Imputed Welfare Income: The amount of annual income not actually received by a family, as a result of a welfare benefit reduction for welfare fraud or the failure to comply with economic self-sufficiency requirements, that is nonetheless included in the family's annual income for purposes of determining rent.

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

Income Method: A means of calculating a family's rent based on the greater of 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent.

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

Law Enforcement Agency: The National Crime Information Center (NCIC), police departments, and other law enforcement agencies that hold criminal conviction records.

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

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

A live-in aide is not a party to the lease.

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

Medical Expenses: Medical expenses (of all family members of an elderly (62+) or disabled family), including medical insurance premiums, that are anticipated during the period for which annual income is computed and that are not covered by insurance. (24 CFR 5.603(d)). These expenses include, but are not limited to, prescription and non-prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for service animals, and transportation for medical purposes.
**Mixed Family:** A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.504(b))

**Mixed Population Development:** A public housing development, or portion of a development, that is reserved for elderly (55+) and disabled families.

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

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

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

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

Using the regulatory flexibility provided through its MTW Agreement and approved through its MTW Annual Plan, in certain cases the LMHA has lowered the threshold age used to define an elderly family from at least age 62 to at least age 55. In these cases, for a household to qualify as a near-elderly family, the head (including co-head), spouse, or sole member must be at least 50 years of age but below the age of 55.

**Net Family Assets:**

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

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

C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

**Non-Citizen:** A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))
Occupancy Standards: The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

Other Person Under the Tenant’s Control: For the purposes of the definition of covered person it means the person, who although not staying as a guest (as defined in this section) in the unit, is or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant’s control.

Participant: A family or individual assisted by the Public Housing Program.

Permanently Absent: A person (or persons) not actually residing in the unit who once lived there and does not intend to return. One becomes permanently absent when one vacates the unit.

Person with Disabilities: A person who:

A. Has a disability as defined in 42 U.S.C. 423

B. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
   1. Is expected to be of long-continued and indefinite duration;
   2. Substantially impedes his or her ability to live independently; and
   3. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

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

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

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

For the purpose of determining whether the person is eligible for a reasonable accommodation, the definition of person with disabilities is different than the definition used for admission (as cited above). The Fair Housing definition used for this purpose is:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. (The disability may not be apparent to others, i.e., a heart condition.)

Premises: For purposes of the anti-drug provisions of this policy it means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.
Previously Unemployed: This includes a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Processing Entity: The person or entity that is responsible for making eligibility and related determinations and an income reexamination. In the Housing Choice Voucher and Public Housing programs, the processing entity is the responsibility entity.

Proration of Assistance: The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR5.520)

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

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

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

Remaining Member of a Tenant Family: A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left.

Responsible Entity:
A. For the Public Housing Program, the Housing Choice Voucher 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 public housing agency administering the program under an Annual Contribution Contract with HUD;
B. For all other Section 8 programs, responsible entity means the Section 8 project owner.

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

Sexual Orientation: Homosexuality, heterosexuality, or bisexuality. (24 CFR 5.100)

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

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

Specified Welfare Benefit Reduction:
A. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

B. "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

1. At the expiration of a lifetime or other time limit on the payment of welfare benefits;
2. Because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or
3. Because a family member has not complied with other welfare agency requirements.

Stalking: To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to:

(i) That person;
(ii) A member of the immediate family of that person; or
(iii) The spouse or intimate partner of that person.

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

Temporarily Absent: A person or persons not actually residing in a unit for a period of time while still maintaining control of the unit. If the absence exceeds fourteen calendar days, the Housing Authority must agree to the absence.

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

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

Tenant Rent: The amount payable monthly by the family as rent to the housing authority. Where all utilities (except telephone, cable, and internet access) 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, cable, and internet access) and other essential housing services are supplied by the housing authority and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance. (24 CFR 5.603(d))
**Third-Party (Verification):** Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

**Total Tenant Payment (TTP):**

1. The amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of:
   a. 30% of the family’s monthly adjusted income;
   b. 10% of the family’s monthly income; or
   c. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family’s actual housing costs, is specifically designated by such agency to meet the family’s housing costs, the portion of such payments which is so designated.

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

2. For families residing in public housing, does not include charges for excess utility consumption or other miscellaneous charges.

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

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


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

**Victims of Domestic Violence:** Individuals or families who have been or are being subjected to or victimized by violence by a member of the family or household. The Louisville Metro Housing Authority will require evidence that the family has been displaced as a result of fleeing violence in the home. Individuals and families are also eligible for this preference if there is proof that the
individual or family is currently living in a situation where they are being subjected to or victimized by violence in the home. Evidence or proof may include a Protection from Abuse Order, police report, or written verification that the individual or family is living in an emergency shelter because the individual or family has been subjected to or victimized by violence by a member of the family or household. The following criteria are used to establish an individual’s or a family’s eligibility for this preference:

A. Verified actual or threatened physical violence directed against the applicant or the applicant’s family by a spouse or other household member who lives in the unit with the family or where the family has fled its housing to escape from an abuser.
B. The most recent incident of actual or threatened violence must have occurred no more than 30 calendar days before the submission date of the pre-application.

An applicant who lives in a violent neighborhood or is fearful of other violence outside the household is not considered involuntarily displaced as a result of domestic violence.

The applicant must certify that the abuser will not reside with the applicant unless the Housing Authority gives prior written approval.

The Housing Authority will approve the return of the abuser to the household under the following conditions:

A. The Housing Authority verifies that the abuser has received therapy or counseling that appears to minimize the likelihood of the recurrence of violent behavior.
B. A counselor, therapist or other appropriate professional recommends in writing that the individual be allowed to reside with the family.

If the abuser returns to the family without approval of the Housing Authority, the Housing Authority will deny or terminate assistance for breach of the certification.

If the family requests it, the Louisville Metro Housing Authority will try to ensure that the new location of the family is concealed.

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

**Welfare Assistance:** Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments (including assistance provided under the TANF program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services (CFR 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:
A. Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

B. 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:

A. Nonrecurrent, 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.

B. Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);

C. Supportive services such as childcare and transportation provided to families who are employed;

D. Refundable earned income tax credits;

E. Contributions to, and distributions from, Individual Development Accounts;

F. 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

G. 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: In "As-Paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

Work or Working: Where the head, co-head, spouse, or sole member is employed by a third party for at least the minimum wage for a minimum of 20 hours a week and has received at least one pay check.

Work Activity: As defined in 42 USC 607(d), the following activities constitute “work activity”:

1. Unsubsidized employment;
2. Subsidized private sector employment;
3. Subsidized public sector employment; and
4. Paid on-the-job training;
Written Notification: All written notifications required in this policy shall be hand delivered with a signed receipt or mailed via first class mail unless otherwise specified.
ACRONYMS

ACOP  Admissions and Continuing Occupancy Policy
AMI   Area Median Income
CBA   Credit Bureau
DOB   Date of Birth
EIV   Enterprise Income Verification
EOP   End of Participation
FBI   Federal Bureau of Investigation
HHS   (U.S. Department of) Health and Human Services
HUD   United States Department of Housing and Urban Development
INS   Immigration and Naturalization Service
IRS   Internal Revenue Service
LAP   Language Access Plan
LEP   Limited English Proficiency
LMHA  Louisville Metro Housing Authority
MTW   Moving to Work
NCIC  National Crime Information Center
PASS  Plan to Achieve Self-Sufficiency
PH/LIHTC  Public Housing / Low-Income Housing Tax Credit
PHA   Public Housing Authority
PIH   (Office of) Public and Indian Housing
SSA   Social Security Administration
SSN   Social Security Number
SWICA  State Wage Information Collection Agency
TANF  Temporary Assistance for Needy Families
UIV   Up-front Income Verification
VAWA  Violence Against Women Act
APPENDIX A: GRIEVANCE PROCEDURE
LOUISVILLE METRO HOUSING AUTHORITY
GRIEVANCE PROCEDURE

1.0 DEFINITIONS

For the purpose of this Grievance Procedure, the following definitions are applicable:

A. Grievance. Any dispute that a resident may have with respect to the Louisville Metro Housing Authority's (LMHA) action or failure to act in accordance with the individual resident's lease or Housing Authority regulations that adversely affect the individual resident's rights, duties, welfare, or status. Grievance does not include any dispute a resident may have with the LMHA concerning a termination of tenancy or eviction that involves any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the Housing Authority's public housing premises by other residents or employees of the LMHA; or any violent or drug-related criminal activity on or near such premises. Nor shall this process apply to disputes between residents not involving the Housing Authority or to class grievances.

B. Complainant. Any resident whose grievance is presented to the LMHA or at the development Management Office in accordance with sections 3.0 and 4.0 of this procedure.

C. Elements of Due Process. An 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 resident of the grounds for terminating the tenancy and for eviction;

2. Opportunity for the resident to examine all relevant documents, records, and regulations of the LMHA prior to the trial for the purpose of preparing a defense.

3. Right of the resident to be represented by counsel;

4. Opportunity for the resident to refute the evidence presented by the LMHA including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense that the resident may have; and

5. A decision on the merits.

D. Hearing Officer. A person selected in accordance with section 4.0 of these procedures to hear grievances and render a decision with respect thereto.
E. **Promptly.** As used in section 3.0, and 4.4, the time period indicated in a notice from the LMHA of a proposed action that would provide the basis for a grievance.

F. **Resident.** The adult person (or persons) other than a live-in aide:

1. Who resides in the unit and who executed the lease with the LMHA as lessee of the premises; or, if no such person now resides in the premises,

2. Who resides in the unit and who is the remaining head of household of the resident family.

G. **Resident Council.** An elected group of public housing residents organized to represent resident interests. The role of a resident council is to improve the quality of life and resident satisfaction and participate in self-help initiatives to enable residents to create a positive living environment for families living in public housing.

2.0 **RIGHT TO A HEARING**

Upon the filing of a written request as provided in these procedures, a resident shall be entitled to a hearing before a Hearing Officer.

3.0 **PROCEDURES PRIOR TO A HEARING**

Any grievance shall be promptly and personally presented, either orally or in writing, to the LMHA Central Office or to the development Management Office so that the grievance may be discussed informally and settled without a hearing. It may be simply stated, but shall specify:

1. The particular grounds upon which the grievance is based;

2. The action requested; and

3. The name, address, and telephone number of the complainant, and similar information about the complainant’s representative, if any.

This grievance must be presented within ten calendar days of the occurrence or non-occurrence of the event. A summary of such discussion shall be prepared within seven calendar days and one copy shall be given to the resident and one retained in the Housing Authority’s resident file. The summary shall specify the names of the participants, the date of the meeting, the nature of the proposed disposition of the complaint and the specific reasons therefor, and shall specify the procedures by which a hearing under these procedures may be obtained if the resident is not satisfied.
4.0 PROCEDURES TO OBTAIN A HEARING

4.1 Request for Hearing

If the complainant is dissatisfied with the proposed disposition of the grievance, within seven calendar days from the date of the mailing of the summary of the discussion pursuant to section 3.0, the resident shall submit a written request for a hearing to the Central Office or to the development Management Office. The written request shall specify:

A. The reasons for the grievance; and
B. The action or relief sought.

4.2 Selection of a Hearing Officer

A grievance hearing shall be conducted by an impartial person appointed by the LMHA other than a person who made or approved the action under review or a subordinate of such a person.

The LMHA shall annually submit a list of prospective hearing officers. This list shall be provided to any existing resident organization(s) for such organization's comments or recommendations. The Housing Authority shall consider any comments or recommendations by a resident organization.

From this list, a hearing officer shall be selected.

4.3 Failure to Request a Hearing

If the resident does not request a hearing within seven calendar days, then the LMHA's disposition of the grievance under section 3.0 shall become final. However, failure to request a hearing does not constitute a waiver by the resident of the right thereafter to contest the Housing Authority's action in disposing of the complaint in an appropriate judicial proceeding.

4.4 Hearing Prerequisite

All grievances shall be promptly presented in person, either orally or in writing, pursuant to the procedure prescribed in section 3.0 as a condition precedent to a hearing under this Section. However, if the resident can show good cause why there was failure to proceed in accordance with section 3.0 to the Hearing Officer, the provisions of this subsection may be waived by the Hearing Officer.

4.5 Escrow Deposit
Before a hearing is scheduled in any grievance involving the amount of rent as defined in the lease which the LMHA claims is due, the resident shall pay to the Housing Authority an amount equal to the amount of 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 resident shall thereafter deposit monthly the same amount of the monthly rent in an escrow account held by the LMHA until the complaint is resolved by decision of the Hearing Officer. Amounts deposited into the escrow account shall not be considered as acceptance of money for rent during the period in which the grievance is pending. In extenuating circumstances, the Housing Authority may waive these requirements. Unless so waived, the failure to make such payments shall result in a termination of the grievance procedure. However, failure to make payment shall not constitute a waiver of any right the resident may have to contest the LMHA's disposition of his/her grievance in any appropriate judicial proceeding.

4.6 Scheduling of Hearings

Upon the resident's compliance with this section, within ten calendar days the Hearing Officer shall schedule a hearing for a time and place reasonably convenient to both the resident and the LMHA. A written notification specifying the time, place, and the procedures governing the hearing shall be delivered to the resident and the appropriate agency official.

5.0 PROCEDURES GOVERNING THE HEARING

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

A. The opportunity to examine before the grievance hearing any LMHA documents, including records and regulations, that are directly relevant to the hearing. The resident shall be provided a copy of any such document at the resident's expense. If the Housing Authority does not make the document available for examination upon request by the resident, the LMHA may not rely on such document at the grievance hearing.

B. The right to be represented by counsel or other person chosen as the resident's representative and to have such person make statements on the resident's behalf;

C. The right to a private hearing unless the resident requests a public hearing;

D. The right to present evidence and arguments in support of the resident's complaint, to controvert evidence relied on by the LMHA or development management, and to confront and cross examine all witnesses upon whose testimony or information the Housing Authority or development management relies, limited to the issues for which the complainant has received a hearing; and

E. A decision based solely and exclusively upon the facts presented at the hearing.
The Hearing Officer may render a decision without holding a hearing if the Hearing Officer determines that the issue has been previously decided at another hearing.

If either the resident or the LMHA fails to appear at a scheduled hearing, the Hearing Officer may postpone the hearing for up to five business days or determine that the missing party has waived their right to a hearing. Both the Housing Authority and the resident shall be notified of the Hearing Officer's decision. This decision shall not waive a resident's right to contest the disposition of the grievance in an appropriate judicial proceeding.

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the Housing Authority must sustain the burden of justifying the LMHA action or failure to act against which the complaint is directed.

The hearing shall be conducted informally by the hearing officer and oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The hearing officer shall require the LMHA, the complainant, counsel, and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

The complainant or the LMHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript or audio recording of the hearing. Any interested party may purchase a copy of such transcript or audio recording.

The following accommodation will be made for persons with disabilities:

A. The LMHA 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.

B. If the resident is visually impaired, any notice to the resident that is required by these procedures must be in an accessible format.

6.0 INFORMAL HEARING PROCEDURES FOR DENIAL OF ASSISTANCE ON THE BASIS OF INELIGIBLE IMMIGRATION STATUS

The participant family may request that the LMHA provide for an informal hearing after the family has notification of the Department of Immigration and Naturalization Services’ (INS) decision on appeal, or in lieu of request of appeal to the INS. The participant family must
make this request within thirty days of receipt of the *Notice of Denial or Termination of Assistance*, or within thirty days of receipt of the INS appeal decision.

### 7.0 DECISION OF THE HEARING OFFICER

The Hearing Officer shall prepare a written decision, together with the reasons therefor, within seven calendar days after the hearing. A copy of the decision shall be sent to each the resident and the LMHA. The Housing Authority shall retain a copy of the decision in the resident's folder. A copy of such decision with all names and identifying references deleted shall also be maintained on file by the LMHA and made available for inspection by a prospective complainant, his or her representative, or the Hearing Officer.

The decision of the Hearing Officer shall be binding on the LMHA who shall take all actions, or refrain from any actions, necessary to carry out the decision unless the Housing Authority's Board of Commissioners determines within reasonable time, and promptly notifies the complainant of its determination, that:

A. The grievance does not concern the LMHA action or failure to act in accordance with or involving the resident's lease or Housing Authority regulations, which adversely affect the resident's rights, duties, welfare, or status;

B. The decision of the Hearing Officer is contrary to applicable Federal, State, or local law, LMHA regulations, or requirements of the Annual Contributions Contract between the Housing Authority and the U.S. Department of Housing and Urban Development (HUD).

A decision by the Hearing Officer or Board of Commissioners in favor of the LMHA or which denies the relief requested by the resident in whole or in part shall not constitute a waiver of, nor affect in any manner whatsoever, any rights the resident may have to a trial do novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

If a tenant has requested a hearing in accordance with these duly adopted Grievance Procedures on a complaint involving an LMHA notice of termination of tenancy, and the hearing officer upholds the Housing Authority action, the LMHA shall not commence an eviction action until it has served a notice to vacate to the tenant.

In no event shall the notice to vacate be issued prior to the decision of the hearing official 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 as stated in the notice of termination, whichever is later, appropriate action will be brought against the complainant. The complainant may be required to pay court costs and attorney fees.
APPENDIX B: LANGUAGE ACCESS PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY
LANGUAGE ACCESS PLAN
FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

I. PLAN STATEMENT

Executive Order 13166 requires that agencies receiving federal assistance ensure the accessibility of their programs and services to all eligible clients including persons with Limited English Proficiency (LEP). The Louisville Metro Housing Authority (LMHA) developed this Language Access Plan (LAP) to provide meaningful access to its programs and activities by persons with LEP. In accordance with federal guidelines the LMHA will make reasonable efforts to provide or arrange free language assistance for its LEP clients, including applicants, recipients and/or persons eligible for public housing, Section 8/Housing Choice Vouchers, homeownership, and other LMHA programs.

II. MEANINGFUL ACCESS; FOUR-FACTOR ANALYSIS

Meaningful access is free language assistance in accordance with federal guidelines. The LMHA will periodically assess and update the following four-factor analysis, including but not limited to:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the LMHA.
2. The frequency with which LEP persons using a particular language come into contact with the LMHA.
3. The nature and importance of the LMHA program, activity or service to the person’s life.
4. The LMHA’s resources and the cost of providing meaningful access. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

III. LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English may be a Limited English Proficient (LEP) person and may be entitled to language assistance with respect to LMHA programs and activities.

Language assistance includes interpretation, which means oral or spoken transfer of a message from one language into another language; and/or translation, which means the written transfer of a message from one language into another language. The LMHA will determine when interpretation and/or translation are needed and are reasonable.

LMHA staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English. If a client asks for language assistance, and the LMHA determines that the client is an LEP person and that language assistance is necessary to provide meaningful access, the LMHA will make reasonable efforts to provide free language assistance. If reasonably possible the LMHA will provide the
language assistance in the LEP client’s preferred language.

The LMHA has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.

The LMHA will periodically assess client needs for language assistance based on requests for interpreters and/or translation, as well as the literacy skills of clients.

A. Translation of Documents

The LMHA will weigh the costs and benefits of translating documents for potential LEP groups, considering the expense of translating the documents, the barriers to meaningful translation or interpretation of technical housing information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the apparent literacy rate in an LEP group, and other relevant factors. The LMHA will undertake this examination when an eligible LEP group constitutes 5% of an eligible client group (for example, 5% of households living in the LMHA’s public housing) or 1,000 persons, whichever is less.

1. Translation of Documents Vital to Applicants and Potential Applicants

Per the U.S. Census Bureau’s 2008-2010 American Community Survey, in Jefferson County, Kentucky, the following LEP populations contain more than 1,000 persons:

<table>
<thead>
<tr>
<th>Language Spoken by LEP Group</th>
<th>Number of Individuals in LEP Group</th>
<th>LEP Group as Percent of Jefferson County, KY Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spanish</td>
<td>13,980</td>
<td>2.03%</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>2,014</td>
<td>0.29%</td>
</tr>
<tr>
<td>Serbo-Croatian</td>
<td>1,787</td>
<td>0.26%</td>
</tr>
</tbody>
</table>

Having weighed the costs and benefits of translating documents for the above-referenced LEP groups, including the expense of translating the documents, the barriers to meaningful translation or interpretation of technical housing information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the apparent literacy rate in an LEP group, and other relevant factors, the LMHA has decided that it is appropriate to translate the pre-application form, and selected mailings and documents of vital importance to applicants and potential applicants into Spanish.

2. Translation of Documents Vital to Residents

To meet the language needs of the approximately 115 Maay Maay and Somali speaking households (604 individuals) in its Public Housing Program, the LMHA will make written translations of documents vital to public housing residents, including the
public house lease, and other selected mailings and documents, available in these languages.

While the population of Spanish, Vietnamese, and Serbo-Croatian speakers residing in LMHA housing is currently not significant enough to warrant written translation of documents vital to these residents, the Housing Authority will regularly monitor the size of these LEP groups and modify this LAP as appropriate.

The LMHA shall conduct periodic reviews of its written documents that are generally available to and used by the general public, applicants, and residents for the purpose of assessing the importance of those documents to its clientele including LEP persons. As opportunities arise, the LMHA may work with other housing authorities to share the costs of translating common documents into languages other than English.

LMHA staff can access translations of standard HUD housing documents in a variety of languages including Spanish and Vietnamese at the following web address:


The LMHA will consider technological aids such as Internet-based translation services, which may provide helpful, although perhaps not authoritative, translations of written materials.

B. Formal Interpreters

The LMHA will develop and maintain a register of interpreters and translators for staff to use when language services are required for LEP persons (see attachment). At important stages that require one-on-one contact, written translation and verbal interpretation services will be provided consistent with the four-factor analysis used earlier.

Formal interpreters shall be used at the following:

1. Formal hearings for denial of admission to public housing;
2. Informal settlement conferences and formal hearings for termination of public housing;
3. Hearings or conferences concerning denial or termination of Housing Choice Voucher (Section 8) participation.

To address the needs of the Housing Authority’s large Bantu-speaking population, the LMHA has a full-time Multicultural Program Specialist, who interprets Bantu on-staff. This formal interpreter is available to Bantu-speaking residents any time they are required to interact with LMHA staff.

C. Informal Interpreters
1. Informal interpreters may include the family members, friends, legal guardians, service representatives, or advocates of the LEP client. LMHA staff will determine whether it is appropriate to rely on informal interpreters, depending upon the circumstances and subject matter of the communication. However in many circumstances, informal interpreters, especially children, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency or conflict of interest.

2. An LEP person may use an informal interpreter of their own choosing and at their expense, either in place of or as a supplement to the free language assistance offered by the LMHA. If possible, the LMHA should accommodate an LEP client’s request to use an informal interpreter in place of a formal interpreter.

3. If an LEP client prefers an informal interpreter, after the LMHA has offered free interpreter services, the informal interpreter may interpret. In these cases the client and interpreter should sign a waiver of free interpreter services.

4. If an LEP client wants to use their own informal interpreter, the LMHA reserves the right to also have a formal interpreter present.

VI. MONITORING

The LMHA will review and revise this LAP periodically. This review will include:

- Reports from the LMHA’s computer business systems on the number of LMHA clients who are LEP, to the extent that the software and staff data entry can provide such information. Such reports may be supplemented by staff observations.

- Reports from the computer business systems and other sources listing the languages used by LEP clients.

- A determination as to whether 5% or 1,000 persons from a LMHA client group speak a specific language, which triggers consideration of document translation needs as described above.

- Analysis of staff requests for contract interpreters: number of requests, languages requested, costs, etc.

VII. LEP PLAN DISTRIBUTION AND TRAINING

The LEP Plan will be:

1. Incorporated into the LMHA’s Admissions & Continued Occupancy Policy (ACOP) and Housing Choice Voucher Administrative Plan as an Appendix.

2. Distributed to all LMHA supervisors.
3. Available in LMHA Offices.

4. Explained in orientation and training sessions for supervisors and other staff who need to communicate with LEP clients.
LIMITED ENGLISH PROFICIENCY (LEP)
INTERPRETER REFERRAL SERVICES

Executive Order 13166 requires that agencies receiving federal assistance ensure the accessibility of their programs and services to all eligible clients including persons with Limited English Proficiency (LEP). The Louisville Metro Housing Authority (LMHA) has developed this plan to provide meaningful access to its programs and activities by persons with LEP. Persons who cannot read or speak English well must receive assistance in a language that they can understand. In accordance with federal guidelines the LMHA will make reasonable efforts to provide or arrange free language assistance for its LEP clients, including applicants, recipients and/or persons eligible for public housing, Section 8/ Housing Choice Vouchers, homeownership and other LMHA programs.

When interacting with persons who do not speak English, provide them with the “I speak” cards. Once the language that the family speaks is identified, you should contact:

- For a client whose primary language is **Maay Maay or Somali**:  
  LMHA Multicultural Program Specialist  
  Phone: 569-3400

- For a client whose primary language is **any other spoken language**:  
  Language Line Services  
  Phone: 1-800-752-6096

- For a client who primary form of communication is **sign language**:  
  Center for Accessible Living  
  Phone: (502) 589-6620 (voice)  
  (502) 589-6690 (TTY)

Please note: The fact that an individual speaks a native language other than English does not necessarily make them LEP. Many persons of other national origins are also fluent in English. You will need to determine from the individual whether or not they are LEP.
APPENDIX C: POLICY AGAINST TRESPASSING
1.0 PURPOSE

The Louisville Metro Housing Authority (LMHA) has always been firmly committed to providing a safe and healthy living environment for our public housing residents. Families should feel protected in and around their homes, and children must have a safe place to play. To enhance the security of residents, LMHA staff, and all others who have a legitimate purpose for entering LMHA property, the Housing Authority and the Louisville Metro Police Department (LMPD) together enforce this policy against trespassing.

Only lawfully residing residents or persons visiting with lawful social or business reasons are permitted to be on the grounds of LMHA public housing developments.

The LMHA welcomes visits by lawful guests of residents and by those conducting lawful business on Housing Authority properties. However, any person who has specifically been told by the LMHA or the LMPD that they are banned from LMHA property, cannot visit. If such a person enters LMHA property, they will be considered a trespasser and will be prosecuted as such.

The enforcement of this policy is an important public safety tool for the LMHA as it helps to ensure the protection of families living within our public housing communities.

2.0 DEFINITIONS

A. Public Housing Property. Public housing property includes, but is not limited to, all buildings, common areas, management offices, grounds, and parking lots located within the geographical boundaries of an LMHA public housing development. Public housing property owned and/or maintained by the LMHA is private property. Signs have been posted at all LMHA public housing developments to clearly identify them as private property.

B. Trespass. The Kentucky Revised Statutes (KRS) define Trespass as follows:

   a. A person "enters or remains unlawfully" in or upon premises when he is not privileged or licensed to do so. (KRS 511.090(1))
b. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license or privilege unless he defies a lawful order not to enter or remain personally communicated to him by the owner of such premises or other authorized person. (KRS 511.090(2))

c. A license or privilege to enter or remain in or upon premises which are only partly open to the public is not a license or privilege to enter or remain in or upon a part of the premises which is not open to the public. (KRS 511.090(3))

1. **Criminal Trespass in the First Degree.** A person is guilty of criminal trespass in the first degree when he knowingly enters or remains unlawfully in a dwelling. (KRS 511.060(1))

2. **Criminal Trespass in the Second Degree.** A person is guilty of criminal trespass in the second degree when he knowingly enters or remains unlawfully in a building or upon premises as to which notice against trespass is given by fencing or other enclosure. (KRS 511.070(1))

3. **Criminal Trespass in the Third Degree.** A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in or upon premises. (KRS 511.080(1))

### 3.0 APPLICATION

The following persons are presumed to have a legitimate purpose for being on LMHA public housing property and are NOT subject to a Trespass Notice barring them from public housing property, unless otherwise mandated by law:

A. LMHA residents and members of their household listed on the lease.

B. Invited guests of LMHA residents or household members who are accessing the development of the inviting resident or household member and while doing so are not engaged in unlawful activity or a breach of the peace, and who have not been served with an enforceable court order prohibiting contact with any Housing Authority resident, employee, or contractor.

C. Persons who are currently employed by the LMHA while engaged in lawful behavior.

D. Contractors to the LMHA and their employees while engaged in lawful behavior.

E. Service providers while engaged in lawful behavior.
F. Persons with express permission from the LMHA to be on Housing Authority property and while engaged in lawful behavior.

G. Emergency fire, police, medical, and utility personnel.

All other persons without legitimate purpose to enter LMHA public housing property are subject to being barred from LMHA public housing property, including, but not limited to:

A. Individuals or groups of individuals who are engaged in unlawful activity including breach of the peace, criminal harassment, drug possession or sale, stalking, vandalism, and domestic violence.

B. Individuals or groups whose conduct constitutes a disturbance of the peaceful and quiet enjoyment of residents or otherwise threatens the health, safety, and welfare of residents, their household members, LMHA staff, or other persons lawfully on the property.

C. Individuals or groups ordered, by any court of competent jurisdiction, not to enter onto LMHA property or to remain away from a resident, household member, Housing Authority staff member, or other person lawfully on the property.

D. An individual or group engaging in any illegal behavior involving firearms or other deadly weapons, including, but not limited to unlawful possession, discharge, concealment, display, or use of a said firearm or deadly weapon.

4.0 ENFORCEMENT

As determined by the LMHA’s authorized staff or agent, a person who has engaged in Trespass of LMHA public housing property, shall be banned from entering LMHA property.

The person being banned may be notified orally or in writing by LMHA’s staff or agent. If the banned person is a juvenile, the Housing Authority will make a reasonable effort, but is not required, to notify the banned person’s parent or legal guardian.

Following the LMHA’s determination to ban a person from Housing Authority property, an LMPD Police Officer or agent will complete a Trespass Notice. The Notice shall serve as notification that the Banned Person shall not enter any Housing Authority Property and that they may appeal LMHA’s determination in accordance with Section 4.0 of this policy.

A photograph of the Banned Person (if available) may be maintained by the LMPD.

The names of all Banned Persons will be placed on the LMHA’s Trespass/Ban List, which shall be maintained by the Housing Authority’s Department of Safety and Investigations. The Trespass/Ban List will be distributed to:
A. The LMPD,

B. LMPD HALO Officers (Housing Authority Liaison Officers)

C. Security Personnel at all public housing developments,

D. Property Managers at all public housing developments, and

E. Residents, by posting the list in each Management Office.

Residents and members of the household shall take all reasonable steps to exclude Banned Persons from LMHA Property. Such reasonable steps include, but are not limited to, the resident notifying the LMPD and/or the Property Manager if a Banned Person is seen on Housing Authority Property or in/around the resident’s dwelling unit. If it is determined that a resident or member of the resident’s household invites, facilitates, or permits a Banned Person to enter LMHA Property, the resident will be in violation of the dwelling lease and subject to immediate lease termination procedures.

4.0 APPEALS

The Banned Person may request a hearing to be removed from the LMHA Trespass/Ban List as indicated below:

A request for an appeal of LMHA’s determination must be submitted to the LMHA’s Supervisor of Safety and Investigation within three days following issuance of the Trespass Notice by the LMPD. The Housing Authority will provide the grieving party with the date, time, and place of the hearing within a reasonable amount of time. Should the grieving party fail to appear at the hearing, the determination of the LMHA shall be final.

The Hearing Officer shall be the Supervisor of Safety and Investigation or their designee, who will review each appeal and conduct a hearing.

The Supervisor of Safety and Investigation or their designee will make a final determination that will be provided to the grieving party in writing. A copy of the final determination will also be delivered to the LMPD and to the Property Manager of the development where the offensive activity occurred.

If it is the determination of the Supervisor of Safety and Investigation that the Banned Person should be removed from the Trespass/Ban List, the Executive Director may remove him/her from the Trespass List fully or for a probationary period of one year.

In extenuating circumstances and for good cause, the Supervisor of Safety and
Investigation may permit Banned Persons to enter certain LMHA Property under restrictive visitation conditions. For example, a banned person may be permitted to visit their child or an ailing family member. At the sole discretion of the Housing Authority, the Banned Person may be required to check in and out with the Property Management Office; be permitted to visit the property only during certain hours; and/or may be subject to any other restrictive conditions determined appropriate by the Housing Authority to protect the safety, health, and well-being of public housing residents and LMHA staff.

6.0 **REMOVAL FROM BAN LIST**

Persons listed on the Trespass/Ban List may only be removed by the Supervisor of Safety and Investigations and with the agreement of the Regional Director and affected Property Managers.
APPENDIX D: FLAT RENT SCHEDULE
Louisville Metro Housing Authority Flat Rent Schedule

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Flat Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>$365</td>
</tr>
<tr>
<td>1</td>
<td>$411</td>
</tr>
<tr>
<td>2</td>
<td>$511</td>
</tr>
<tr>
<td>3</td>
<td>$740</td>
</tr>
<tr>
<td>4</td>
<td>$812</td>
</tr>
</tbody>
</table>
APPENDIX E: NO SMOKING POLICY
Louisville Metro Housing Authority (LMHA)
Admissions and Continuing Occupancy Policy (ACOP)
Draft Posted for Public Comment: January 15 – February 15, 2014

LOUISVILLE METRO HOUSING AUTHORITY

NO SMOKING POLICY

Certain Louisville Metro Housing Authority (LMHA) dwelling units have been designated no-smoking. At these public housing units, residents are not permitted to smoke anywhere in their unit or in any common areas of such buildings, nor shall any resident permit guests or visitors under their control to do so.

Residents living in dwelling units designated no-smoking are required to sign an addendum to their public housing lease affirming that they will abide by this No Smoking Policy.